AN ACT AMENDING THE ADMINISTRATIVE CODE

For the purpose of adapting it to the Jones Law and the Reorganization Act, Act Numbered Two thousand six hundred and fifty-seven, known as the Administrative Code, is hereby amended in certain particulars; and said Act shall hereafter read as follows:

BOOK I

Organization, Powers, and General Administration of Philippine Government

TITLE I

Matter of General Nature

PRELIMINARY CHAPTER

Title of Act

SECTION 1. Title of Act. — This Act shall be known as the Administrative Code.

[2657–1.]

CHAPTER 1

Definitions and General Provisions

ARTICLE I

Definitions

SECTION 2. Words and phrases defined. — The following expressions shall be taken in the sense hereinbelow indicated, except as a different meaning for the word or phrase in question may be given in a particular statute or is plainly to be collected from the context or connection where the term is used:

"The Government of the (Philippine Islands) Philippines" is a term which refers to the corporate governmental entity through which the functions of government are exercised throughout the (Philippine Islands) Philippines, including, save as the contrary appears from the context, the various arms through which political authority is made effective in (said Islands) the Philippines, whether pertaining to the central Government or to the provincial or municipal
branches or other form of local government.

"(Insular) National Government" refers to the central government as distinguished from the different forms of local government. "Philippine Government" refers to the Government of the (Philippine Islands) Philippines.

"Specially organized province" includes Batanes, (Mindoro), Mountain Province, Nueva Vizcaya, and Palawan.

"Regularly organized province" includes all provinces except the specially organized provinces and the provinces of the Department of Mindanao and Sulu.

"Municipality" refers to municipalities proper and except as otherwise specially provided does not include chartered city, [township] municipal district, or other local political division.

"Chartered city," "city incorporated under special charter," and similar expressions refer to cities like Manila and Baguio, incorporated under special laws.

"Citizen of the (Philippine Islands) Philippines" includes not only those who acquire the status of citizens of the (Philippine Islands) Philippines by birth or naturalization, but also persons who have acquired the status of Filipinos under Article IX of the Treaty of Paris, of the tenth of December, one thousand eight hundred and ninety-eight.

"Employee," when generally used in reference to persons in the public service, includes any person in the service of the Government or any branch thereof of whatever grade or class.

"Officer," as distinguished from "clerk" or "employee," refers to those officials whose duties, not being of a clerical or manual nature, may be considered to involve the exercise of discretion in the performance of the functions of government, whether such duties are precisely defined by law or not.

"Officer," when used with reference to a person having authority to do a particular act or perform a particular function in the exercise of governmental power, shall include any Government employee, agent, or body having authority to do the act or exercise the function in question.

The word "person" includes both natural and artificial persons.

[2657–2.]

ARTICLE II
General Principles

SECTION 3. Relation of Administrative Code to prior law. — Such provisions of this Code as incorporate prior laws shall be deemed to be made in continuation thereof and to be in the nature of amendments thereto, without prejudice to any right already accrued.

[2657–3.]

SECTION 4. Authority of officer to act through deputy. — A ministerial act which may be lawfully done by any officer may be performed by him through any deputy or agent lawfully created or appointed.

[2657–4.]

SECTION 5. Exercise of administrative discretion. — The exercise of the permissive powers of all executive or administrative officers and bodies is based upon discretion, and when such officer or body is given authority to do any act but not required to do such act, the doing of the same shall be dependent on a sound discretion to be exercised for the good of the service and benefit of the public, whether so expressed in the statute giving the authority or not.

[2657–5.]

ARTICLE III

Form and Effect of Laws in General

SECTION 6. Form of enacting clause. — The enacting clause of all statutes passed by the (Philippine Legislature) National Assembly of the Philippines shall be conceived in the following terms: Be it enacted by the (Senate and House of Representatives of the Philippines in Legislature assembled and by authority of the same) National Assembly of the Philippines:

[2657–1.]

SECTION 7. Form of resolving clause. — The resolving clause of all (joint) resolutions passed by the (Philippine Legislature) National Assembly of the Philippines shall be conceived in the following terms: Be it Resolved (by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same.)

[2657–2.]
SECTION 8.  **Clauses not to be repeated.** — The enacting clause shall be written before the whole body of the Act, and the resolving clause shall be written before the whole body of the (joint) resolution, and neither shall be repeated in each section of the Act or resolution.

[2657–3.]

SECTION 9.  **Numbering and frame of sections.** — Every Act shall be divided into sections, each of which shall be numbered and shall contain, as nearly as may be, a single proposition of enactment.

[2657–7.]

SECTION 10.  **Manner of referring to statutes.** — Statutes passed by the Philippine Legislature (National Assembly) shall, for purposes of formal reference, be denominated Acts (Commonwealth Acts) and may be identified by their respective serial numbers; but where a special title is supplied for a particular statute, it may also be referred to by such title.

[2657–8.]

SECTION 11.  **When laws take effect.** — A statute passed by the (Philippine Legislature) National Assembly shall, in the absence of special provision, take effect at the beginning of the fifteenth day after the completion of the publication of the statute in the Official Gazette, the date of issue being excluded. For the purpose of fixing such date the Gazette is conclusively presumed to be published on the day indicated therein as the date of issue.

Resolutions will have effect from the date of passage, unless otherwise declared.

[2657–9.]

SECTION 12.  **Ignorance of law.** — Ignorance of the law does not excuse from compliance therewith.

[2657–10.]

SECTION 13.  **Computation of time.** — In computing any fixed period of time, with reference to the performance of an act required by law or contract to be done at a certain time or within a certain limit of time, the day of date, or day from which the time is reckoned, is to be excluded and the date of performance included, unless otherwise provided.
"Month" shall be understood to refer to a calendar month; "day," to a day of twenty-four hours; and "night," to the period from the setting to the rising of the sun.

[2657–11.]

SECTION 14. No implied revival of repealed law. — When a law which expressly repeals a prior law is itself repealed the law first repealed shall not be thereby revived unless expressly so provided.

[2657–12.]

SECTION 15. Language that should prevail in the interpretation of laws. — In the interpretation of a law officially promulgated in English and Spanish, the English text shall govern, but in case of ambiguity, omission, or mistake, the Spanish may be consulted to explain the English text. The converse rule shall, however, be applied if so provided in the particular statute: Provided, however, That in the interpretation of laws enacted by the Philippine Legislature after October sixteenth, nineteen hundred and sixteen, the language of the text used by the House that finally passed the same shall prevail, and in case of ambiguity, omission, or mistake, the official translation filed in the office of the Secretary of said House may be consulted.

[2657–13; 2717–1.]

ARTICLE IV

Jurisdiction and Distribution of Powers of Government

SECTION 16. Territorial jurisdiction and extent of powers of Philippine Government. — [The territory over which the Government of the Philippine Islands exercises jurisdiction consists of the entire Philippine Archipelago and is comprised in the limits defined by the treaties between the United States and Spain, respectively signed in the City of Paris on the tenth day of December, eighteen hundred and ninety-eight, and in the City of Washington on the seventh day of November, one thousand nine hundred.]

[2657–14.]

SECTION 17. Distribution of powers of government. — The executive, legislative, and judicial powers of the Philippine Government are distributed, respectively, among the executive, legislative, and judicial branches, severally exercising the functions and powers conferred on them by law.
The executive authority is vested in the following agencies: The (Governor-General of the Philippine Islands) President of the Philippines, as Chief Executive; the several Departments and Bureaus of the (Insular) National Government, with their lawful instrumentalities; and the provincial and local governments, with their subordinate functionaries, in the exercise of the administrative powers conferred on them.

The legislative power is vested in the (Philippine Legislature, consisting of two Houses, to wit, the Senate and the House of Representatives) National Assembly.

The judicial power is vested in the Supreme Court, Court of Appeals, Courts of First Instance, courts of justices of the peace, and in such municipal and other inferior courts as may be created by law.

[2657–15; Constitution of the Philippines, Art. VI, sec. 1; Art. VII, sec. 1; and Art. VIII, sec. 1.]

ARTICLE V

Arms and Great Seal

SECTION 18. Arms of the Philippines and Great Seal of the Government of the Philippines. — The arms of the Philippines and Great Seal of the Government of the Philippines are these:

Arms — Paleways of two pieces, dexter, azure, and sinister, gules; a chief, white, bearing three mullets, or, dexter, center and sinister; an oval field, white, emblazoning at the honor point the symbolic eight-rayed sun in rayonnant, or, each ray-flanked on both sides by lesser and minor rays, or. Crest — The American eagle proper. The right talon grasping an olive branch with eight leaves, vert, and eight fruits, gules, and the left talon grasping three spears, or. Beneath, a scroll, argent, with the word "Philippines," or, inscribed thereon.

The Great Seal of the Government shall be circular in form, with the arms as described in the last preceding paragraph, but without the scroll and the inscription thereon, and surrounding the whole a double marginal circle within which shall appear the words "Government of the Philippines," "United States of America," the two phrases being divided by two small five-pointed stars. For the purpose of placing the Great Seal, the colors of the arms shall not be deemed essential.

[2657–16; 4258–1(1); C.A. 602–1(2).]
SECTION 19.  Custody and use of Great Seal. — The Great Seal shall be and remain in the custody of the President of the Philippines, and shall be affixed to or placed upon all commissions signed by him, and upon such other official documents and papers of the Commonwealth of the Philippines as may by law be provided, or as may be required by custom and usage in the discretion of the President of the Philippines.

[2657–17; 4258–1(3); C.A. 602–1(4).]

ARTICLE VI

Administration of Oaths in General

SECTION 20.  Solemn affirmation in lieu of oath. — Solemn affirmation shall in all cases be accepted in lieu of oath if the person of whom an oath is required is conscientiously scrupulous about taking an oath.

[2657–18.]

SECTION 21.  Officials authorized to administer oaths. — The following officers have general authority to administer oaths, to wit:

Notaries public; judges, justices of the peace, and auxiliary justices of the peace; clerks of courts; the Secretary of the National Assembly; bureau directors; registers of deeds; provincial governors and lieutenant-governors; mayors; any other officer in the Philippine service whose appointment is vested in the President of the Philippines; Secretary of War, or President of the United States. A person who by authority of law shall act in the capacity of any of the officers mentioned above shall possess the same power.

[2657–19; 2732–1(5); C.A. 270–1(6).]

SECTION 22.  Duty to administer oaths. — With the exception of notaries public, justices of the peace, and clerks of court, officers authorized to administer oaths are not obliged to administer oaths or execute certificates save in matters of official business and with the exception of notaries public, the officer performing the service in such matters shall charge no fee unless so provided by law.

[2657–20.]

ARTICLE VII

Oaths of Office(7)
SECTION 23. Oaths of office for (insular) national and provincial employees. — Save in the case of a laborer or emergency employee, every person elected or appointed to an office or position of trust or profit in the (insular) national or provincial service, or service of a chartered city, shall, before entering upon the discharge of his duties, take and subscribe an oath of office, in such form as shall be prescribed by the (Director) Commissioner of Civil Service, wherein the affiant shall declare that he recognizes and accepts the supreme authority of the United States of America and will maintain true faith and allegiance thereto; that he will obey the laws, legal orders, and decrees promulgated by its duly constituted authorities; that he will well and faithfully discharge to the best of his ability the duties of the office or position upon which he is about to enter or of any position to which he may thereafter be appointed; and that the obligation imposed by such oath of office is assumed by him voluntarily, without mental reservation or purpose of evasion.

[2657–21.]

SECTION 24. Oath of office of municipal officials. — Every person elected or appointed to a municipal or [township] municipal district office shall, before entering upon the discharge of his studies, take and subscribe an oath of office, in such form as shall be prescribed by the (Director) Commissioner of Civil Service, wherein the affiant shall declare that he has the requisite qualifications to hold office in the municipality; that he recognizes and accepts the supreme authority of the United States of America and will maintain true faith and allegiance thereto; that he will obey the laws, legal orders, and decrees promulgated by its duly constituted authorities; that he will well and faithfully discharge to the best of his ability the duties of the office upon which he is about to enter or of any position to which he may thereafter be appointed; and that the obligation imposed by such oath of office is assumed by him voluntarily, without mental reservation or purpose of evasion.

[2657–22.]

SECTION 25. Occasions for administration of official oath. — Notaries public and persons entering upon office by virtue of election shall take the oath upon the occasion of every appointment or induction into office; those entering the service by appointment, except notaries, shall be required to take the oath only upon the occasion of first entering upon the discharge of their duties in the particular branch of the service to which they respectively pertain; but if any such appointee should at any time be entirely separated from the service, he shall be required to take the oath upon entering the service again.
SECTION 26. By whom oath of office may be administered. — The oath of office may be administered by any officer generally qualified to administer oaths; but the oath of office of the members and officers of (either House of the Legislature) the National Assembly may also be administered by persons designated for such purpose by the (respective Houses) Assembly.

SECTION 27. Preservation of oaths. — Oaths administered to officers and employees as aforesaid shall, in the absence of special provision, be filed in the Bureau, Office, or branch of the service to which they respectively pertain and shall be there preserved.

SECTION 28. Swearing of interpreters and stenographers. — Interpreters and stenographers employed to interpret, report, or certify sworn testimony in any nonjudicial examination, investigation, or inquiry which may be authorized by law shall, before entering upon the discharge of their duties, be required to take a verbal oath, after the manner of the swearing of ordinary witnesses, well and truly to interpret, report, or certify in the matter then to be submitted to them in their respective capacities.

ARTICLE VIII

Legal Holidays

SECTION 29. Legal holidays. — Thursday and Friday of Holy Week, Thanksgiving Day, Christmas Day, and Sundays are legal religious holidays.

The other legal holidays are: The first of January, the twenty-second of February, the first of May, the thirtieth of May, the fourth of July, the thirteenth of August, the thirtieth of November, the thirtieth of December, and the day appointed by law for holding the general election.

When any regular holiday of fixed date falls on Sunday, the next succeeding day shall be observed as legal holiday.
SECTION 30. **Special holiday declared by (Governor-General) President of the Philippines.** — The (Governor-General) President of the Philippines may, in his discretion, proclaim any other day a special public holiday for a particular date, and in calling a special election for a member of the (Philippine Legislature) National Assembly, or for a provincial office he shall limit such holiday, if one is declared, to the particular district or province where the election is held.

[2657–28.]

SECTION 31. **Pretermission of holiday.** — Where the day, or the last day, for doing any act required or permitted by law falls on a holiday, the act may be done on the next succeeding business day.

[2657–29.]

**ARTICLE IX**

**Weights and Measures**

SECTION 32. **Standard weights and measures in (Philippine Islands) Philippines.** — The weights and measures to be used throughout the (Philippine Islands) Philippines are those of the metric system, with the following units:

(a) The unit of length is the standard meter, being the one ten-millionth part of the distance from the equator to the pole.

(b) The unit of area is either the square meter or an area of one hundred square meters known as the are.

(c) The unit of cubical contents or capacity is either the cubic meter or the one-thousandth part thereof known as the liter.

(d) The unit of weight is the gram.

The length of the standard meter shall be determined for the (Philippine Islands) Philippines by the length at the temperature of zero degrees Centigrade of the fundamental standard measure numbered seventy-one, now preserved in the Bureau of Science and certified to by the International Bureau of Weights and Measures.

The weight of the standard gram shall be determined for the (Philippine Islands) Philippines by the weight at Manila of one-millionth of a cubic meter of
pure water at the temperature of four degrees Centigrade, or the one-thousandth part of the standard kilogram certified to by the International Bureau of Weights and Measures, designated by the symbol "L" and now preserved in the Bureau of Science.

[2657–30.]

SECTION 33. Requirement as to use of metric system. — The metric system of weights and measures, with its recognized scales, shall be used in all contracts, deeds, and other instruments publicly and officially attested, and in all official documents; and, except as hereinbelow provided, only weights and measures of the metric system shall be officially sealed and licensed.

In the purchase and sale of manufactured lumber the English system of measures may be employed; and in ordering commodities or articles from abroad such weights and measures may be employed as are commonly used in the country to which the order is sent or from which the goods are shipped.

[2657–31.]

ARTICLE X

Official Gazette

SECTION 34. Reporter of Supreme Court as editor of Official Gazette. — In addition to the duties imposed upon the Reporter of the Supreme Court in his capacity as such, it shall also be his duty, under the direction of the (Governor-General) President of the Philippines, to edit the Official Gazette and compile the volumes of the Public Laws.

[2657–39.]

SECTION 35. Contents of Official Gazette. — The Official Gazette shall contain all legislative acts and all resolutions of a public nature of the (Legislature) National Assembly, all executive orders, such decisions or abstracts of decisions of the Supreme Court as may be deemed by said court of sufficient importance to be so published, and such other official documents as are usually published in an Official Gazette which may be designated for publication by the (Governor-General) President of the Philippines.

The publication of any law, resolution, or other official documents in the Official Gazette shall be prima facie evidence of its authenticity.

At the end of each quarter an index shall be supplied as a part of the Official
Gazette. The Index published at the end of the last quarter shall be complete for the entire year.

[2657–40.]

SECTION 36(9). English and Spanish issues of Official Gazette — Printing and distribution. — The Official Gazette shall be published weekly and separately in both the English and Spanish languages, the two corresponding issues bearing the same date and containing the same matter.

The printing, sale, and distribution of the Gazette shall be effected by the Bureau of Printing.

Each (Insular) National Bureau and each provincial and municipal government shall subscribe for at least one copy of the Official Gazette and pay for the same out of their respective funds. Such copies shall be filed and properly kept with the public records of the Bureau, province or municipality for reference.

[2657–41.]

CHAPTER 2

Political Grand Divisions and Subdivisions

ARTICLE I

Grand Divisions

SECTION 37(10). Grand divisions of (Philippine Islands) Philippines. — The (Philippine Islands) Philippines comprises the forty-two provinces named in the next succeeding paragraph hereof, the seven provinces of the Department of Mindanao and Sulu, and the territory of the City of Manila.

The provinces other than the provinces of the Department of Mindanao and Sulu are these: Abra, Albay, Antique, Bataan, Batanes, Batangas, Bohol, Bulacan, Cagayan, Camarines Norte, Camarines Sur, Capiz, Cavite, Cebu, Ilocos Norte, Ilocos Sur, Iloilo, Isabela, Laguna, La Union, Leyte, Marinduque, Masbate, Mindoro, Oriental Misamis, Occidental Misamis, Mountain Province, Nueva Ecija, Nueva Vizcaya, Occidental Negros, Oriental Negros, Palawan, Pampanga, Pangasinan, Rizal, Romblon, Samar, Sorsogon, Surigao, Tarlac, Tayabas, and Zambales.

The provinces of the Department of Mindanao and Sulu are these: Agusan, Bukidnon, Cotabato, Davao, Lanao, Sulu, and Zamboanga.
The City of Manila comprises a separate jurisdiction and is not included within the territory of any province; but, in the absence of special provisions, the term "province" may be construed to include the City of Manila for the purpose of giving effect to laws of general application.

Any small island of the Philippine Archipelago not hereinafter specifically assigned to a definite province shall belong to the province to which it is in closest proximity.

[2657–42; 2724–1(11); 2809–1(12); 2880–1(13); 2934–1(14); 3537–1(15).]

ARTICLE II

Situs and Major Subdivisions of Provinces Other than such as are Contained in Department of Mindanao and Sulu

SECTION 38. Situs of provinces and major subdivisions — The general location of the provinces other than such as are contained in the Department of Mindanao and Sulu, together with the subprovinces, municipalities and (townships) municipal districts respectively contained in them is as follows:

The Province of Abra consists of the territory in northern Luzon formerly comprised in the subprovince of Abra as constituted under Act Numbered Thirteen hundred and six.

It contains the municipalities of Bangued (the capital of the province), Bucay, Danglas, Dolores, Lagayan, Langangilang, Langiden, La Paz, Luba, Manabo, Peñarrubia, Pidigan, Pilar, Sal-lapadan, San Juan, San Quintin, Tayum, and Villavicosa.

It also contains the municipal districts of Alava, Anayan, Ba-ay, Bangilo, Bolinay, Builoc, Buneg, Caganayan, Daguioman, Danac, Lacub, Lanec, Licuan, Malibcong, Mataragan, Naglibacan, Tiempo, Tineg, and Tubo.

The Province of Albay, lying north of Sorsogon and south and east of [Ambos Camarines] Camarines Sur, consists of territory on the Island of Luzon (with appurtenant small islands), including also the larger islands of San Miguel, Cacaray, Batan, Rapu-Rapu, and the sub-province of Catanduanes, on the island of the same name. The province contains the following municipalities:

[Albay, the capital of the province,] Bacacay, Baras, Bato, Calolbon, Camalig, Daraga, Guinobatan, Jovellar, Legaspi (the capital of the province), Libog, Libon, Ligao, Malilipot, Malinao, Manito, Oas, Pandan, Panganiban,
The Province of Antique, lying west of Capiz and Iloilo, consists of territory on the Island of Panay and adjacent islands and comprises the following municipalities:

Barbasa, Bugasong, Caluya, Culasi, Dao, Laua-an, Pandan, Patnongon, San Jose de Buenavista (the capital of the province), San Remigio, Sibalom, Tibiao, and Valderrama.

The Province of Bataan, lying south of Zambales and southwest of Pampanga, comprises the cape or promontory which separates Manila Bay from the China Sea. It contains the following municipalities:

Abucay, Bagac, Balanga (the capital of the province), Dinalupihan, Hermosa, Limay, Mariveles, Moron, Orani, Orion, Pilar, and Samal.

The Province of Batanes comprises all islands of the Philippine Archipelago situated north of the Balingtang Channel, and contains the following (townships) municipalities:

Basco (the capital of the province), Itbayat, Ivana, Mahatao, Sabtang, and Uyugan.

The Province of Batangas, lying south of Cavite and Laguna, and west of Tayabas, consists of territory on the Island of Luzon and adjacent islands, and comprises the following municipalities:

Alitagtag, Balayan, Batangas (the capital of the province), Bauan [Bolbok], Calaca, Calatagan, Cuenca, Ibaan, Lemery, Lian, Lipa, Lobo, Mabini, Malvar, Mataasnakahoy, Nasugbu, Rosario, San Jose, San Juan, San Luis, Santo Tomas, Taal, Talisay, Tanauan, Taysan, and Tuy.

The Province of Bohol consists of the Island of Bohol and adjacent islands, and comprises the following municipalities:


The Province of Bulacan, lying on the northeastern side of Manila Bay, consists of territory in central Luzon, and comprises the following municipalities:
Angat, Baliuag, Bigaa, Bocaue, Bulacan, Bustos, Calumpit, Guiguinto, Hagonoy, Malolos (the capital of the province), Marilao, Meycauayan, Norzagaray, Obando, Paombong, [Quingua], Plaridel, Polo, Pulilan, San Ildefonso, San Jose del Monte, San Miguel, San Rafael, and Santa Maria.

*The Province of Cagayan* consists of territory in the extreme northeastern part of Luzon, together with the small islands appurtenant thereto and the islands of the Babuyan Group to the north. The province contains the following municipalities:


It also contains the following municipal districts: Langangan and Allacapan.

*The Province of Camarines Norte*, lying north of Camarines Sur and southeast of Tayabas, consists of territory on Luzon and adjacent islands, and comprises the following municipalities:

Basud, Capalonga, Daet (the capital of the province); Indan, Jose Pañganiban, Labo, [Mambulao] Paracale, San Vicente, and Talisay.

*The Province of Camarines Sur*, lying north and west of Albay and south of Camarines Norte, consists of territory on Luzon and adjacent islands, and comprises the following municipalities:

Baao, Bato, Buhi, Bula, Cabusao, Calabanga, Camaligan, Canaman, Caramoan, Del Gallego, Gainza, Goa, Iriga, Lagonoy, Libmanan, Lupi, Magarao, Milao, Minalabac, Nabua, Naga (the capital of the province), Pamplona, Pasacao, Pili, Ragay, Sagnay, San Fernando, San Jose, Sipocot, Siruma, Tigaon, and Tinambac.

*The Province of Capiz* consists of territory on the Island of Panay, and adjacent small islands, and contains the following municipalities:

Altavas, Balete, Banga, Batan, Buruanga, Capiz (the capital of the province), Cuartero, Dao, Dumalag, Dumarao; Ibajay, Iuisan Jamindan, Kalibo, Libacao, Makato, Malinao, Mambusao, Nabas, New Washington, Numancia, Panay, Panitan, Pilar, Pontevedra, Sapiom, Sigma, and Tapaz.

*The Province of Cavite* consists of territory on the Island of Luzon lying on the south side of Manila Bay including also Corregidor Island. It contains the
following municipalities:

Alfonso, Amadeo, Bacoor, Bailen, Carmona, Cavite (the capital of the province), Dasmariñas, General Trias, Imus, Indang, Kawit, Magallanes, Maragondon, Mendez-Nuñez, Naic, Noveleta, Rosario, Silang, Tanza, and Ternate.

*The Province of Cebu* consists of the Island of Cebu and neighboring islands, including the Camotes Islands. It comprises the following municipalities:

Alcantara, Alcoy, Alegria, Aloguinsan, Argao, Asturias, Badian, Balamban, Bantayan, Barili, Bogo, Boljo-on, Borbon, Carcar, Carmen, Catmon, Cebu (the capital of the province), Compostela, Consolacion, Cordova, Daanbantayan, Dalaguete, Danao, Dumanjug, Ginatilan, Liloan, Madridejos, Malabuyoc, Mandaue, Medellin, Minglanilla, Moalboal, Naga, Opon, Oslob, Pilar, Pinamungajan, Poro, Ronda, Samboan, San Fernando, San Francisco, San Remigio, Santa Fe, Santander, Sibonga, Sogod, Tabogon, Talisay, Toledo, Tuburan, and Tudela.

*The Province of Ilocos Norte* consists of territory in the extreme northwestern part of the Island of Luzon and comprises the following municipalities:

Bacarra, Badoc, Bangui, Banna, Batac, Burgos, Currimao, Dingras, Laoag (the capital of the province), Nueva Era, Paoay, Pasuquin, Piddig, Pinili, San Nicolas, Sarrat, Sorsogon and Vintar.

This province also contains the following municipal districts: Adams, Carasi, Dumalneg, and Lagangan.

*The Province of Ilocos Sur*, lying south of Ilocos Norte, consists of territory in the Island of Luzon known as Ilocos Sur. It comprises the following municipalities:

Banayoyo, Bantay, Bauguen, Burgos, Cabugao, Candon, Caoayan, Cervantes, Galimuyod, Lapog, Lidliida, Magsingal, Nagbukel, Narvacan, San Esteban, San Ildefonso, San Vicente, Santa, Santa Catalina, Santa Cruz, Santa Lucia, Santa Maria, Santiago, Santo Domingo, Sinait, Tagudin, and Vigan (the capital of the province).

This province also contains the following municipal districts: Alilem, Angaki, Concepcion, San Emilio, Sigay, Sugpon, and Suyo.

*The Province of Iloilo* consists of territory on the southeastern part of the
Island of Panay and includes the Island of Guimaras and other adjacent islands. It comprises the following municipalities:


The Province of Isabela, lying south of Cagayan, consists of territory in northeastern Luzon and comprises the following municipalities:

Angadan, Cabagan, Cauayan, Cordon, Echague, Gamu, Ilagan (the capital of the province), Jones, Naguilian, Palanan, Reina Mercedes, San Mariano, San Pablo, Santa Maria, Santiago, and Tumauini.

This province also contains the following municipal districts: Antatet, Aurora, [Balluco], Bannagao, [Dalig], [Sili] and [San Mariano].

The Province of Laguna, lying on the south of Laguna de Bay, in Luzon, comprises the following municipalities:

Alaminos, Bay, Biñan, Cabuyao, Calamba, Calauan, Cavinti, Famy, Lilio, Loñgos, Los Baños, Luisiana, Lumban, Mabitac, Magdalena, Majayjay, Nagcarlan, Paete, Pagsanjan, Pakil, Pañoil, Pila, Rizal, San Pablo, San Pedro, Santa Cruz, (the capital of the province), Santa Maria, Santa Rosa, and Siniloan.

The Province of La Union, lying northeast of Lingayen Gulf, on the Island of Luzon, comprises the following municipalities:

Agoo, Aringay, Bacnotan, Balaoan, Bangar, Bauang Caba, Luna, Naguilian, Rosario, San Fernando (the capital of the province), San Juan, Santo Tomas, and Tubao.

This province also contains the following municipal districts: Bagulin, Burgos, Pugo, San Gabriel, Santol, and Sudipen.

The Province of Leyte consists of territory on the Island of Leyte and adjacent islands, and contains the following municipalities:

Abuyog, Alangalang, Albuera, Anahawan, Babatñgon, Barugo, Bato, Baybay, Biliran, Burauen, Cabalian, Caibiran, Calubian, Capocon, Carigara, Dagami, Dulag, Hilongos, Hindang, Hinundayan, Hinunangan, Inopacan, Jaro,
Kawayan, La Paz, Leyte, Libagon, Liloan, Maasin, Macrohon, Malitbog, Maripipi, Matalom, Merida, Naval, Ormoc, Palo, Palompon, Pastrana, Pintuyan, San Isidro, San Miguel, Sogod, Tacloban (the capital of the province), Tanauan, Tolosa, and Villaba.

_The Province of Marinduque_ consists of the Island of Marinduque and the small islands immediately adjacent thereto, and contains the following municipalities:

Boac (the capital of the province), Buenavista, Gasan, Mogpog, Santa Cruz, and Torrijos.

_The Province of Masbate_ consists of the Islands of Masbate, Ticao, Burias, and all the small adjacent islands, and contains the following municipalities:

Aroroy, Cataingan, Dimasalang, Masbate (the capital of the province), Milagros, San Fernando, San Jacinto, and San Pascual.

_The Province of Mindoro_ consists of the Island of Mindoro, the Island of Lubang, the Island of Maestre de Campo, and all other islands adjacent to any of them, not included in the territory of some other province. It contains the following municipalities:

Abra de Ilog, Baco, Bongabong, Bulalacao, Calapan (the capital of the province), (Concepcion), Looc, Lubang, Mamburao, Mansalay, Naujan, Paluan, Pinamalayan, Pola, Puerto Galera, Sablayan, San Jose, and San Teodoro.

The _Province of Oriental Misamis_ consists of that portion of the former Province of Misamis which comprises the municipalities of Alubijid, Balingasag, Cagayan (the capital of the province), Gingoog, Initao, Kinogitan, Salay, Tagoloan, and Talisayan, and the island of Camiguin with its municipalities (Catarman, Mambajao and Sagay) and adjacent small islands, and the municipal districts of Claveria, Lourdes, and Lumbia.

_The Province of Occidental Misamis_ consists of the other portion of the former Province of Misamis, comprising the municipalities of Aloran, Baliangao, Bonifacio, Clarin, Jimenez, Lopez-Jaena, Misamis, Oroquieta (the capital of the province), Plaridel, Tangub, and Tudela.

[3537; 3777.]

[As to the capital of this province, see sec. 2, Act 3537(16); previous Act 3354(17), providing for the division of Misamis was repealed by Act 3537.]
The Mountain Province consists of territory in the central part of northern Luzon and comprises the subprovinces of [Amburayan] Apayao, Benguet, Bontoc, Ifugao, Kaliña, and Lepanto.

[The subprovince of Amburayan contains the municipal district of Bakun.]

The subprovince of Apayao contains the municipal districts of Bayag, Conner, Kabugao, [Tauit], [Namaltugan], and Luna.

The subprovince of Benguet contains the City of Baguio and the municipal districts of Atok, Bokod, Bakun, Buguias, Itogon, Kabayan, Kapañgan, Kibuñgan, La Trinidad, Mankayan, Sablan, Tuba, and Tublay.

The subprovince of Bontoc contains the municipal districts of Bontoc (the capital of the province), [Calao], Barlig, Natonin, Sabañgan, Sadaña, Sagada, [Talubin], and Tinglayan.

The subprovince of Ifugao contains the municipal districts of Banaue, Burnay, Hunduan, Kiañgan, and Mayoyao.

The subprovince of Kalinga, contains the municipal districts of Balbalan, Lubuagan, Pinukpuk, Tabuk, and Tanudan.

The subprovince of Lepanto contains the municipal districts of [Ampusungan], [Banaao], Bauko, Besao, Kayan, [Mankayan], and [Sabangan].

The Province of Nueva Ecija consists of territory in north-central Luzon, and comprises the following municipalities:

Aliaga, Bongabon, Cabanatuan (the capital of the province), Cabiao, Carranglan, Cuyapo, Gapan, Guimba, Jaen, Laur, Licab, Lupao, Muñoz, Nampicuan, Pantabangan Papaya, Peñaranda, Quezon, Rizal, San Antonio, San Isidro, San Jose, San Leonardo, Santa Rosa, Santo Domingo, Talavera, and Zaragoza.

The Province of Nueva Vizcaya, lying southeast of the Mountain Province and southwest of Isabela, consists of the territory in north-central Luzon and comprises the following municipalities:

Aritao, Bagabag, Bambang, Bayombong (the capital of the province), Dupax, and Solano.

This province also contains the following municipal districts: Imugan, Kayapa, Kasibu, Pinappagan, and Pingkian (Sta. Cruz).
The Province of Occidental Negros consists of territory in the northern and western part of the island of Negros, including adjacent small islands. It comprises the following municipalities:

Bacolod (the capital of the province), Bago, Binalbagan, Cadiz, Calatrava, Cauayan, Escalante, Himamaylan, Hinigaran, Ilog, Isabela, Kabankalan, La Carlota, La Castellana, Manapla, Murcia, Pontevedra, Pulupandan, Sagay, San Carlos, San Enrique, Saravia, Silay, Talisay, Valladolid, and Victorias.

The Province of Oriental Negros consists of territory in the south and eastern part of the Island of Negros, with adjacent small islands, and includes also the subprovince of Siquijor, which consists of the island of the same name. The province contains the following municipalities:

Ayungon, Ayuquitan, Bacong, Bais, Daunin, Dumaguete (the capital of the province), Enrique Villanueva, Guijulñgan, Jimalalud, La Libertad, Larena, Lazi, Luzuriaga, Manjuyod, Maria, San Juan, Siaton, Sibulan, Siquijor, [Talingting], Tanjay, Tayasan, Tolong, Vallehermoso, and Zamboanguita.

This province also contains the municipal district of Tambo.

The Province of Palawan consists of the Island of Palawan, the islands of Dumaran and Balabac, the Calamian Islands, the Cuyo Islands, the Cagayanes Islands, and all other islands adjacent to any of them, not included in some other province, and comprises the following municipalities:

Agutaya, Bacuit, Cagayancillo, Coron, Cuyo, Dumaran, Puerto Princesa (the capital of the province), and Taytay.

This province also contains the following municipal districts: Aborlan, Balabac, and Brooke's Point.

The Province of Pampanga, lying to the north of Manila Bay, consists of territory in the Island of Luzon, and contains the following municipalities:

Angeles, Apalit, Arayat, Bacolor, Candaba, Floridablanca, Guagua, Lubao, Mabalacat, Macabebe, Magalan, Masantol, Mexico, Minalin, Porac, San Fernando (the capital of the province), San Luis, San Simon, Santa Ana, Santa Rita, and Sexmoan.

The Province of Pangasinan, lying to the south of Lingayen Gulf, on the Island of Luzon, comprises the following municipalities:

Agno, Aguilar, Alaminos, Alcala, Anda, Asingan, [Balincaguin.] Balungao,
Bani, Bautista, Bayambang, Binalonan, Binmaley, Bolinao, Bugallon, Burgos, Calasiao, Dagupan, Dasol, Infanta, Labrador, Lingayen (the capital of the province), Mabini, Malasiqui, Manaog, Mangaldan, Mangatarem, Mapandan, Natividad, Pozorrubio, Rosales, San Carlos, San Fabian, San Jacinto, San Manuel, San Nicolas, San Quintin, Santa Barbara, Santa Maria, Santo Tomas, Sison, Sual, Tayug, Umingan, Urbiztondo, Urdaneta, and Villasis.

The Province of Rizal, lying east of Manila Bay and north of Laguna de Bay, consists of territory in central Luzon and comprises the following municipalities:

Angono, Antipolo, Baras, Binangonan, Cainta, Caloocan, Cardona, Jalajala, Las Piñas, Makati, Malabon, Mandaluyong, Marikina, Montalban, Morong, Munitinglupa, Navotas, Parañaque, Pasay, Pasig (the capital of the province,), Pateros, Pililla, [San Felipe Neri], San Juan del Monte, San Mateo, Tagig, Tanay, Taytay, and Teresa.

The Province of Romblon consists of the Island of Romblon, the Tablas Island, the Sibuyan Island, the Carabao Island, and the islands of Banton and Simara and the adjacent small islands, and comprises the following municipalities:

Badajoz, Cajidiocan, Concepcion, Corcuera, Despujols, Jones, Looc, Magdiwang, Odiongan, Romblon (the capital of the province), and San Fernando.

The Province of Samar consists of territory on the Island of Samar and adjacent islands, and comprises the following municipalities:

Allen, Almagro, Balangiga, Basey, Bobon, Borongan, Calbayog, Calbiga, Capul, Catarman, Catbalogan (the capital of the province), Catubig, Dolores, Gandara, Guiuan, Hernani, Laoang, Lavezares, Llorente, Mondragon, Oquendo, Oras, Palapag, Pambujan, Salcedo, San Antonio, San Julian, Santa Margarita, Santa Rita, Santo Niño, Sulat, Taft, Tarangnan, Tinambacan, Villareal, Wright, and Zumarraga.

This province also contains the following municipal districts: Concord, [Debuan], Hinabangan, Jipapad, Maslog, Matuguinao, San Jose de Buan, and [Tagaslian].

The Province of Sorsogon consists of territory at the southeastern extremity of Luzon, including appurtenant small islands, and comprises the following municipalities:

Bacon, Barcelona, Bulan, Bulusan, Casiguran, Castilla, Donsol, Gubat,
Irosin, Juban, Magallanes, Matnog, Pilar, Prieto-Diaz, Santa Magdalena, and Sorsogon (the capital of the province).

The Province of Surigao consists of territory in the northeastern part of the Island of Mindanao, including the islands of Dinagat, Siargao, and Bucas Grande, with appurtenant small islands. It contains the following municipalities:

Bamuag, Bislig, Cantilan, Carrascal, Dapa, Dinagat, General Luna, Gigaquit, Hinatuan, Lanuza, Lianga, Lingig, Loreto, Mainit, Numancia, Placer, Surigao (the capital of the province), Tago, and Tandag.

This province also contains the following municipal districts: Bahi, Borboanan, Cabangahan, Coleto, Libas, Macopa, Pamaypayan, Pili, San Isidro, San Miguel, Sibahay, Soriano, Tagbayani, Union, and Xavier.

The Province of Tarlac consists of territory in north-central Luzon and contains the following municipalities:

Anao, Bamban, Camiling, Capas, Concepcion, Gerona, La Paz, Mayantoc, Moncada, Paniqui, Pura, Ramos, San Clemente, San Manuel, Santa Ignacia, Tarlac (the capital of the province), and Victoria.

The Province of Tayabas consists of territory in the eastern part of the Island of Luzon, to the north and west of the provinces of Camarines Norte and Camarines Sur. It includes the Island of Polillo, the Island of Jomalig, and other small islands forming a part of the same group.

The province contains the following municipalities: Agdangan, Alabat, Atimonan, Aurora, Baler, [Bondo,] Calauag, Candelaria, Casiguran, Catanauan, Dolores, General Luna, Guinayangan, Gumaca, Infanta, [Laguimanoc] Lopez, Lucban, Lucena (the capital of the province), Macalelon, Mauban, Munanay, Padre Burgos, Pagbilao, Perez, Pitogo, Polillo, Quezon, Sampaloc, San Narciso, Sariaya, Tayabas, Tiaong, and Unisan.

The Province of Zambales consists of territory on the China Sea in the west-central portion of Luzon and comprises the following municipalities:

Botolan, Cabangan, Candelaria, Castillejos, Iba (the capital of the province), Masinloc, Palauig, San Antonio, San Felipe, San Marcelino, San Narciso, Santa Cruz, and Subic.

[2657–43.]
SECTION 39. *Territory included in Department of Mindanao and Sulu.*  
— [The Department of Mindanao and Sulu consists of the entire Island of Mindanao, excluding only the Provinces of (Misamis) Oriental Misamis, Occidental Misamis, and Surigao, together with the Sulu Archipelago, and including the islands known as the Jolo Group, the Tawi Tawi Group, and all other islands pertaining to the Philippine Archipelago south of the eighth parallel of north latitude, excepting therefrom the island of Balabac, and the immediately adjacent islands, but including the Island of Cagayan Sulu with adjacent islands.]

[2657–44.]

SECTION 40. *Situs of provinces of Department of Mindanao and Sulu.*  
— The general location of the provinces of the Department of Mindanao and Sulu and the principal subdivisions contained in them is as follows:

The Province of Agusan consists of territory in the northern part of the Island of Mindanao, west of Surigao, and comprises the following municipalities:

Buenavista, Butuan (the capital of the province), Cabadbaran, Jabonga, Nasipit, and Talacogon.

The province also contains the following municipal districts: [Amparo], Azpitia, Bahbah, Balete, Baquingquing, Basa, Baylo, Borbon, Bunaguit, Bunawan, Concordia, Corinto, Cuevas, Ebro, Esperanza, Gracia, Guadalupe, Halapitan, Langasian, La Paz, Las Nieves, Libertad, Loreto, Los Arcos, Maasin, Mambabili, [Manila], Mampinsahan, Maygatasan, Milagros, Novele, Nuevo Sibagat, Nuevo Trabajo, Patrocinio, Prosperidad, Remedios, Rosario, Sagunto, Salvacion, San Ignacio, San Luis [San Mateo], [San Vicente], San Isidro, Santa Ines, Santa Josefa, Santo Tomas, Trento, Tudela, Verdu, Veruela, Violanta, and Waloe.

The Province of Bukidnon consists of territory in the northern part of the Island of Mindanao between the Province of Agusan, to the east, and the Provinces of Oriental Misamis and Lanao to the west, with Cotabato to the south, and comprises the following municipalities:

Impasugong, Malaybalay (the capital of the province), Maluko, and Talakag.

The province also contains the following municipal districts: Baungon, [Claveria], [Guimbaluron], Kibawe, Libona, [Lourdes], Malitbog, Maramag, [Napaliran], Pangantucan, and Sumilao.
The Province of Cotabato lies east and south of the Province of Lanao, south of the Province of Bukidnon and west of the Province of Davao and contains the following municipalities:

Cotabato (the capital of the province), Dulawan, and Midsayap.

The province also contains the following municipal districts: Awang, Balatikan, Balut, Banisilan, Barira, Buayan, Bugasan, Buldun, Buluan, Carmen, [Daguma], Dinaig, [Dulawan,] Gambar, Glan, [Isulan], Kabakan, Kalanganan, Kiamba, Kidapawan, Kitubud, Kling, Koronadal, Lebak, [Libuangan], Liguasan, [Maganui], Nuling, Parang, Pikit-Pagalungan, [Reina Regente], Salaman, Sebu, Silik, Subpangan, [Talayan] and Tumbau.

The Province of Davao consists of territory in the southeastern corner of the Island of Mindanao, with appurtenant islands, including the Sarangani Islands. Its territory is indented by the waters of the Gulf of Davao. It contains the following municipalities:

Baganga, Caraga, Cateel, Davao, (the capital of the province), Malita, Manay, Mati, Pantukan, and Santa Cruz.

The Province also contains the following municipal districts: Batulaki, Caburan, Camansa, Compostela, [Guianga], Kapalong, Lupon, [Malita], Moncayo, [Pantukan], Samal, Saug, Sigaboy, Surup, and Tagum.

The Province of Lanao lies east of the Province of Zamboanga and west of Bukidnon, being washed on the southwest by the waters of Illana Bay, and contains the following municipalities:

Dansalan (the capital of the province), Iligan, Kolambungan, and Malabang.

The Province also contains the following municipal districts: Bakulud, Balut, Bayang, Binidayan, Bubung, [Buruun], Butig, Ditsaan, Ganassi, Gata, Kapai, Kapatagan, Lumbatan, Madalum, Madamba, Maging, Mandulog, Marantau, Masiu, Mulundu, Momungan, Munai, Nunungan, Pantar, Pantau-Ragat, [Patarikan], Pualas, [Sagtaran] Saguiaran, Suñgud, Tamparan, Taraka, Tatarikan, Tubaran, Tugaya, and Uato.

The Province of Sulu includes all the Islands of Mindanao and Sulu situated in the Celebes Sea and in the Sulu Sea between the fourth and eighth parallels of north latitude lying southwest of a line running northwest and southeast and passing at a point two miles due east of the northeast extremity of Tatalan Island. It contains the municipality of Jolo (the capital of the province).
The province also contains the following municipal districts: Balimbing, Banaran, Bongao, Gitung, Cagayan de Sulu, Indanan, Laparan, Lati, Lu'uk, Maimbung, Marungas, Panamau, Pangutaran, Pansul, Parang, Pata, Patikul, Siasi, Silangkan, Simunul, Sitangkai, South Ubian, Talipao, Tandubas, Tapul, and Tongkil.

*The Province of Zamboanga* is located upon the western part of the Island of Mindanao and includes all the territory west of the boundary between Lanao and Zamboanga, with the adjacent islands not included within the Province of Sulu. It contains the following municipalities:

Dapitan, Dipolog, Isabela, Lubuñgan, Kabasalan, Katipunan, Margosatubig, Pagadian, Sindañgan, Siocon, and Zamboanga, (the capital of the province).

[The province also contains the following municipal districts: Bangaan, Dinas, Kabasalan, Kumalarang, Labañgan, Lamitan, Maluso, Margosatubig, Pañganuran, Sibuko, Sindañgan, Sirawai, and Taluksañgay.]

[2657–45.]

**CHAPTER 3**

**Boundaries Defined**

**ARTICLE I**

**Undefined Boundaries**

**SECTION 41. Undefined boundaries recognized.** — Boundaries which are not defined in the next succeeding article of this chapter shall, until expressly changed by law or executive order, be taken to be as heretofore determined by decree, statute, executive order, or other resolution having the force of law, and in the absence of such, by custom recognized by the administrative authorities.

[2657–46.]

**ARTICLE II**

**Defined Boundaries**

**SECTION 42. Camarines Norte and Tayabas boundary.** — The boundary separating the Province of Camarines Norte from the Province of Tayabas begins at a point on the eastern shore of Basiad Bay and extends to a peak
known as Mount Cadig in such manner as to bring the territory of the barrio of Basiad entirely within the municipality of Capalonga, in Camarines Norte, and to exclude the same from the territory of Calauag, in Tayabas. From Mount Cadig it extends along the crest of a mountain range, a distance of 50 kilometers, more or less, to a peak known as Mount Labo; thence in a southwesterly direction, a distance of 25 kilometers, more or less, to a prominent stone monument at the source or headwaters of the Pasay River, thence along the meandering course of said river in a southerly direction, a distance of 1½ kilometers, more or less, to the Gulf of Ragay.

[2657–47; see Act 2809(19) re Camarines Provinces.]

SECTION 43. La Union and Amburayan boundary. — The boundary between La Union and the subprovince of Amburayan, in the Mountain Province, is as follows: Beginning at a point called "Initial", from which the Tagudin church bell tower, latitude 16º 56' 8.05"", east longitude 120º 26' 24.09", bears N. 39º 55.5", W., and the Bangar church cross, north latitude 16º 53' 43.50" east longitude 120º 25' 8.94", bears S. 54º 6.5' W., the two latter being Coast and Geodetic Survey points; thence S. 16º 29.5' W. 2,899.9 meters to a point called "Cruz," or "A2"; thence S. 22º 24.5' E. 2,680.5 meters to a point called "Bangar," north latitude 16º 52' 19.35", east longitude 120º 27' 20.65", which is a Coast and Geodetic Survey station of the same name; thence S. 4º 25' W. 1,560.3 meters to a point called "Chow", or "A6"; thence S. 25º 57.5' W. 2,958.2 meters to a point called "San Francisco," or "A7"; thence S. 18º 51.5' W. 1,706.4 meters to a point called "Calat," or "X2"; thence S. 4º 56' W. 2,893 meters to a point called "Bungcayo," or "A9"; thence S. 8º 51.5' W. 3,268.2 meters to a point called "San Jose", or "AA10"; thence S. 30º 31' W. 4,464.7 meters to a point called "Lacong No. 1," or "A11"; thence S. 20º 23' W. 805.7 meters to a point called "Lacong No. 2", or "A12"; thence S. 24º 14' W. 1,283.3 meters to a point called "Hill", or "A13"; thence S. 2º 21' W. 2,118.7 meters to a point called "San Gabriel", or "A14"; thence S. 26º 48.5' W. 1,460.5 meters to a point called "Road," or "X7"; thence S. 7.5' E. 297.8 meters to a wooden cross set on the south side of the main road from San Juan to San Gabriel; thence on the same bearing, S. 10º 7.5' E. 1,409.7 meters to a point called "Final", or "X6", which point was the end of the boundary line and is at the junction of the Cabassitan and Bororo, or Cadaclan, Rivers. From Final the Coast and Geodetic Survey station Saragosa, north latitude 16º 42' 32.27", east longitude 120º 22' 14.66", bears N. 29º 49.5" W. 5,610.4 meters.

[2657–49.]

SECTION 44. La Union and Benguet boundary. — The boundary between La Union and the subprovince of Benguet, in the Mountain Province, is as
follows: To reach the point of beginning start at the point called "Final," or "X6," in the next preceding paragraph, thence up the Cabassitan River, which is in part the boundary line between the subprovince of Amburayan and the Province of La Union, to the point of beginning, thence beginning at the junction of the Cabassitan and Riachuelo Rivers, thence in a curved line to the south around the barrio of Duplas, leaving that barrio in the Province of La Union, till the line joins the Riachuelo River; thence up the Riachuelo River to the lowest place in the mountain ridge; thence crossing this ridge and descending on the southerly slope down the creek Alalapang to its junction with the Naguilian River and crossing the Naguilian River to a prominent point of rock known as "Cruz" to all the people of a large district and which is the location of the boundary line in this section between the towns of San Fernando and Naguilian, the same being an old well-known landmark; thence in the same direction over the hill about one thousand feet to the Creek Paldit and following this Creek Paldit to its source; thence crossing the ridge at the lowest point between the Mounts Liddug and Diccan to the Diccan River; thence down said Diccan River to its junction with the Salnip forming the Ribsuan River; thence down the Ribsuan to the junction of the Ribsuan River and the Bayating River; thence up the said Bayating River about one kilometer passing a monument of stone and cement erected in the time of the Spanish as a boundary mark between the districts of La Union and Benguet, continuing to the mouth of the Creek Lungs; thence up said creek to its source, the barrio of Ancauay being in La Union Province; thence through the lowest place in a direct line to a point called Siam on the opposite ridge, the same being further designated by a marked tree; thence down the River Caboang to its junction with the Galiano River the same being just above the barrio of Galiano, Galiano being in the Province of La Union; thence down the Galiano River in the same general direction to the mountain from which the river reverses its course; thence across this mountain spur to the base of Mount Alipang at the River Alipang, giving all the barrio of Rizal to the Province of La Union; thence up said Alipang River to the barrio of Pugo; thence following the road known as Calle Real to the barrio of Ambanganan. The barrio of Ambanganan being Christian, an offset is here made and thus described; from the river crossing of the Calle Real continue up the river about one-half mile, thence in a direct line back to the Calle Real at the foot of the hill about one-half mile from the river on the Calle Real, forming an equilateral triangle. Thence, continuing on the line of the Calle Real to a point overlooking the Inabaan Valley, at which point a cross is ordered placed, from this point the boundary is to follow a direct line across the valley to a point between the barrios of Cuenca and Casilagan, very near Cuenca, the barrios of Casilagan, Inabaan, and Garampang being in La Union, and Cuenca, San Luis, Enmistampa, Mauasus, and Dagupan being in Benguet, to a cross on a hill directly west of Dongon, and thence from this point in a direct line to Dongon, Dongon being the boundary point
between Benguet, Pangasinan, and La Union.

[2657–50; modified by Act 2877(20), sec. 2.]

SECTION 45. Part of boundary between La Union and Mountain Province. — The boundary between the municipality of Bangar, in the Province of La Union, and the municipality of Tagudin, in the Mountain Province, is as follows: Beginning at the point "Initial" in the La Union and Amburayan boundary as above described, thence S. 89º 41' W. 1,883.91 meters to a spike in the concrete base of an old monument, which bears S. 9º 50' W. 2,206.21 meters from Bureau of Lands location monument No. 2 of Tagudin; thence N. 71º 55' W. 1,948.23 meters; thence N. 55º 28' W. 1,185.5 meters to high-tide line of the China Sea.

[2657–51]

SECTION 46. La Union and Pangasinan boundary. — The boundary between the Provinces of La Union and Pangasinan from the Lingayen Gulf to the Bued River is as follows:

Beginning at a point in the mouth of the Rabon River S. 4º 58' E. 161.94 meters from barrio location monument No. 2 of Rabon and S. 88º 40' W. 44.27 meters from an old brick monument in the west side of the railroad right of way, thence N. 88º 40' E. 787.01 meters to the site of an old Spanish monument of 1856 at Nagcuralan formerly marked by a wooden cross, replaced in 1913 by a concrete monument, being corner 24 of survey Rs-352; thence S. 88º 08' E. 3,214.77 meters to the site of an old Spanish monument of 1856 at Toblon formerly marked by a wooden cross, replaced in 1913 by a concrete monument, being corner 25 of survey Rs-352; thence N. 88º 03' 842.96 meters to the southwest corner of property decreed in G.L.R.O. records 7299, being corner 52 of survey II-2019; thence N. 87º 42' E. 26.50 meters to a concrete monument, being corner 51 of survey II-2019; thence N. 87º 46' E. 214.97 meters to a concrete monument, being corner 50 of survey II-2019; thence N. 87º 52' E. 500.36 meters to a concrete monument, being corner 49 of survey II-2019; thence N. 87º 44' E. 500.21 meters to a concrete monument, being corner 48 of survey II-2019; thence N. 87º 51' E. 500.10 meters to a concrete monument, being corner 47 of survey II-2019; thence N. 87º 48' E. 500.14 meters to a concrete monument, being corner 46 of survey II-2019; thence N. 87º 48' E. 184.49 meters to a concrete monument set over the remains of an old Spanish monument of 1856, site formerly marked by a wooden cross; thence N. 87º 48' E. 315.74 meters to a concrete monument, being corner 45 of survey II-2019; thence N. 88º 30' E. 137.40 meters to a concrete monument, being corner of survey II-2019; thence N. 87º 51' E. 12 meters to the center of the Saitan Creek, being corner of survey II-2019 and the southeast corner of property decreed in G.L.R.O. records 7299; thence N. 87º 55' E. 1,753.38 meters to a rock in place
near the west bank of the Bued River, from which point barrio location monument No. 1 of Agat bears S. 58º 39' E. 1,033.41 meter; thence N. 87º 55' E. 400.00 meters to a point in the approximate center of the Bued River, from which point barrio location monument No. 1 of Agat bears S. 41º 10' E. 733.48 meters.

[2657–52.]

SECTION 47. Boundaries of subprovince of Apayao. — The subprovince of Apayao in the Mountain Province contains the territory embraced in the following boundaries: The eastern boundary shall be a line beginning in the hills immediately to the westward of the municipality of Claveria, in the Province of Cagayan, and extending in a general southeasterly and southerly direction, between the settlements of Christians and of non-Christians, to the point in the hills immediately to the westward of Malaueg at which the boundary of the subprovince of Kalinga begins; its southern boundary shall be the line fixed for the northern boundary of the subprovince of Kalinga; its western boundary shall be the line fixed as the eastern boundary line of northern Abra and of that portion of Ilocos Norte which at present abuts upon the subprovince of Apayao, extending to a point directly to the west of the point of origin in the hills west of Claveria; its northern boundary shall be a line extending due east from this point to the point immediately to the westward of the municipality of Claveria, at which the boundary begins; the general purpose in fixing this boundary being to include within the subprovince of Apayao all the non-Christian inhabitants of the Province of Cagayan, as formerly constituted, west of the Rio Grande de Cagayan and north of Malaueg.

[2657–53.]

SECTION 48. Benguet and Amburayan-Lepanto boundaries. — The subprovincial boundary between Benguet, on the south, and Amburayan and Lepanto, on the north, all in the Mountain Province, is as follows: Beginning at the point where the watershed dividing the waters of the Amburayan River and its tributaries on the north from those of several small streams on the south flowing in a generally southwesterly direction through the subprovince of Benguet intersects the present eastern boundary of the Province of La Union, and extending in a generally northeasterly direction medially along the crest of the above-described watershed and of the watershed which divides the waters of the Abra River and its tributaries from the waters of the Agno River and its tributaries to the point where the ridge forming the latter watershed leaves the face of the high mountain known as Mount Data and thence in a straight line along the side of Mount Data to the point where the ridge or watershed between the Agno River and the streams of Nueva Vizcaya joins Mount Data.
SECTION 49. **Boundaries of subprovince of Kalinga.** — The subprovince of Kalinga, in the Mountain Province, has the following boundaries: Beginning at a point in the hills immediately west of the former municipality of Malaueg in the Province of Cagayan, and extending to the hills immediately west of the municipality of Santa Maria in the Province of Isabela, between the settlements of Christian natives and of non-Christian inhabitants; running thence southerly, between the settlements of Christians and non-Christians, to the Kalinga settlement of Sili; thence westerly to the boundary line of Nueva Vizcaya; thence along the present line of the northeasterly boundary of Nueva Vizcaya to its intersection with the boundary line of the subprovince of Bontoc; thence along the present easterly line of the subprovince of Bontoc to a point about half way between the rancherias of Lias and Dakalan; thence westerly to the crest of the mountain range between the Tanudan River and the Rio Chico de Cagayan, including the watersheds of said rivers in the subprovinces of Bontoc and Kalinga, respectively; thence northerly along and following a line dividing said watersheds to the summit of Mount Patukan, near the rancheria of Bangad; thence to a point on the watershed west of Bangad, including that rancheria and the rancheria of Sumadel with all their barrios in the subprovince of Bontoc; thence to a point in the vicinity and south of the rancheria of Balatok; thence and including the rancheria of Balatok and the rancherias of the Saltan River Valley to the easterly boundary of the Province of Abra; thence northerly along the easterly line of the present boundary of the Province of Abra to the vicinity of Dagara and the settlements of the southern branch of the Abulug River; and thence easterly to the point of beginning.

[2657–55.]

SECTION 50. **Nueva Vizcaya and Ifugao boundary.** — The boundary between Nueva Vizcaya and the subprovince of Ifugao, in the Mountain Province, is in part as follows: Beginning at the point where the Lamut River intersects with the southern boundary of the subprovince of Ifugao, as it existed prior to first of June, nineteen hundred and nine, thence along said river to its union with the Magat River; thence along the Magat River to its union with the Alimit River.

The remainder of said boundary coincides with the southern limits of the former Comandancia of Kiangan.

[2657–56.]

SECTION 51. **Zamboanga and Lanao boundary.** — The boundary separating the Province of Zamboanga from the Province of Lanao begins at a point on the south shore of Panguil Bay 2 miles east of the intersection of the line
of the old Spanish trocha with the shore of said bay, thence in a southerly direction parallel with the line of the trocha and 2 miles distant therefrom to Illana Bay, including in the Province of Zamboanga the town of Tucuran.

[2657–57.]

SECTION 52. Boundary between Misamis and provinces of Department of Mindanao and Sulu. — The boundary separating the Province of Misamis from the provinces of the Department of Mindanao and Sulu is as follows:

A line beginning at a point on the parallel of 8º 39' 30", north latitude, at its intersection with the meridian of 123º 33' 30", east longitude, approximately 2,021.7 meters west of Cabugan Island, running due south to the middle of the channel of Migpangil River, thence along said river to its mouth in Panguil Bay, thence along the south shore of Iligan Bay, thence along the southern and southeastern shore of Iligan Bay in an easterly and northerly direction to a point which is located on the east coast of Iligan Bay, on the west side of the trail of Iligan at Salimbal point, about one kilometer south of the barrio of Lugait, thence S. 76º 36' 53" E. 1,483.4 meters to point 2; S. 56º 01' 54" E. 164.9 meters to point 3; N. 63º 14' 26" E. 3,148.9 meters to point 4; N. 30º 06' 53" E. 2,218.8 meters to point 5; N. 48º 35' 46" E. 3,565.8 meters to point 6; N. 18º 36' 49" E. 405.7 meters to point 7; N. 18º 37' 09" E. 689.1 meters to point 8; N. 23º 23' 42" E. 2,025.8 meters to point 9; N. 24º 31' 16" E. 1,480.9 meters to point 10; N. 63º 14' 02" E. 3,685.4 meters to point 11; N. 18º 18' 55" E. 5,357.6 meters to point 12; N. 22º 50' 47" E. 2,492.7 meters to point 13; N. 7º 01' 58" E. 1,291.3 meters to point 14; N. 18º 59' 38" W. 2,003.9 meters to point 15; N. 45º 33' 52" E. 3,309.2 meters to point 16; S. 58º 41' 59" E. 4,173.6 meters to point 17; S. 49º 23' 17" E. 8,535.6 meters to point 18; S. 30º 53' 02" W. 2,425.9 meters to point 19; S. 0º 13' 38" W. 2,295.9 meters to point 20; S. 82º 28' 01" E. 2,093.1 meters to point 21; S. 84º 20' 21" E. 4,801.4 meters to point 22; S. 79º 16' 56" E. 6,349.4 meters to point 23; S. 86º 00' 06" E. 2,146.9 meters to point 24; S. 89º 12' 54" E. 3,832.1 meters to point 25; S. 89º 09' 55" E. 12,479.2 meters to point 26; N. 83º 31' 30" E. 3,809.6 meters to point 27; N. 4º 52' 15" E. 137.8 meters to point 28; N. 28º 24' 53" W. 6,132.4 meters to point 29; N. 43º 14' 00" W. 2,176.5 meters to point 30; N. 65º 50' 21" W. 5,146.1 meters to point 31; N. 8º 36' 11" E. 7,891.8 meters to point 32; N. 52º 17' 13" W. 2,370.4 meters to point 33; N. 4º 26' 26" W. 1,336.8 meters to point 34; N. 15º 22' 02" W. 3,849.0 meters to point 35; N. 8º 03' 18" W. 4,251.2 meters to point 36; N. 8º 28' 51" W. 5,691.6 meters to point 37; N. 18º 17' 50" E. 4,907.5 meters to point 38; N. 71º 54' 23" W. 1,141.8 meters to point 39; N. 10º 08' 56" W. 423.9 meters to point 40; N. 11º 50' 50" E. 1,365.8 meters to point 41; N. 67º 15' 36" E. 2,052 meters to point 42; N. 28º 08' 01" W. 717.2 meters to point 43; N. 1º 19' 23" E. 3,793.5
meters to point 44; N. 2º 52' 33" E. 9,877.8 meters to point 45; N. 47º 58' 12" W. 1,583.1 meters to point 46; N. 0º 09' 45" E. 1,621.2 meters to point 47; N. 52º 30' 40" E. 3,647.5 meters to point 48; S. 87º 28' 45" E. 3,626.4 meters to point 49; S. 73º 42' 47" E. 9,902.7 meters to point 50; S. 57º 49' 42" E. 6,673.6 meters to point 51; S. 27º 13' 39" E. 4,473.2 meters to point 52; S. 42º 06' 42" E. 6,956.4 meters to point 53; N. 50º 41' 37" E. 2,477.5 meters to point 54; S. 69º 56' 00" E. 5,743.6 meters to point 55; N. 65º 02' 04" E. 8,051.0 meters to point 56; N. 49º 08' 15" E. 5,133.5 meters to point 57; N. 20º 02' 01" W. 13,972.2 meters to point 58; N. 7º 11' 44" W. 1,056.2 meters to point 59; N. 39º 24' 48" E. 1,724.3 meters to point 60; N. 15º 00' 33" W. 10,537.3 meters to point 61, blazed tree located 10 meters from the edge of the northernmost point of rocks on Diauata Point. Bearings from true meridian.

[2657–58; see Act 2968(21), re change of boundary between Misamis Oriental and Bukidnon and Agusan; see Act 3354(22) re portion of Zamboanga annexed to Occidental Misamis.]

SECTION 53. **Boundary between Bukidnon and Provinces of Lanao, Cotabato, and Davao.** — The boundary separating the Province of Bukidnon from the Provinces of Lanao, Cotabato, and Davao is as follows: Beginning at point 3 of the boundary line described in the next preceding section hereof, thence due east to the crest of the watershed dividing the waters which flow into Iligan Bay from those flowing into Macajalar Bay, thence in a southerly direction along the crest of the said watershed to the eighth parallel of north latitude, thence along the eight parallel of north latitude to a point due north of the highest peak of Mount Kalatungan, thence in a southerly direction to the headwaters of the main branch of the Mulita River, thence down the middle of the Mulita River to the mouth of the Bakto River, thence up the Bakto River in an easterly direction to its source, thence to the southernmost point of Lake Lamybyben, thence along the southern shore of said lake to its outlet, the Lamybyben River, thence down the Lamybyben River to the Pulangi River, thence down the Pulangi River to the mouth of the Tacuring River, thence up the Tacuring River to its source, thence due east to the crest of the eastern watershed of the Pulangi River, thence along the crest of this watershed to the eight parallel of north latitude.

[2657–59; see Executive Order No. 73, series of 1917.]

SECTION 54. **Eastern boundary of Province of Lanao.** — The eastern boundary of the Province of Lanao begins at a point which is located on the east coast of Iligan Bay, on the west side of the trail to Iligan at Salimbal Point, about one kilometer south of the barrio of Lugait, thence S. 76º 36' 53" E. for a distance of 1,483.4 meters, thence S. 56º 01' 54" E. for a distance of 764.9 meters, thence
due east to the crest of the watershed dividing the waters which flow into Iligan Bay from those flowing into Macajalar Bay, thence in a southerly direction along the crest of the said watershed to the eight parallel of north latitude. Departing at this point from the western boundary of Bukidnon the said Lanao boundary runs thence south along the crest of the watershed dividing the waters flowing into Lake Lanao from those which flow into Macajalar Bay and into the Mindanao River, thence south and west along the crest of said last mentioned watershed to the summit of Mount Bita, the highest peak south of Butig, thence south and west to Tugapangan Point.

[2657–60.]

SECTION 55.  Agusan and Bukidnon boundary. — The boundary between the Provinces of Agusan and Bukidnon is formed by a line beginning at point 57 of the survey of the boundary line between the Province of Misamis and the provinces of the Department of Mindanao and Sulu, which point is a peak about 800 meters in height called Mount Piglagajan and is situated about 5-1/2 kilometers east of the barrio of Odiongon, thence due east to the crest of the watershed dividing the waters which flow into Butuan Bay and into the Agusan River from the waters which flow into Gingoog Bay and into the Mindanao River, thence in a southerly direction along the crest of said watershed to its point of intersection with the eight parallel of north latitude. Said line shall be so run as to bring the municipalities and settlements of the Agusan River Valley into the Province of Agusan.

[2657–61.]

SECTION 56.  Agusan and Surigao boundary. — The boundary between the Provinces of Agusan and Surigao is as follows: A line to cross Laguna Mainit from a point three miles north of Kitcharao by straight line to a point on the sea coast three miles north of Bolobolo.

[See Executive Order No. 9, series of 1917.]

SECTION 57.  Cotabato and Davao boundary. — The eastern boundary of the Province of Cotabato, separating said province from the Province of Davao, is as follows: Beginning at a point where the boundary separating the Province of Bukidnon from the Province of Cotabato leaves the eastern watershed of the Pulangui River, thence in a southerly direction along the crest of the said divide which is sometimes known as the Apo range of mountains, to the southernmost peak of Mount Apo, thence along the watershed that divides the waters that flow into Davao Bay from those that flow into the Mindanao River and Sarangani Bay to Tinaca Point.
NOTE — Re boundaries of other provinces, see the following:

Executive Order No. 56, s. 1917, re boundary of Nueva Vizcaya and Pangasinan.

Executive Order No. 68, s. 1917, re boundary of Batangas and Cavite.

Act 3133 re the boundary line between Tayabas and the Provinces of Isabela, Nueva Vizcaya, and Nueva Ecija.

Act 3136 re the establishment of boundary line between the Provinces of Iloilo and Antique.

Act 3354 (approved November 30, 1927) re change of boundary line between the Provinces of Occidental Misamis and Zamboanga.

Act 3358 (approved December 3, 1927) modifying boundary line between the Provinces of Surigao and Davao.

Act 3566 (approved November 26, 1929) re boundary line between Mountain Province and Cagayan.

TITILE II

Executive Power

CHAPTER 4

Chief Executive

ARTICLE I

(Governor-General and Vice-Governor) President and Vice-President of the Philippines

SECTION 58. (Governor-General) President of the Philippines. — [The Governor-General of the Philippines is appointed by the President, by and with the advice and consent of the Senate of the United States, and holds his office at the pleasure of the President and until his successor is chosen and qualified.]

[This provision has been superseded by the Constitution of the Philippines, Art. VII, section 2.]
The (Governor-General) President of the Philippines, as Chief Executive of the (Islands) Philippines, is charged with the executive control of the Philippine Government, to be exercised in person or through the Secretaries of Departments, or other proper agency, according to law; and he shall be responsible for the faithful execution of all laws operative within the (Philippine Islands) Philippines.

[See Constitution of the Philippines, Art. VII, section 11, subsection (1).]

The (Governor-General) President of the Philippines is vested with the exclusive power to grant pardons and reprieves and remit fines and forfeitures.

The (Governor-General) President of the Philippines is the Commander-in-Chief of the Philippine Constabulary and all other armed military forces maintained by the Government of the (Philippine Islands) Philippines. When it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the (Islands) Philippines, or summon the posse comitatus, or call out the militia or other locally created armed forces, to prevent or suppress lawless violence, invasion, insurrection, or rebellion; and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privileges of the writ of habeas corpus, or place the (Islands) Philippines, or any part thereof, under martial law, subject to the provisions of section twenty-one of the Act of Congress of the twenty-ninth of August, nineteen hundred and sixteen.


[See Constitution of the Philippines, Art. VII, sec. 11, subsec. (2).]

[See also C.A. No. 1, sec. 2(d).]

SECTION 59. (Vice-Governor) Vice-President. — [The Vice-Governor of the Philippine Islands is appointed by the President, by and with the advice and consent of the Senate of the United States.]

[The Vice-Governor possesses all the power of the Governor-General in the case of a vacancy or temporary removal, resignation, or disability of the Governor-General, or in case of his temporary absence.]

[The Vice-Governor is also Secretary of Public Instruction, and may be assigned such other executive duties as the Governor-General may designate.]


[This section has been superseded by the Constitution of the Philippines,
Art. VII, secs. 2, 3, 4, 7, 9, and 12, subsec. (3).]

SECTION 60. Designation of Department Head as acting (Governor-General) President of the Philippines. — [The President may designate the Head of an Executive Department of the Philippine Government to act as Governor-General in the case of a vacancy, the temporary removal, resignation, or disability of the Governor-General and of the Vice-Governor, or their temporary absence, and the Head of the Department thus designated shall exercise all the powers and perform all the duties of the Governor-General during such vacancy, disability, or absence.]


This section has been superseded by Commonwealth Act No. 68 which provides as follows:

"SECTION 1. When neither the President-elect nor the Vice-President-elect shall have qualified, as provided in section seven, Article VII of the Constitution, or in the event of removal, death, resignation or inability, both of the President and Vice-President, as stated in section nine, Article VII of the Constitution, the National Assembly shall forthwith convene and elect, by a majority vote of all its Members, the person or officer who shall act as President until the President-elect or the Vice-President-elect shall have qualified, the inability removed, or a President shall have been elected. When the vacancy in the office of President and Vice-President shall become permanent, the National Assembly shall determine by resolution whether or not special election shall be held to elect a President. The call for the National Assembly to convene as herein provided may be made by the Speaker, or the Secretary, or twenty-five Members thereof.

"SEC. 2. In any of the events mentioned in section one hereof, pending the election of an acting President by the National Assembly, a Department Secretary, in the order of rank established in the Administrative Code, will perform the duties of temporary President."


SECTION 61. Private Secretary to (Governor-General) President of the Philippines. — There shall be an officer to be known as the Private Secretary to the (Governor-General) President of the Philippines, who shall perform the duties incident to the office of the Secretary and such other ministerial duties
connected with the office as shall be required of him.

[2657–77.]

SECTION 62.  Aide-de-camp to (Governor-General) President of the Philippines. — The (Governor) President of the Philippines may designate as his own aide-de-camp an officer of the (United States Army, Navy, Marine Corps) Philippine Army, or of the Philippine Constabulary, who, during the time of his service as such, shall receive in addition to his regular compensation a per diem of not to exceed ten pesos.

[2657–78.]

SECTION 63.  Executive orders and executive proclamations. — Administrative acts and commands of the (Governor-General) President of the Philippines touching the organization or mode of operation of the Government or rearranging or readjusting any of the districts, divisions, parts, or ports of the (Philippine Islands) Philippines and all acts and commands governing the general performance of duties by public employees or disposing of issues of general concern shall be made effective in executive orders.

Executive orders fixing the dates when specific laws, resolutions, or orders are to have or cease effect and any information concerning matters of public moment determined by law, resolution, or executive orders, may be promulgated in an executive proclamation, with all the force of an executive order.

[2657–79.]

ARTICLE II

Particular Powers and Duties of (Governor-General) President of the Philippines

SECTION 64.  Particular powers and duties of (Governor-General) President of the Philippines. — In addition to his general supervisory authority, the (Governor-General) President of the Philippines shall have such specific powers and duties as are expressly conferred or imposed on him by law and also, in particular, the powers and duties set forth in this chapter.

Among such special powers and duties shall be:

(a) To nominate and appoint officials, conformably to law, to positions in the service of the Government of the (Philippine Islands) Philippines.
(b) To remove officials from office conformably to law and to declare vacant the offices held by such removed officials. For disloyalty to the United States, the (Governor-General) President of the Philippines may at any time remove a person from any position of trust or authority under the Government of the (Philippine Islands) Philippines.

(c) To order, when in his opinion the good of the public service so requires, an investigation of any action or the conduct of any person in the Government service, and in connection therewith to designate the official, committee, or person by whom such investigation shall be conducted.

(d) To reserve from settlement or public sale and for specific public uses any of the public domain of the (Philippine Islands) Philippines the use of which is not otherwise directed by law, the same thereafter remaining subject to the specific public uses indicated in the executive order by which such reservation is made, until otherwise provided by law or executive order.

(e) To reserve from sale or other disposition and for specific public uses or service, any land belonging to the private domain of the Government of the (Philippine Islands) Philippines, the use of which is not otherwise directed by law; and thereafter such land shall not be subject to sale or other disposition and shall be used for the specific purposes directed by such executive order until otherwise provided by law.

(f)(23) To reserve in like manner and with the same effect any of the friar lands, subject to the approval of the Senate.

(g) To make request upon the military authorities of the United States for the detail of officers of the United States Army or of the Philippine Scouts, as well as of the forces commanded by them, for the purpose of suppressing violence, maintaining order, and enforcing the laws of the (Philippine Islands) Philippines.

(h) To determine when it is necessary or advantageous to exercise the right of eminent domain in behalf of the Government of the (Philippine Islands) Philippines; and to direct the Attorney-General where such act is deemed advisable, to cause the condemnation proceedings to be begun in the court having
proper jurisdiction.

(i) To grant to convicted persons reprieves or pardons, either plenary or partial, conditional, or unconditional; to suspend sentences without pardon, remit fines, and order the discharge of any convicted person upon parole, subject to such conditions as he may impose; and to authorize the arrest and re-incarceration of any such person who, in his judgment, shall fail to comply with the condition, or conditions, of his pardon, parole, or suspension of sentence.

(j) To offer, or to authorize a provincial governor or the Chief of Constabulary to offer, a reward not exceeding twenty-five hundred pesos, for information leading to the capture and conviction of a member of a band of brigands, or of the perpetrator of any murder or robbery or any other crime, or for information leading to the capture of an escaped convict. Such reward, together with the proper expense of advertising the same, shall be payable pursuant the appropriation from the (Insular) National Treasury; but the provincial board of any province in which a reward is so offered may order payment to be made from the provincial funds, subject to reimbursement from the (Insular) National Treasury.

[2657–80; see Constitution of the Philippines, Article VII, section 11.]

SECTION 65(24). Power to appoint officials. — Except as otherwise specially provided, the power of appointment vested in the Governor-General shall be exercised by and with the consent of the Philippine Senate; but appointments made while the Senate is not in session shall be effective either until disapproval or until the next adjournment of the Senate. The Governor-General shall commission all officers appointed by him.


SECTION 66(25). Particular officers appointable by (Governor-General) President of the Philippines. — Except as otherwise specially provided, the Governor-General shall appoint all chiefs and assistant chiefs, in each Bureau, including the Philippine Health Service, the Philippine General Hospital, the Philippine Constabulary, and the Philippine Library and Museum.

The following officers shall also be appointed by the Governor-General:
The several Secretaries of Departments, with the exception of the Secretary of Public Instruction; the Under Secretaries of the several Secretaries of Department; judges and auxiliary judges of first instance, the assistant attorneys of the Bureau of Justice, the Chief and Assistant Chief of the General Land Registration Office, provincial treasurers, provincial fiscals, registers of deeds, justices of the peace, auxiliary justices of the peace, the assistant auditors in the Bureau of Audits, officers of the Philippine Health Service, the chief of the biological laboratory in the Bureau of Science, and the Secretary (now Assistant Director) of the Weather Bureau.

[2657–81.]

SECTION 67. Submission of data for appropriation bill. — [The Governor-General shall submit to the Philippine Legislature within ten days of the opening of each regular session a budget of receipts and expenditures, which shall be the basis of the annual appropriation bill.]


SECTION 68. General authority of (Governor-General) President of the Philippines to fix boundaries and make new subdivisions. — The (Governor-General) President of the Philippines may by executive order define the boundary, or boundaries, of any province, subprovince, municipality, [township] municipal district, or other political subdivision, and increase or diminish the territory comprised therein, may divide any province into one or more subprovinces, separate any political division other than a province, into such portions as may be required, merge any of such subdivisions or portions with another, name any new subdivision so created, and may change the seat of government within any subdivision to such place therein as the public welfare may require: Provided, That the authorization of the (Philippine Legislature) National Assembly of the Philippines shall first be obtained whenever the boundary of any province or subprovince is to be defined or any province is to be divided into one or more subprovinces. When any action by the (Governor-General) President of the Philippines in accordance herewith makes necessary a change of the territory under the jurisdiction of any administrative officer or any judicial officer, the (Governor-General) President of the Philippines, with the recommendation and advice of the head of the Department having executive control of such officer, shall redistrict the territory of the several officers affected and assign such officers to the new districts so formed.

Upon the changing of the limits of political divisions in pursuance of the foregoing authority, an equitable distribution of the funds and obligations of the
divisions thereby affected shall be made in such manner as may be recommended by the (Insular Auditor) Auditor General and approved by the (Governor-General) President of the Philippines.

[2657–82; 2929–1.]

SECTION 69. Deportation of subject of foreign power. — A subject of a foreign power residing in the (Philippine Islands) Philippines shall not be deported, expelled, or excluded from said Islands or repatriated to his own country by the (Governor-General) President of the Philippines except upon prior investigation, conducted by said Executive or his authorized agent, of the ground upon which such action is contemplated. In such case the person concerned shall be informed of the charge or charges against him and he shall be allowed not less than three days for the preparation of his defense. He shall also have the right to be heard by himself or counsel, to produce witnesses in his own behalf, and to cross-examine the opposing witnesses.

[2657–83; see Ex. Or. No. 33 (1936) re Deportation Board.]

SECTION 70(26). Examination of books and accounts of Auditor and Treasurer. — The (Governor-General) President of the Philippines shall cause to be made, as often as by him deemed advisable, an examination of the books and accounts of the Auditor and Treasurer, and a comparison of the results shown by the same, and also an examination and count of moneys in the hands of the Treasurer, and shall submit his report thereon to the Secretary of War.

[2657–84.]

SECTION 71. Power of investigating officer to take testimony. — Any officer, committee, or person designated by the (Governor-General) President of the Philippines to conduct any investigation which may be lawfully prosecuted upon his order may, in the execution of such duty, summon witnesses, administer oaths, and take testimony relevant to the investigation in question.

[2657–85.]

SECTION 72. Authority of Army officer or officer of Philippine Scouts detailed at request of (Governor-General) President of the Philippines. — When detailed by the military authorities of the United States, upon the request of the (Governor-General) President of the Philippines, to guard civil prisoners, to aid the Director of Health of the (Philippine Islands) Philippines in the enforcement of sanitary regulations, municipal health ordinances, and health laws, or to aid other civil authorities in the maintenance of law and order and the enforcement of their
authority, officers of the United States Army and officers of the Philippine Scouts in command of troops are vested, while in the performance of such duties, with the powers of peace officers; and, when detailed at the request of the (Governor-General) President of the Philippines, such officers, and soldiers and enlisted men under their command when acting under the orders of such officers, are authorized to apprehend escaping prisoners, to make arrests for the violation of any sanitary regulation, health ordinance, or health law, to make arrests for disturbance of the public peace, and, when requested to do so by the (Governor-General) President of the Philippines, to make arrests for the violation of any law and to bring the person or persons so arrested before the proper courts for trial.

[2657–86.]

SECTION 73. Concentration of inhabitants from outlying barrios. — In provinces which are infested to such an extent with ladrones or outlaws that the lives and property of residents in the outlying barrios are rendered wholly insecure by continued predatory raids and such outlying barrios thus furnish to the ladrones or outlaws their sources of food supply, and it is not possible with the available police forces constantly to provide protection to such barrios, it shall be within the power of the (Governor-General) President of the Philippines, subject to the approval of the Senate, to authorize the provincial governor to order that the residents of such outlying barrios be temporarily brought within stated proximity to the poblacion or larger barrios of the municipality, there to remain until the necessity for such order ceases to exist, and during such temporary residence it shall be the duty of the provincial board, out of provincial funds, to furnish such sustenance and shelter as may be needed to prevent suffering among the residents of the barrios thus withdrawn.

[2657–87.]

CHAPTER 5

Executive Departments

SECTION 74. Departmental organization. — All executive functions of the Philippine Government shall be directly under the Executive Department, subject to the supervision and control of the (Governor-General) President of the Philippines in matters of general policy. The Departments are established for the proper distribution of the work of the Executive, for the performance of the functions expressly assigned to them by law, and in order that each branch of the administration may have a chief responsible for its direction and policy. Each Department Secretary shall assume the burden and responsibility of all activities of
the Government under his control and supervision.

For administrative purposes the (Governor-General) President of the Philippines shall be considered the Department Head of the (Bureau of Audits) General Auditing Office, the Bureau of Civil Service, and of all other offices and branches of the service not assigned by law to any Department.

[2657–100; 2666–1; Act of Congress of August 29, 1916, section 22; Act 2803(27), sec. 1.]

SECTION 75. Executive Departments. — There shall be seven executive departments, to wit: the Department of the Interior, the Department of Finance, the Department of Justice, the Department of Agriculture and Commerce, the Department of Public Works and Communications, the Department of Public Instruction, and the Department of Labor, which shall be under the direct control of the respective secretaries of department, exercising their functions subject to the general supervision and control of the (Governor-General) President of the Philippines.

[4007–2; 4121–1.]

SECTION 76. Secretaries of Departments. — The Department of the Interior shall perform its functions under the executive authority of the Secretary of the Interior; the Department of Finance shall perform its functions under the executive authority of the Secretary of Finance; the Department of Justice shall perform its functions under the executive authority of the Secretary of Justice; the Department of Agriculture and Commerce shall perform its functions under the executive authority of the Secretary of Agriculture and Commerce; the Department of Public Works and Communications shall perform its functions under the executive authority of the Secretary of Public Works and Communications; the Department of Public Instruction shall perform its functions under the executive authority of the Secretary of Public Instruction, and the Department of Labor shall perform its functions under the executive authority of the Secretary of Labor.

[2666–1; 4007–3(29); 4121–2(30).]

Re Secretary of National Defense and Secretary of Health and Welfare, see C.A. 430, approved May 31, 1939.

SECTION 77. Appointment of Secretaries. — [The position of Secretary of Public Instruction is held by the Vice-Governor.] The (other) secretaries of departments shall be appointed by the (Governor-General) President of the Philippines at the beginning of each (legislature) Assembly and shall hold
office, unless sooner removed, until their successors shall have been appointed and qualified.

[2666–1(31).]

[The position of Secretary of Public Instruction is not now assigned by law to the Vice-President. However, the President may appoint the Vice-President as a member of his cabinet and also as head of an executive department. — See Constitution of the Philippines, Art. VII, sec. 12, subsec. (3); also sec. 11(3), Art. VII, of said Constitution.]

SECTION 78(32). Qualifications of Secretaries. — With the exception of the Secretary of Public Instruction, all Secretaries shall have the following qualifications: Be a citizen of the (Philippine Islands) Philippines and have resided in the (Islands) Philippines continuously during the three years next preceding his appointment and be not less than 30 years of age.

[2666–1(33).]

SECTION 79. Undersecretaries. — There shall be in each Department one or more Undersecretaries, as the appropriation acts may provide, who shall perform such duties as may be assigned to them by the Secretary of the Department and such as may be imposed upon them by law.

When a Department Secretary is unable to perform his duties owing to illness, absence, or other cause, or in case of a vacancy in the office, the respective Undersecretary, or the Undersecretary designated, as the case may be, shall temporarily perform the functions of said office.

In case neither the Secretary nor the Undersecretaries of a Department are able to perform their duties, owing to illness, absence, or any other cause, the (Governor-General) President of the Philippines may temporarily designate a Secretary or Undersecretary of another Department to perform such duties temporarily during the absence of the former.

[2803–2(34).]

SECTION 79 (A). Initiative of the Department Head. — Executive orders, regulations, decrees, and proclamations relative to matters under the supervision or jurisdiction of a Department, the promulgation whereof is expressly assigned by law to the (Governor-General) President of the Philippines, shall, as a general rule, be issued upon proposition and recommendation by the respective Department.

[2803–2(35).]
SECTION 79 (B). Power to regulate. — The Department Head shall have power to promulgate, whenever he may see fit to do so, all rules, regulations, orders, circulars, memorandums, and other instructions, not contrary to law, necessary to regulate the proper working and harmonious and efficient administration of each and all of the offices and dependencies of his Department, and for the strict enforcement and proper execution of the laws relative to matters under the jurisdiction of said Department; but none of said rules or orders shall prescribe penalties for the violation thereof, except as expressly authorized by law. All rules, regulations, orders, or instructions of a general and permanent character promulgated in conformity with this section shall be numbered by each Department consecutively each year, and shall be duly published.

Chiefs of Bureaus or offices may, however, be authorized to promulgate circulars of information or instructions for the government of the officers and employees in the interior administration of the business of each Bureau or office, and in such case said circulars shall not be required to be published.

[2803–2(36).]

SECTION 79 (C). Power of direction and supervision. — The Department Head shall have direct control, direction, and supervision over all bureaus and offices under his jurisdiction and may, any provision of existing law to the contrary notwithstanding, repeal or modify the decisions of the chief of said bureaus or offices when advisable in the public interest.

The Department Head may order the investigation of any act or conduct of any person in the service of any bureau or office under his department and in connection therewith may appoint a committee or designate an official or person who shall conduct such investigations, and such committee, official, or person may summon witnesses by subpoena and subpoena duces tecum, administer oath and take testimony relevant to the investigation.

[[2803–2(37); 3535–1(38).]

SECTION 79 (D). Power to appoint and remove. — The Department Head, upon the recommendation of the chief of the Bureau or office concerned, shall appoint all subordinate officers and employees whose appointment is not expressly vested by law in the (Governor-General) President of the Philippines, and may remove or punish them except as especially provided otherwise, in accordance with the Civil Service Law. Laborers receiving compensation at the rate of seven hundred and twenty pesos or less per annum, and other employees receiving compensation at the rate of two hundred pesos or less per annum, shall be appointed and removed by the chief of the Bureau or office, subject only to the
The Department Head also may, from time to time, in the interest of the service, change the distribution among the several Bureaus and offices of his Department of the employees or subordinates authorized by law.

[2803–2(39).]

SECTION 79 (E). Leave of Secretaries and Undersecretaries. — The right of a Department Head to leave on account of illness or for any other cause shall not be restricted, provided his absence is not incompatible with the interests of the service, and the vacation and other leave of the Undersecretaries shall be regulated, in the discretion of the Department Head, either by the existing provisions governing the leaves of judges of Courts of First Instance, or otherwise.

[2803–2(40).]

SECTION 79 (F). Conveyances and contracts to which the Government is a party. — In cases in which the Government of the (Philippine Islands) Commonwealth of the Philippines is a party to any deed or other instrument conveying the title to real estate or to any other property the value of which is in excess of one hundred thousand pesos, the respective Department Secretary shall prepare the necessary papers which, together with the proper recommendations, shall be submitted to the (Philippine Legislature) National Assembly for approval by the same. Such deed, instrument, or contract shall be executed and signed by the (Governor-General) President of the Philippines on behalf of the Government of the (Philippine Islands) Philippines unless the authority therefor be expressly vested by law in another officer.

[2803–2(41).; see note under sec. 567, infra.]

SECTION 80. Appearance in (either House) National Assembly. — The Secretaries may be called, and shall be entitled to be heard by either of the two Houses of the Legislature, for the purpose of reporting on matters pertaining to their Departments, unless the public interest shall require otherwise and the Governor-General shall so state in writing.

[2666–2(42).]

SECTION 81. Bureaus and offices under the Department of Finance. — The Department of Finance shall have the executive supervision over the Bureau of Customs, the Bureau of Internal Revenue, the Bureau of the Treasury, the Bureau of Banking, the Bureau of Printing, the Division of Purchase and Supply, the Manila Harbor Board, and the Tobacco Board. It shall also have the
general supervision over banks, banking transactions, coinage, currency, and except as otherwise specially provided, over all funds the investment of which may be authorized by law.

[2666–3(43); 4007–4(44).]

NOTE. — By the provision of Commonwealth Act No. 78 (approved October 26, 1936), the powers and supervision heretofore exercised by the Secretary of the Interior over the financial affairs and financial agencies of provincial, municipal and city governments were transferred to the Secretary of Finance.

SECTION 82. Bureaus and offices under the Department of Public Instruction. — The Department of Public Instruction shall have the executive supervision over the Bureau of Education, the Bureau of Health, the Bureau of Public Welfare, the Philippine General Hospital, the Bureau of Quarantine Service, and the Office of the National Physical Director.

[2666–4(45); 4007–5(46); see Act 4007(47), sec. 17; C.A. 180 (approved November 13, 1936), re Office of Private Education; C.A. No. 80 (approved October 26, 1936), re Office of Adult Education; and C.A. No. 367 (approved August 23, 1938), re National Library.]

SECTION 83(48). Bureaus and offices under the Department of Justice. — The Department of Justice shall have the executive supervision over the Bureau of Justice, the Courts of First Instance and inferior courts; the Public Service Commission, the Bureau of Prisons, and the General Land Registration Office. It shall also have the general supervision and control of the provincial sheriffs, the provincial fiscals, and all other law officers of the Government.

The Secretary of Justice shall be the attorney-general and legal adviser of the Government and ex officio legal adviser of all government-owned and controlled business enterprises. As such, he may assign to the law officers of the said business enterprises such other duties as he may see fit, in addition to their regular duties. When thereunto requested in writing, the Secretary of Justice shall give advice, in the form of written opinions, to any of the following functionaries, upon any question of law relative to the powers and duties of themselves or subordinates, or relative to the interpretation of any law or laws affecting their offices or functions, to wit: the (Governor-General) President of the Philippines, (the President of the Philippine Senate), the Speaker of the (House of Representatives) National Assembly, the respective Heads of the Executive Departments, the chiefs of the organized bureaus and offices, the trustee of any government institution, and any provincial fiscal.
SECTION 84.  Bureaus and offices under the Department of Agriculture and Commerce. — The Department of Agriculture and Commerce shall have the executive supervision over the Bureau of Plant Industry, the Bureau of Animal Industry, the Bureau of Forestry, the Bureau of Lands, the Bureau of Science, the Bureau of Commerce, the Weather Bureau, matters pertaining to colonies and plantations on public lands, and matters concerning hunting, fisheries, sponges, and other sea products, including the issuance of licenses therefor.

[2666–5(49); 3519–1(50); 4007–6(51).]

[2666–6(52); 4007–7(53).]

[By the provision of Commonwealth Act No. 136 (approved November 7, 1936), the Bureau of Mines was created under the Department of Agriculture and Commerce.]

SECTION 85.  Bureaus and offices under the Department of Public Works and Communications. — The Department of Public Works and Communications shall have the executive supervision over the Bureau of Public Works, the Bureau of Posts, the Metropolitan Water District, the Bureau of Coast and Geodetic Survey, the (Division) Bureau of Aeronautics, and the Division of Marine Railway and Repair Shops.

[2666–7(54); 4007–8(55).]

SECTION 86.  Bureaus and offices under the Department of the Interior. — The Department of the Interior shall have executive supervision over the administration of provinces, municipalities, chartered cities and other local political subdivisions, [the Bureau of Non-Christian Tribes], the Philippine Constabulary, and the Board of Censorship for Moving Pictures. It shall also have the general supervision over matters pertaining to marriage and the registration of priests and ministers.

[2666–8(56); 4007–9(57); 4121–3(58).]

NOTE — Act 4121, as amended by C.A. 139, creating the Department of Labor, provides as follows:

"SEC. 4.  Bureaus and offices under the Department of Labor. — The Department of Labor shall have executive supervision over the Bureau of Labor, the Office of the Inspector General of Labor, and all bureaus, divisions and offices hereafter created concerning labor alone or labor in its relation with capital, and also the proper enforcement of all laws relative to labor and capital in the Philippines and over all other matters related with the
welfare of the Filipino laborers in this country and abroad. It shall also have executive supervision over matters concerning the administration of existing Philippine Immigration Laws.

"SEC. 5. Section thirty-four (a) of Act Numbered Four thousand and seven is hereby amended to read as follows:

"SEC. 34. (a) There shall be in the Office of the Secretary of Labor an Undersecretary of Department who shall perform such duties as the Department head may assign to him and as may be imposed upon him by law."

SECTION 87. Assignment of offices. — The various Departments, Bureaus, Offices, and branches of the (Insular) national service shall, for the purpose of conducting their work, have such quarters and offices as may be respectively assigned them by the Director of Public Works with the approval of the (Governor-General) President of the Philippines, or as may otherwise be by law especially determined.

[2657–102.]

SECTION 88. Department Head for legislative employees. — [The President of the Senate shall be deemed to be the Department Head of the permanent force of employees of the Senate and of the Senate committees acting during recesses.] The Speaker shall have the same relation to employees of the (House of Representatives) National Assembly and its committees.

[2657–103; see Art. VI, sec. 1, Constitution of the Philippines, re legislative department.]

SECTION 89. Department Head for Supreme Court. — The function of Department Head for the Supreme Court and its subordinates shall be exercised by its Chief Justice, or, in case of his death, absence, or disability, by the Associate Justice on duty who holds the senior commission.

[2657–104.]

SECTION 90. Submission of estimates for Appropriation Bill. — The head of each Department shall prepare and submit to the (Governor-General) President of the Philippines, at least ten days before each regular session of the (Philippine Legislature) National Assembly, an estimate of the necessary expenditures for such Department during the next fiscal year, on the basis of the data contained in the reports and estimates submitted by the chiefs of Bureaus and Offices under him.
[All the functions of the different departments, bureaus, and dependencies of the Government dealing with their accounting work were transferred to the Budget Commission as created by Ex. Or. No. 25, 1936.]

SECTION 91. Reports of Secretaries of Departments. — The several Secretaries of Departments shall submit annual reports to the (Governor-General) President of the Philippines not later than the end of February of each year for the preceding fiscal year, unless the (Governor-General) President of the Philippines shall otherwise direct. Such reports shall be printed in English and Spanish and shall be distributed in such manner as the (Governor-General) President of the Philippines shall prescribe.

[2657–105.]

[Commonwealth Act No. 373 (approved August 23, 1938) changed fiscal year beginning January 1st to December 31st to July 1st of each calendar year to June 30th of the following year.]

TITLE III

Legislative Power

CHAPTER 6

[Philippine Legislature] National Assembly

ARTICLE I

Constitution and powers of [Legislature] National Assembly

SECTION 92. [Philippine Legislature] National Assembly. — Conformably with the laws of the United States, general legislative power over the entire Philippine Archipelago is vested in the [Philippine Legislature, consisting of two Houses, which are separate coordinate bodies, to wit, the Senate and the House of Representatives] National Assembly.

[The Legislature has the authority, each House voting separately, to elect two Resident Commissioners to the United States.]

[Act of Congress of August 29, 1916, section 12.]

[This section has been superseded by section 1, Article VI, Constitution of the Philippines, which provides that the Legislative power shall be vested in a National Assembly.]
SECTION 93. *Privilege of members from arrest.* — Members of the Philippine Legislature, in all cases except treason, open disturbance of public order, or other offense punishable by death or imprisonment for not less than six years, shall be privileged from arrest during their attendance at the session of the Legislature, and in going to and in returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

[2657–111.]

SECTION 94. *Convening of [Legislature] National Assembly and duration of sessions.* — [The Legislature shall convene in regular session on the sixteenth day of October of every year, or if the sixteenth be a holiday, then on the first subsequent secular day, and may continue in session not longer than one hundred days, exclusive of Sundays.

The Legislature may be called in special session at any time by the Governor-General for general legislation, or for action on such specific subjects as he may designate. No special session shall continue longer than thirty days.]

[2657–772; Act of Congress of August 29, 1916, section 18.]

SECTION 95. *Election returns — Rules.* — [The Senate and House of Representatives, respectively, shall be the sole judges of the elections, returns, and qualifications of their elective members, and each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel an elective member.]


SECTION 96. *Organization and quorum.* — Upon convening in the first session following the general election, the House of the Legislature shall organize by the election of a Speaker or a presiding officer, a clerk, and a sergeant-at-arms for each House, and such other officers and assistants as may be required. A majority of each house shall constitute a quorum to do business, but a smaller number may meet, adjourn from day to day, and compel the attendance of absent members.


SECTION 97. *Journal.* — [Each house of the Legislature shall keep a journal of its proceedings and, from time to time, publish the same; and the yeas and nays of the members of either house, on any question, shall, upon demand of one-fifth of those present, be entered on the journal.]

SECTION 98. Mode of designating different sessions. — The session of the First Philippine Legislature which convened on the sixteenth of October, nineteen hundred and seven, is denominated "inaugural session," and the succeeding session of the same Legislature which convened on the third of February, nineteen hundred and eight, is denominated "first session." The different regular sessions of other Legislatures are numbered according to their sequence as first, second, or third, as the case may be.

A special session is denominated "special session"; or if there is more than one during the same Legislature, those subsequent to the first are denominated, according to their sequence, "second special session," "third special session," and so on.

[2657–114.]

SECTION 99(59). Adjournment of one House limited to three days. — When the Legislature is convened in lawful session, neither House shall adjourn without the consent of the other, for more than three days, exclusive of Sundays and holidays; and in case of disagreement between them with respect to the period of adjournment, the Governor-General may adjourn them to such time as he shall deem proper.

[2657–115.]

SECTION 100. Assistance of Government officers and other experts. — (Either House of the Philippine Legislature) The National Assembly may of itself, or through its (President or) Speaker, require the assistance of any officer of the Government for purposes of inquiry, investigation, or for any other purpose which the said (President or) Speaker may consider related to the duties intrusted to the body over which he presides.

(Either House) The National Assembly, or the (President) Speaker thereof, may designate temporarily or otherwise, and at such expense as may be agreed upon, any person or persons not in the Government service, whose expert knowledge may be considered necessary or useful. Expenses incurred under the provisions of this section shall be paid out of any funds available for the payment of the expenses of the (House concerned) National Assembly.

[2657–116.]

SECTION 101. Power of (chairmen) chairman of Appropriation
(Committees) Committee to require information from Government officers. — The chairman of the Committee on Appropriations of (either House of the Philippine Legislature) the National Assembly may require the attendance of chiefs and assistant chiefs of Bureaus and Offices and any other officers or employees, and the submission by them of such documents and information as may be necessary for the guidance of such committee in the performance of its duties.

[2657–117.]

NOTE. — See paragraph 7 of Ex. Or. No. 25, 1936, issued pursuant to C.A. 5 (An Act giving the President for a limited period authority to effect urgent reforms and changes in the different executive departments, bureaus and offices of the government for purposes of economy and efficiency, creating a Government Survey Board and appropriating the necessary funds therefore and for other purposes, December 31, 1935).

SECTION 102(60). [Contempt of legislative body or committee].

[2657–118; 2949–1.]

SECTION 103(61). Special election for member of (Legislature) National Assembly. — [Upon the failure to elect a member of either House of the Philippine Legislature at any election where the office should be filled, or whenever a vacancy shall occur therein, the Governor-General shall make proclamation of a special election to fill the same for the unexpired term, specifying the district in which the election is to be held, and the date thereof, which shall not be less than twenty nor more than ninety days from the date of proclamation; but no such election shall be called unless the vacancy in question shall occur on or before the first day of February of the last year of the term of office or unless occurring thereafter and a special session of the Legislature be called to meet before the time for the convening of the next regular session.]

[2657–140.]

SECTION 104. Ineligibility of member of [Legislature] National Assembly to other Office. — [No senator or representative shall during the time for which he may have been elected, be eligible to any office the election to which is vested in the Legislature nor shall be appointed to any office of trust or profit which shall have been created or the emoluments of which shall have been increased during such term.]


SECTION 105. Approval of laws by [Governor-General] President of
the Philippines — Procedure in case of veto. — [Every bill and joint resolution which shall have passed both houses shall, before it becomes a law, be presented to the Governor-General. If he approves the same, he shall sign it; but if not, he shall return it with his objections to that house in which it shall have originated, which shall enter the objections at large on its journal and proceed to reconsider it. If, after such reconsideration, two-thirds of the members elected to that house shall agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members elected to that house it shall be sent to the Governor-General, who may either then approve the same or transmit it to the President of the United States for action thereon conformably to the provisions of section nineteen of the Act of Congress of August the twenty-ninth, nineteen hundred and sixteen.

The vote of each house upon bills and resolutions vetoed by the Governor-General shall be by the yeas and nays, and the names of the members voting for and against shall be entered on the journal.

If any bill or joint resolution shall not be returned by the Governor-General as herein provided within twenty days (Sundays excepted) after it shall have been presented to him the same shall become a law in like manner as if he had signed it, unless the Legislature by adjournment prevent its return, in which case it shall become a law unless vetoed by the Governor-General within thirty days after adjournment.]


SECTION 106. Veto of item in appropriation bill. — [The Governor-General shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner provided as to bills and joint resolutions returned to the Legislature without his approval.]


ARTICLE II

Resident Commissioner(s)(62)

SECTION 107(63). Election of Resident Commissioner(s) to United States. — [Two Resident Commissioners to the United States shall be chosen by the Philippine Legislature, by separate vote of each House, at the regular annual session which follows next after the triennial general election. Such commissioners
hold office for three years beginning on the fourth of March next after election.]

[2657–120.]

[No person is eligible to election as Resident Commissioner who is not a 
*bona fide* elector of the Philippine Islands and who does not owe allegiance to the 
United States and who is not more than thirty years of age and who does not read 
and write the English language.]

[In case of vacancy in the position of Resident Commissioner caused by 
resignation or otherwise, the Governor-General may make temporary appointments 
until the next meeting of the Philippine Legislature, which shall then fill such 
vacancy; but the Resident Commissioner thus elected shall hold office only for the 
unexpired portion of the term wherein the vacancy occurred.]


SECTION 108. *Duties of secretary of Resident Commissioner.* — Each 
of the Resident Commissioners may appoint a private secretary, who shall not be 
deemed to be in the Philippine civil service, and who, in addition to his duties as 
such secretary may be required to act as interpreter and translator; when necessary.

[2657–140.]

SECTION 109. *Method of choosing Resident Commissioners.* — [For 
the purpose of determining the two persons to be voted for by the Legislature as 
Resident Commissioners to the United States, each House, assembled as a 
committee of the whole, shall designate by a majority vote one resident of the 
Philippine Islands to be voted for as such Commissioner; and each House shall 
communicate to the other the result of its action. When both Houses thus name the 
same person such individual shall be one of the two nominees to be voted for as 
Commissioner, and the second person to be so voted for shall be nominated in the 
same manner. In case of disagreement between the two Houses as regards any 
nominee a new nomination shall be made until both Houses agree upon the same 
individual. When the two persons to be voted for have been thus nominated there 
shall be a concurrent election of such two individuals by both Houses acting at the 
same time but by separate votes. If both persons previously nominated should not 
be elected the election shall be void, and a new election shall be made of two 
persons nominated by both Houses.]

[2657–122.]

CHAPTER 7
SECTION 110. [Senate as branch of Legislature. — The Senate constitutes the upper house of the Philippine Legislature, and as such it participates with the House of Representatives in the exercise of legislative authority over the Philippine Islands.]

[2657–125; Act of Congress of August 29, 1916, section 12.]

SECTION 111. [Membership of Senate. — The Senate has twenty-four members, consisting of two Senators from each of the twelve senatorial districts specified in the next succeeding section hereof. The Senators from those districts which are numbered consecutively from one to eleven, inclusive, shall be elected by the qualified voters of their respective districts, in such sequence that one Senator shall be elected from each district at each triennial general election, to hold office for a term of six years from the date of his election.

As senators for the Twelfth senatorial district the Governor-General shall appoint, without the consent of the Senate and without restriction as to residence, two members who will in his opinion best represent said district, and who shall hold office until removed by the Governor-General.

A Senator elected at a special election shall hold office only for the unexpired portion of the term wherein the vacancy occurred.]

[Act of Congress of August 29, 1916, sections 13, 15.]

SECTION 112. [Senatorial districts. — The twelve senatorial districts into which the Philippine Islands are divided are these:

First district: Abra, Batanes, Cagayan, Isabela, Ilocos Norte, and Ilocos Sur.

Second district: La Union, Pangasinan, and Zambales.

Third district: Tarlac, Nueva Ecija, Pampanga, and Bulacan.

Fourth district: Bataan, Rizal, Manila, and Laguna.

Fifth district: Batangas, Mindoro, Tayabas, and Cavite.

Sixth district: Sorsogon, Albay, Camarines Norte, and Camarines Sur.

Seventh district: Iloilo and Capiz.
Eighth district: Occidental Negros, Oriental Negros, Antique, and Palawan.

Ninth district: Leyte and Samar.

Tenth district: Cebu.

Eleventh district: Surigao, Misamis, and Bohol.

Twelfth district: The Mountain Province, Baguio, Nueva Vizcaya, and the Provinces of Agusan, Bukidnon, Cotabato, Davao, Lanao, Sulu, and Zamboanga.

[Act of Congress, of August 29, 1916; section 16; Act 2878–1(66)]

SECTION 113. [Qualifications of elective members. — No person shall be an elective member of the Senate who is not a qualified elector and over thirty years of age, and who is not able to read and write either the Spanish or English language, and who has not been a resident of the Philippines for at least two consecutive years and an actual resident of the senatorial district from which chosen for a period of at least one year immediately prior to his election.]


SECTION 114. [Duties of Secretary of Senate. — The Secretary of the Senate in addition to the proper duties incident to his office as such, shall render service to Senate committees acting during adjournments, and shall perform such other duties as may be required of him by the President of the Senate.]

Upon the occurrence of a vacancy in the office of the Secretary during a recess of the Legislature, the President of the Senate may fill the place by appointment until a successor shall have been duly elected.

CHAPTER 8

[House of Representatives] National Assembly

ARTICLE I

Constitution and Organization of (House of Representatives) National Assembly

SECTION 115. House of Representatives as branch of Legislature. — [The House of Representatives constitutes the lower house of the Philippine Legislature, and as such it participates with the Senate in the exercise of legislative authority for the Philippine Islands.]
SECTION 116. *Membership of (House) National Assembly.* — The (House of Representatives) National Assembly has (ninety-four) ninety-eight members, consisting of one (Representative) Member from each province or representative, district hereinafter specified and apportioned as follows:

Abra, one; Agusan, one; Albay, four; Antique, one; Bataan one; Batanes, one; Batangas, three; Bohol, three; Bukidnon, one; Bulacan, two; Cagayan, two; Camarines Norte one; Camarines Sur, two; Capiz, three; Cavite, one; Cebu, seven; Cotabato, one; Davao, one; Ilocos Norte, two; Ilocos Sur, two; Iloilo, five; Isabela, one; Laguna, two; Lanao, one; La Union, two; Leyte, five; Manila, two; Marinduque, one; Masbate, one; Mindoro, one; Oriental Misamis, one; Occidental Misamis, one; Mountain Province, three; Nueva Ecija, one; Nueva Vizcaya, one; Occidental Negros, three; Oriental Negros, two; Palawan, one; Pampanga, two; Pangasinan, five; Rizal, two; Romblon, one; Samar, three; Sorsogon, two; Sulu, one; Surigao, one; Tarlac, two; Tayabas, two; Zambales, one; and Zamboanga, one.

SECTION 117. *Limitation upon number of members.* — The total number of members in the (House of Representatives) National Assembly shall at no time exceed one (hundred) hundred and twenty.

SECTION 118. *Representative districts.* — Each province which is entitled to only one representative shall constitute a single representative district. A province which is entitled to more than one (representative) Member shall be divided into as many districts as there are (representatives) Members to be chosen for it.

So far as practicable each district shall be composed of contiguous and compact territory; and all shall contain, as near as may be, an equal number of inhabitants.

SECTION 119(75). *Election [and appointment] of members of (House) National Assembly.* — Except as hereinbelow provided, the members of
the (House of Representatives) National Assembly shall be elected by the qualified voters of their respective districts, at the general triennial election, to hold office for the term of three years from the date of their election.

[The representatives for the Mountain Province, the Province of Nueva Vizcaya, and the Department of Mindanao and Sulu shall be appointed by the Governor-General without the consent of the Senate, and without restriction as to residence, and shall hold office until removed by the Governor-General.]

[Act of Congress of August 29, 1916, sections 14 and 16; Act No. 4203–7(76).]

SECTION 120. Qualifications for member of (House) National Assembly. — [No person shall be an elective member of the House of Representatives who is not a qualified elector and over twenty-five years of age, and who is not able to read and write either the Spanish or English language, and who has not been an actual resident of the district from which elected for at least one year immediately prior to his election.]


SECTION 121. Duties of Secretary of (House) National Assembly. — The Secretary of the (House) National Assembly, in addition to the proper duties incident to his office as such, shall render service to (House) National Assembly committees acting during adjournments, and shall perform such other duties as may be required of him by the Speaker.

Upon the occurrence of a vacancy in the office of Secretary during a recess of the (Legislature) National Assembly, the Speaker may fill the place by appointment until a successor shall have been duly elected.

[2657–142.]

SECTION 122. Sessions of (House) National Assembly committee, acting during legislative recesses. — When a (House) National Assembly committee is authorized by statute or by resolution or (by joint) order of (the President of the Senate and) the Speaker of the (House) National Assembly to sit while the (Legislature) National Assembly is not in session, the services of the same being required by the Speaker, the Speaker shall fix the minimum hours of session or of work for such committee, or of any member thereof, and shall have authority to regulate the manner in which the duties of the same shall be performed.
ARTICLE II

Representative Districts

SECTION 123. Representative districts in certain provinces. — The provinces entitled to elect more than one (Representative) Member are divided into representative districts as follows, each of which districts shall elect one (Representative) Member, thus constituting the full complement of the representation of such province:

Albay: First district — Composed of the municipalities of Bacacay, Malilipot, Tabaco, Malinao, Tiwi; and Libog; the Second District shall be composed of the municipalities of Camalig, Daraga, Legaspi, Manito, and Rapu-rapu; the Third District shall be composed of the municipalities of Guinobatan, Ligao, Oas, Polangui, Libon, and Jovellar; and to the Fourth District shall belong the municipalities of Virac, Bato, Baras, Viga, Panganiban, Pandan, and Calolbon.


Bulacan: First district — Composed of the municipalities of Bigaa, Bocaue, Bulacan, Calumpit, Guiguinto, Hagonoy, Malolos, Paombong, Plaridel, Quingua and Pulilan. Second district — Composed of the municipalities of Angat, Baliuag, Bustos, Marilao, Meycauayan, Norzagaray, Obando, Polo, San Ildefonso, San Jose
del Monte, San Miguel, San Rafael, and Santa Maria.

Cagayan: First district — Composed of the municipalities of Alcala, Amulung, Aparri, Baggao, Buguey, Calayan, Camalaniugan, Gattaran, Gonzaga, Iguig, Lal-lo, Peñablanca; and Tuguegarao. Second district — Composed of the municipalities of Abulug, Ballesteros, Claveria, Enrile, Faire, Pamplona, Piat, Rizal, Sanchez-Mira, Solana, and Tuao; and the municipal districts of Allacapan and Langangan.

[3032–1(79).]


[2809–1, 5(80).]


[2724–5(81).]


Ilocos Norte: First district — Composed of the municipalities of Bacarra,

Ilocos Sur: First district — Composed of the municipalities of Bantay, Cabugao, Caoayan, Lapog, Magsingal, Santa Catalina, Santo Domingo, San Ildefonso, San Vicente, Sinait and Vigan. Second district — Composed of the municipalities of Banayoyo, Bauguen, Burgos, Candon, Cervantes, Galimuyod, Lidlidda, Nagbukel, Narvacan, San Esteban, Santa, Santa Cruz, Santa Lucia, Santa Maria, Santiago, and Tagudin; and the municipal districts of Alilem, Angaki, Concepcion, San Emilio, Sigay, Sugpon, and Suyo.


Laguna: First district — Composed of the municipalities of Alaminos, Bay, Biñan, Cabuyao, Calamba, Calauan, Los Baños, Pila, San Pablo, San Pedro, and Santa Rosa. Second district — Composed of the municipalities of Cavinti, Fam, Lilio, Longos, Luisiana, Lumban, Mabitac, Magdalena, Majayjay, Nagcarlan, Paete, Pagsanjan, Pakil, Pangil, Rizal, Santa Cruz, Santa Maria, and Siniloan.

La Union: First district — Composed of the municipalities of Bacnotan, Balaohan, Bangar, Luna, San Fernando, and San Juan; and the municipal districts of Sudipen, Santol, and San Gabriel. Second district — Composed of the municipalities of Agoo, Aringay, Bauang, Caba, Naguilian, Rosario, Santo Tomas, and Tubao; and the municipal districts of Bagulin, Burgos, and Pugo.

Leyte: First districts — Composed of the municipalities of Biliran, Caibiran, Calubian, Kawayan, Leyte, Maripipi, Merida, Naval, Palompon, San Isidro, and Villaba. Second district — Composed of the municipalities of Ormoc, Albuera, Bato, Baybay, Hilongos, Hindang, Inopacan, and Matalom. Third district — Composed of the municipalities of Anahawan, Cabalian, Hinundayan, Hinundayan, Libagon; Liloan, Maasin, Maco hon, Malitbog, Pintuyan, and Sogod. Fourth district — Composed of the municipalities of Abuyog, Babatong, Dulag, Palo, San Miguel, Tacloban, Tanauan, and Tolosa. Fifth district — Composed of the municipalities of Alangalang, Barugo, Burauen, Capoocan, Carigara, Dagami,
Jaro, La Paz, and Pastrana.

[3788–1(82).]


[3336–2(83).]


Oriental Negros: First district — Composed of the municipalities of Ayuquitan, Ayungon, Bais, Dumaguete, Gihulngan, Jimalalud, La Libertad, Manjuyod, Sibulan, Tanjay, Tayasan, and Vallehermoso. Second district — Composed of the municipalities of Bacog, Dauin, Enrique Villanueva, Larena, Lazi, Luzuriaga, Maria, San Juan, Siaton, Siquijor, [Talingting], Tolong, and Zamboanguita.

Pampanga: First district — Composed of the municipalities of Angeles, Bacolor, Floridablanca, Guagua, Lubao, Macabebe, Masantol, Porac, Santa Rita, and Sexmoan. Second district — Composed of the municipalities of Apalit, Arayat, Candaba, Mabalacat, Magalan, Mexico, Minalin, San Fernando, San Luis, San Simon, and Santa Ana.

Pangasinan: First district — Composed of the municipalities of Agno, Aguilar, Alaminos, Anda, [Balincaguin,] Bani, Bolinao, Bugallon, Burgos, Dasol, Infanta, Labrador, Lingayen, Mabini, [Salasa,] and Sual. Second district — Composed of the municipalities of Binmaley, Dagupan, Mangatarem, San Carlos,

Rizal: First district — Composed of the municipalities of Caloocan, Las Piñas, Makati, Malabon, Mandaluyong, Munitinglupa, Navotas, Parañaque, Pasay, Pateros, [San Felipe Neri] San Juan del Monte, and Tagig. Second district — Composed of the municipalities of Angono, Antipolo, Baras, Binangonan, Cainta, Cardona, Jalajala, Mariquina, Montalban, Morong, Pasig, Pililla, San Mateo, Tanay, Taytay; and Teresa.


Sorsogon: First district — Composed of the municipalities of Prieto Diaz, Gubat, Barcelona, Bulusan, Irosin, Mat-nog, Santa Magdalena, and Bulan. Second district — Composed of the municipalities of Bacon, Sorsogon, Casiguran, Juban, Magallanes, Castilla, Pilar, and Donsol.

[2934–5(84).]

Tarlac: First district — Composed of the municipalities of Anao, Camiling, Gerona, Mayantoc, Moncada, Paniqui, Pura, Ramos, San Clemente, San Manuel, and Santa Ignacia. Second district — Composed of the municipalities of Bamban, Capas, Concepcion, La Paz, Tarlac, and Victoria.

SECTION 124(88). Representative districts in Mountain Province and Department of Mindanao and Sulu — The territory to be comprised in the respective representative districts of the Mountain Province and Department of Mindanao and Sulu shall be determined by the Governor-General. [Repealed]

TITLE IV

Judicial Power, Embracing Courts of Superior Jurisdiction, Justices of the Peace, and Notaries Public

CHAPTER 9

Courts of Superior Jurisdiction

PRELIMINARY ARTICLE

Title of Chapter

SECTION 125. Title of chapter. — This chapter shall be known as the Judiciary Law.

ARTICLE I

Provisions Common to More than One Court

SECTION 126. The various courts. — The courts referred to in this chapter are the Supreme Court, the Court of Appeals, and the Courts of First Instance.

SECTION 127. Special provision in oath of judges. — The oath of office of judges shall contain, in addition to the matters prescribed in section twenty-three of this Code, a declaration to the effect that the affiant will administer justice without respect to person and do equal right to the poor and the rich.
SECTION 128. *Preservation of oath of office of judge.* — The oath of office of a judge shall be filed with the clerk of the court to which the affiant pertains and shall be entered upon its records. Where a judge is authorized by law to exercise his functions in more than one court, it shall suffice if his oath is recorded in the court where he has his official station.

[2657–153.]

SECTION 129. *Judge's certificate as to work completed.* — Judges and auxiliary judges of first instance, judges of municipal courts, and justices of the peace shall certify on their applications for leave, and upon salary vouchers presented by them for payment, or upon the pay rolls upon which their salaries are paid, that all special proceedings, applications, petitions, demurrers, motions, and all civil and criminal cases which have been under submission for decision or determination for a period of ninety days or more have been determined and decided on or before the date of making the certificate, and no leave shall be granted and no salary shall be paid without such certificate.

In case any special proceeding, application, petition, demurrer, motion, civil or criminal case is resubmitted upon the voluntary application or consent in writing of all the parties to the case, cause, or proceeding, and not otherwise, the ninety days herein prescribed within which a decision should be made shall begin to run from the date of such resubmission.

[2657–154.]

SECTION 130. *Disposition of moneys paid into court.* — All moneys accruing to the Government in the Supreme Court, in the Court of Appeals, and in the Courts of First Instance, including fees, fines, forfeitures, costs, or other miscellaneous receipts, and all trust or depository funds paid into such courts shall be received by the corresponding clerks of court and, in the absence of special provision, shall be paid by him into the Philippine Treasury to the credit of the proper account or fund and under such regulations as shall be prescribed by the Auditor General: *Provided,* That forty *per centum* of the fines collected under sections two thousand seven hundred and fifty-two of this Code, shall accrue to the school funds of the municipality in which the offense is committed, and ten *per centum* shall accrue to the school fund of the respective provinces.

A clerk shall not receive money belonging to private parties except where the same is paid to him or into court by authority of law.
SECTION 131. Disbursement of funds for judiciary establishment. — Except as otherwise specially provided, (insular) national funds available for the judiciary establishment shall be disbursed by the disbursing officer of the Bureau of Justice.

SECTION 132. Annual report of clerks of courts. — The clerk of the Supreme Court, the clerk of the Court of Appeals, and all clerks of Courts of First Instance shall make annual reports to the Secretary of Justice, of such scope and in such form as shall be by the latter prescribed, concerning the business done in their respective courts during the year.

ARTICLE II

Supreme Court

SECTION 133. The Supreme Court; quorum of the Court; designation of Justices of the Court of Appeals to sit in the Supreme Court; number of Justices necessary to reach a decision. — The Supreme Court of the Philippines shall consist of a Chief Justice and six Associate Justices, which shall sit in banc in the hearing and determination of all cases within its jurisdiction. The presence of five Justices shall be necessary to constitute a quorum except when the judgment of the lower court imposes the death penalty, in which case the presence of all the Justices shall be necessary to constitute a quorum. In the absence of a quorum, the Court shall stand ipso facto adjourned until such time as the requisite number shall be present, and a memorandum showing this fact shall be inserted by the clerk in the minutes of the Court.

If on account of illness, absence, or incapacity upon any of the grounds mentioned in section eight of Act Numbered One hundred and ninety, of any of the Justices of the Court, or, whenever, by reason of temporary disability of any Justice thereof or of vacancies, occurring therein the requisite number of Justices necessary to constitute a quorum or to render a judgment in any given case, as heretofore provided, is not present, the President of the Philippines, upon the recommendation of the Chief Justice, may designate such number of Judges of the Court of Appeals, as may be necessary, to sit temporarily as Justices of said Court, in order to form a quorum, or until a judgment in said case is reached: Provided, however, That no Judge of the Court of Appeals may be designated to act in any
case in the decision of which he has taken part.

The concurrence of at least four Justices of the Court shall be necessary for the pronouncement of a judgment. However, for the purpose of declaring a law or a treaty unconstitutional, at least five Justices must concur. When the necessary majority, as herein provided, to declare a law or a treaty unconstitutional cannot be had, the Court shall so declare, and in such case the validity or constitutionality of the act or treaty involved shall be deemed upheld.

Whenever the judgment of the lower court imposes the death penalty, the case shall be heard and determined by all the Justices of the Court, and the unanimous decision of all of such Justices shall be necessary for the pronouncement of a judgment in imposing the death penalty. When the Court fails to reach a unanimous decision as herein provided, the penalty next lower in degree than the death penalty shall be imposed.

[2657–158; 3816–1(93); 4023–1(94); C.A. 3–2(95); C.A. 259–1(96).]

SECTION 133-A. Place of holding sessions. — The Supreme Court shall hold its sessions in the City of Manila. Whenever the public interest so requires, it may hold its sessions in any other place within the Philippines.

[C.A. 3–2(97); C.A. 259–2(98).]

SECTION 134. Appointment of Justice of the Supreme Court. — The Chief Justice and the Associate Justices of the Supreme Court shall be appointed by the President of the Philippines with the consent of the Commission on Appointments of the National Assembly. The Chief Justice of the Supreme Court shall be so designated in his commission; and the Associate Justices shall have precedence according to the dates of their respective commissions, or, when the commissions of two or more of them bear the same date; according to the order in which their commissions may have been issued by the President of the Philippines.

[2657–159; C.A. 3–2(99); re compensation of Justices of the Supreme Court, see Art. VIII, sec. 9, Constitution of the Philippines.]

SECTION 134-A. Vacancy in office of Chief Justice. — In case of a vacancy in the office of Chief Justice of the Supreme Court, or of his inability to perform the duties and powers of his office, they shall devolve upon the Associate Justice who is first in precedence, until such disability is removed, or another Chief Justice is appointed and duly qualified. This provision shall apply to every Associate Justice who succeeds to the office of Chief Justice.
SECTION 135. **Authority of Supreme Court over administration of its own affairs.** — The Supreme Court shall have exclusive administrative control of all matters affecting the internal operations of the court.

[2657–160.]

SECTION 136. **Status of subordinates.** — Except as regards the appointment and compensation of the Reporter, Clerk, and such private secretaries to the individual justices as the court may authorize, all subordinates and employees of the Supreme Court shall be governed by the provisions of the Civil Service Law; but the court may, by resolution, remove any of them for cause.

[2657–161.]

SECTION 137. **Vacation period.** — The regular sessions of the Supreme Court may, in the discretion of the court, be suspended for the period beginning with the first of May and closing with the first of July of each year, which, in case of such suspension, shall be known as the Supreme Court vacation.

By resolution entered upon the minutes of the court, the Supreme Court vacation may be made to begin on the first of April and close with the first of July in any year.

During vacation at least one of the justices, to be designated in such manner as the court by resolution shall direct, shall remain on duty.

[2657–162.]

SECTION 138. **Jurisdiction of the Supreme Court.** — The Supreme Court shall have such original jurisdiction as may be possessed and exercised by the Supreme Court of the Philippines at the time of the approval of this Act, including cases affecting ambassadors, other public ministers, and consuls.

The Supreme Court shall have exclusive jurisdiction to review, revise, reverse, modify or affirm, on appeal, *certiorari* or writ of error, as the law or rules of court may provide, final judgments and decrees of inferior courts as herein provided, in —

1. All cases in which the constitutionality or validity of any treaty, law, ordinance, or executive order or regulation is in question;

2. All cases involving the legality of any tax, impost, assessment
or toll, or any penalty imposed in relation thereto;

(3) All cases in which the jurisdiction of any inferior court is in issue;

(4) All criminal cases involving offenses for which the penalty imposed is death or life imprisonment, and those involving other offenses which, although not so punished, arose out of the same occurrence or which may have been committed by the accused on the same occasion, as that giving rise to the more serious offense, regardless of whether the accused are charged as principals, accomplices, or accessories, or whether they have been tried jointly or separately.

(5) All civil cases in which the value in controversy exceeds fifty thousand pesos, exclusive of interests and costs, or in which the title or possession of real estate exceeding in value the sum of fifty thousand pesos to be ascertained by the oath of a party to the cause or by other competent evidence, is involved or brought in question. The Supreme Court shall likewise have exclusive jurisdiction over all appeals in civil cases, even though the value in controversy, exclusive of interests and costs, is fifty thousand pesos or less, when the evidence involved in said cases is the same as the evidence submitted in an appealed civil case within the exclusive jurisdiction of the Supreme Court as provided herein.

(6) All other cases in which only errors or questions of law are involved.

[2657–163; 3816–2(101); 4023–2(102); C.A. 3–2(103); C.A. 259–3(104).]

SECTION 139. Regular terms of Supreme Court. — The Supreme Court shall hold at Manila two regular terms for the hearing of causes, the first commencing on the second Monday of January and the second on the second Monday of July. Each regular term shall continue to and include the day before the opening of the next regular term. The Supreme Court shall convene and hold a session after the regular court vacation on the first day of July, or, if that be a holiday, then upon the next day thereafter not a holiday, for the purpose of hearing such motions and applications as should be heard before the close of the term. The court shall also meet upon the second day of January, or, if that be a holiday, upon the next day thereafter which is not a holiday, for the purpose of hearing such business of the regular July term as should be heard before the end of the term. The
office of the Clerk of the Supreme Court shall always be open for the transaction of business, except upon lawful holidays, and the court shall always be open for the transaction of such interlocutory business as may be done by a single member thereof.

The sessions of the court for the hearing of cases shall be held on such days in the week, and for such length of time, as the court by its rules may order.

[2657–164.]

SECTION 140.  
Preservation of order in Supreme Court. — The sheriff of the City of Manila or of the province where the Supreme Court may be in session shall, in person or by deputy, attend the sessions of the Supreme Court, enforce proper decorum in the court room, and preserve good order in its precincts. To this end he shall carry into effect the rules or orders of the court made in this behalf, or of any judge thereof, and shall arrest any person there disturbing the court or violating the peace.

[2657–165.]

SECTION 141.  
Service of process of Supreme Court. — Writs, processes, and orders of the Supreme Court, or of any judge thereof, shall be served or executed by the sheriff of the City of Manila or of the province where the Supreme Court may be in session or by any officer having authority to execute the writs, processes, or orders of a Court of First Instance.

[2657–166.]

SECTION 142.  
Form of decisions — When opinion to be reported. — When a decision is rendered by the Supreme Court a written opinion or memorandum exemplifying the ground and scope of the judgment of the court shall be filed with the Clerk of the Court and shall be by him recorded in an opinion book. When the court shall deem a decision to be of sufficient importance to require publication, the Clerk shall furnish a certified copy to the Reporter. Dissenting opinions shall be published when the judges writing such opinions shall so direct.

[2657–167.]

SECTION 143.  
Preparation of opinions for publication. — The Reporter shall prepare and publish with each reported decision a concise synopsis of the facts necessary to a clear understanding of the case and shall state the names of counsel, and concisely the material and controverted points made, and the authority therein cited by them, and shall prefix to each case a syllabus, which shall be
confined, as near as may be, to points of law decided by the court on the facts of
the case, without a recital therein of the facts.

[2657–168.]

SECTION 144. **General make-up of volumes.** — Each volume of the
decisions of the Supreme Court shall contain a table of the cases reported and of
the cases cited in the opinions and a full and alphabetical index of the subject
matters of the volume prepared by the Reporter, shall contain not less than seven
hundred and fifty pages of printed matter, shall be well printed, upon good paper,
and well bound in the best law sheep, substantially in the manner of the reports of
the decisions of the Supreme Court of the United States, and shall be styled
"Philippine Reports," and numbered consecutively, in the order of the volumes
published.

[2657–169.]

SECTION 145(105) **[Assignment of Supreme Court judge to sit in
Court of First Instance.]**

[2657–170.]

ARTICLE II-A

**Court of Appeals**

SECTION 145-A. **The Court of Appeals.** — The Court of Appeals of the
Philippines shall consist of a Presiding Justice and fourteen Associate Justices who
shall be appointed by the President of the Philippines, with the consent of the
Commission on Appointments of the National Assembly. The Presiding Justice of
the Court of Appeals shall be so designated in his commission, and the other
Justices of the Court shall have precedence according to the dates of their
respective commissions, or when the commissions of two or more of them shall
bear the same date according to the order in which their commissions have been
issued by the President of the Philippines. The said Court of Appeals shall, as a
body, sit *in banc*, but it may sit in three divisions of five Justices each. The three
divisions may sit at the same time.

Whenever the terms Presiding Judge and Appellate Judge or Judge appear
in Commonwealth Act Numbered Three they shall be read as Presiding Justice and
Associate Justice, respectively.

[C.A. 3–3(106); C.A. 259–4(107).]
SECTION 145-B. Presiding Justice to preside sessions of Court. — If the Presiding Justice is present in any session of the Court whether *in banc* or in division, he shall preside. In his absence, that one of the Associate Justices attending shall preside who is first in precedence in accordance with the above preceding section of this Code.

[C.A. 3–3(108); C.A. 259–4(109).]

SECTION 145-C. Vacancy in office of Presiding Justice. — In case of a vacancy in the office of Presiding Justice of the Court of Appeals, or in the event of his inability to perform the duties and powers of his office, they shall devolve upon the Associate Justice of the Court who is first in precedence, until such disability is removed, or another Presiding Justice is appointed and has qualified. This provision and the provision of the preceding section shall apply to every Associate Justice who succeeds to the office of the Presiding Justice.

[C.A. 3–3(110); C.A. 259–4(111).]

SECTION 145-D. Designation of Judges of First Instance to sit in the Court of Appeals. — In case of vacancy in the office of any one of the Associate Justices of the Court of Appeals, or in the event that any one of said Associate Justices is absent, or disabled, or incapacitated, for any reason, to perform the duties and powers of his office, the President of the Philippines, upon the recommendation of the Chief Justice of the Supreme Court, may designate a Judge of First Instance to sit temporarily in the Court of Appeals, until such disability is removed, or the vacancy is permanently filled. However, no Judge of First Instance so appointed shall act in the Court of Appeals in any case in which his ruling or decision is the subject of review.

[C.A. 3–3(112); C.A. 259–4(113).]

SECTION 145-E. Qualifications and compensation of Justices of Court of Appeals. — The Justices of the Court of Appeals shall have the same qualifications as those provided in the Constitution for members of the Supreme Court. The Presiding Justice of the Court of Appeals shall receive an annual compensation of thirteen thousand pesos, and each Associate Justice, an annual compensation of twelve thousand pesos.

[C.A. 3–3(114); C.A. 259–5(115).]

SECTION 145-F. Jurisdiction of the Court of Appeals. — The Court of Appeals shall have exclusive appellate jurisdiction of all cases, actions, and proceedings, not enumerated in section one hundred and thirty-eight of this Code,
properly brought to it from Courts of First Instance. The decision of the Court of
Appeals in such cases shall be final: Provided, however, That the Supreme Court
in its discretion may, in any case involving a question of law, upon petition of the
party aggrieved by the decision and under rules and conditions that it may
prescribe, require by certiorari that the said case be certified to it for review and
determination, as if the case had been brought before it on appeal.

[C.A. 3–3(116).]

SECTION 145-G. Original jurisdiction of the Court of Appeals. — The
Court of Appeals shall have original jurisdiction to issue writs of mandamus,
prohibition, injunction, certiorari, habeas corpus, and all other auxiliary writs and
process in aid of its appellate jurisdiction.

[C.A. 3–3(117).]

SECTION 145-H. Transfer of cases from Supreme Court and Court of
Appeals to proper court. — All cases which may be erroneously brought to the
Supreme Court or to the Court of Appeals shall be sent to the proper court, which
shall hear the same, as if it had originally been brought before it.

[C.A. 3–3(118).]

SECTION 145-I. Place of holding sessions. — The Court of Appeals in
banc and its three divisions shall hold sessions in the City of Manila. Whenever the
President of the Philippines shall find that the public interest requires that the court
hold session in any other place within the Philippines, the court shall, by
resolution, make provision for the holding of such session in banc or by any of its
divisions.

[C.A. 3–3(119); C.A. 259–6(120).]

SECTION 145-J. Quorum of the Court. — Nine Justices of the Court of
Appeals shall constitute a quorum for its sessions in banc, and four Justices shall
constitute a quorum for the sessions in division. In the absence of a quorum, the
Court or the division shall stand ipso facto adjourned until such time as the
requisite number shall be present, and a memorandum showing this fact shall be
inserted by the clerk in the minutes of the Court.

[C.A. 3–3(121); C.A. 259–7(122).]

SECTION 145-K. Distribution of cases between divisions. — All of the
cases of the Court of Appeals shall be allotted between the three divisions thereof
for trial and decision, and the affirmative vote of the majority of the members of
each division shall be necessary for the pronouncement of judgment. Whenever in any criminal case submitted to a division, the said division or any member thereof, should be of the opinion that the penalty of death or life imprisonment should be imposed, the said Court shall refrain from entering judgment thereon and shall forthwith certify case to the Supreme Court for final determination, as the case had been brought before it on appeal.

Whenever a division of the Court of Appeals fails to reach a decision in a case submitted to it, or whenever such division shall so order, or whenever the Presiding Justice, in the exercise of his sound discretion, so orders, the case shall be heard and determined by the Court sitting in banc, the affirmative vote of at least eight Justices being necessary for the pronouncement of a judgment.

[C.A. 3–3(123); C.A. 259–8(124).]

SECTION 145-L. Power of the Court to adopt rules. — The Court of Appeals, sitting in banc, shall make proper orders or rules to govern the allotment of cases between the three divisions, the constitution of such divisions, the regular rotation of Justices between them, the filling of vacancies occurring therein, and other matters relating to the business of the Court; and these rules shall continue in force until repealed or altered by it or by the Supreme Court of the Philippines.

[C.A. 3–3(125); C.A. 259–9(126).]

SECTION 145-M. Clerk of the Court of Appeals; his appointment; his compensation; his bond. — The Court of Appeals shall appoint a clerk of court, who shall exercise the same powers and perform the same duties in regard to all matters within its jurisdiction, as are exercised and performed by the clerk of the Supreme Court of the Philippines, insofar as the same may be applicable; and in the exercise of those powers and in the performance of those duties, the clerk shall be under the direction of the Court. No person may be appointed clerk of the Court of Appeals unless he has been engaged for five years or more in the practice of law, or has been clerk or deputy clerk of a court of record for the same period of time.

The clerk shall receive an annual compensation of five thousand forty pesos. Before entering upon the discharge of the duties of his office, he shall file a bond in the amount of five thousand pesos in the same manner and form as required of the clerk of the Supreme Court, such bond to be approved by the Treasurer of the Philippines. The bond shall be kept in the office of the Treasurer of the Philippines and entered in his books, the same being subject to inspection by interested parties.
The clerk of court may require any of his deputies or assistants to give an adequate bond as security against loss by reason of any wrongdoing or gross negligence on the part of such deputy or assistant.

[C.A. 3–3(127); C.A. 259–10(128); 425–1(129).]

SECTION 145-N. Appointment by Court of Appeals of deputy clerks of Court and other officers. — The Court may appoint two deputy clerks of court, who will have the same qualifications as those of the clerk of the Court of Appeals, with an annual compensation of four thousand and twenty pesos for the first deputy, and three thousand and six hundred pesos for the second deputy, and other officers in such number and with such compensation as may be hereafter authorized.

[C.A. 3–3(130); C.A. 259–11(131).]

SECTION 145-O. Certification of cases pending in Supreme Court to Court of Appeals, if such cases properly belong to the latter Court. — Immediately after the Court of Appeals is organized, all cases which, under this Act, correspond to the Court of Appeals and which may be pending in the Supreme Court, if such cases have not been heard on argument and submitted for decision by this Court, shall be certified by the clerk of the Supreme Court to the clerk of the Court of Appeals, to be heard and decided by the latter Court in conformity with the provisions of this Act. In those cases so pending in the Supreme Court, in which reference has been made to referees or commissioners for the taking of evidence, no such certification shall be made until after such evidence has been received in the Supreme Court.

[C.A. 3–3(132).]

SECTION 145-P. Applicability of laws and rules covering appeals. — All provisions of law or of the rules of court in force upon the approval of this Act, relating to appeals to the Supreme Court, or to procedure in said Court, shall be applicable to the Court of Appeals in cases falling within its jurisdiction.

[C.A. 3–3(133); C.A. 259–12(134).]

SECTION 145-Q. Applicability of certain provisions of the Revised Administrative Code to Court of Appeals. — The provisions of articles one hundred and twenty-seven, one hundred and twenty-eight, one hundred and thirty-five, one hundred and thirty-six, one hundred and thirty-seven, one hundred and thirty-nine, one hundred and forty, one hundred and forty-one, one hundred and forty-two, one hundred and forty-three, one hundred and forty-four, one
hundred and seventy-three, two hundred and seventy-one, two hundred and seventy-two, and two hundred and seventy-three of the Revised Administrative Code shall be applicable to the Court of Appeals, in so far as they may be of possible application.

[C.A. 3–3(135).]

ARTICLE III

Courts of First Instance in General

SECTION 146. Courts of First Instance. — Courts of general original jurisdiction, known as Courts of First Instance, are organized and established throughout the Philippines in conformity with the provisions of this chapter.

[2657–171; C.A. 145–1(136).]

SECTION 147. Judges of First Instance. — The judicial function in Courts of First Instance shall be vested in judges of first instance and judges-at-large of first instance, to be appointed and commissioned as hereinafter provided.

[2657–172; C.A. 145–1(137); see C.A. 504(138) re cadastral judges.]

SECTION 148. Limitation upon tenure of office. — Judges of First Instance and judges-at-large shall be appointed to serve during good behavior, until they reach the age of seventy years, or become incapacitated to discharge the duties of their office, unless sooner removed in accordance with law.

[2657–173; 2941–1(139); C.A. 145–1(140).]

SECTION 149. Qualifications. — No person shall be appointed judge of first instance or judge-at-large unless he has been five years a citizen of the Philippines and has practiced law in the Philippines for a period of not less than five years or has held during a like period, within the Philippines, an office requiring admission to the practice of law in the Philippines as an indispensable requisite.

[2657–174; C.A. 145–1(141).]

SECTION 150. Clerks and other subordinate employees of Courts of First Instance. — Clerks, deputy clerks assistants, and other subordinate employees of Courts of First Instance shall, for administrative purposes, belong to the Department of Justice; but in the performance of their duties they shall be
subject to the supervision of the judges of the courts to which they respectively pertain.

The Clerk of a Court of First Instance may, by special written deputization approved by the judge, authorize any suitable person to act as his special deputy and in such capacity to perform such functions as may be specified in the authority granted.

[2657–175; 2941–1(142); 3107–1(143); C.A. 145–1(144).]

SECTION 151. **Permanent station of clerk of court.** — The permanent station of a clerk of court shall be at the provincial capital or at the permanent residence of the judge presiding the court.

[2657–176; 2941–1(145); C.A. 145–1(146).]

SECTION 152. **Provincial officer as ex-officio clerk of court.** — When the Secretary of Justice shall deem such action advisable, he may direct that the duties of the clerk of court shall be performed by a provincial officer or employee as *ex-officio* clerk of court, in which case the salary of said employee or officer as clerk of court, *ex-officio*, shall be fixed by the provincial board and shall be equitably distributed by said board with the approval of the Secretary of Justice between the National Government and the provincial government.

[2657–177; 2941–1(147); C.A. 145–1(148).]

**ARTICLE IV**

**Judicial Districts for Courts of First Instance and Judges Thereof**

SECTION 153. **Judicial districts.** — Judicial districts for Courts of First Instance in the Philippines are constituted as follows:

The First Judicial District shall consist of the Provinces of Cagayan, Batanes, Isabela, Nueva Vizcaya, Ilocos Norte, Ilocos Sur, Abra, and the Subprovince of Apayao, Mountain Province;

The Second Judicial District, of the Provinces of La Union, Mountain Province, except the Subprovince of Apayao, Pangasinan, Zambales, and Bataan;

The Third Judicial District, of the Provinces of Nueva Ecija, Tarlac, Bulacan, and Pampanga;

The Fourth Judicial District, of the City of Manila, and the Provinces of
Rizal and Palawan;

The Fifth Judicial District, of the Provinces of Cavite, Laguna, Batangas, Mindoro, Tayabas, and Marinduque;

The Sixth Judicial District, of the Provinces of Camarines Norte, Camarines Sur, Albay, Sorsogon; Masbate, and the Subprovince of Catanduanes;

The Seventh Judicial District, of the Provinces of Capiz, Romblon, Iloilo, Antique, Occidental Negros, Oriental Negros, and the Subprovince of Siquijor;

The Eighth Judicial District, of the Provinces of Samar, Leyte, Cebu, and Bohol.

The Ninth Judicial District, of the Provinces of Occidental Misamis, Oriental Misamis, Agusan, Surigao, Lanao, Bukidnon, Zamboanga, Sulu, Davao, and Cotabato.

[2657–178; 3107–1(149); 3345–1 to 8(150); 3267–1(151); 3911–1(152); 4007–20(153); 4060–1(154); C.A. 145–2(155).]

SECTION 154. Judges of First Instance for Judicial Districts. — Four judges shall be commissioned for the First Judicial District. One judge with permanent residence in the Province of Cagayan, shall preside over the Courts of First Instance of Cagayan, Batanes and the Subprovince of Apayao, Mountain Province; one judge with permanent residence in the Province of Isabela, shall preside over the Courts of First Instance of Isabela and Nueva Vizcaya; one judge shall preside over the Court of First Instance of, and reside in the Province of Ilocos Norte; and another with permanent residence in the Province of Ilocos Sur, shall preside over the Courts of First Instance of Ilocos Sur and Abra.

Four judges shall be commissioned for the Second Judicial District. Two judges shall preside over the Court of First Instance of, and reside in, the Province of Pangasinan; one judge, with permanent residence in Baguio, shall preside over the Courts of First Instance of the Province of La Union, the City of Baguio, and the Mountain Province, except Apayao; and another judge, with permanent residence in the Province of Bataan, shall preside over the Courts of First Instance of Bataan and Zambales. The Court of First Instance of Baguio shall try and hear all cases coming from the Subprovince of Benguet, Mountain Province, in the City of Baguio.

Seven judges shall be commissioned for the Third Judicial District. Two judges shall preside over the Court of First Instance of, and reside in, the Province of Nueva Ecija; two judges shall preside over the Court of First Instance of, and
reside in, the Province of Pampanga; one judge shall preside over the Courts of First Instance of, and reside in, the Province of Tarlac; and two judges shall preside over the Court of First Instance of, and reside in, the Province of Bulacan.

Eleven judges shall be commissioned for the Fourth Judicial District. Nine judges, with residence in the City of Manila, and who shall be known as judges of the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, and Ninth Branches, respectively, shall preside over the Courts of First Instance of Manila and Palawan, and two judges shall preside over the Court of First Instance of, and reside in, the Province of Rizal.

Seven judges shall be commissioned for the Fifth Judicial District. Two judges, with permanent residence in Tayabas, shall preside over the Courts of First Instance of the Provinces of Tayabas and Marinduque; two judges shall preside over the Court of First Instance of, and reside in, the Province of Cavite; two judges shall preside over the Court of First Instance of, and reside in, the Province of Laguna, and another judge, with residence in the Province of Batangas, shall preside over the Courts of First Instance of Batangas and Mindoro.

Five judges shall be commissioned for the Sixth Judicial District. Two shall preside over the Court of First Instance of, and reside in, the Province of Camarines Sur; one judge shall preside over the Court of First Instance of, and reside in, the Province of Camarines Norte; one judge with residence in the Province of Albay, shall preside over the Courts of First Instance of Albay and Catanduanes, and another, with residence in the Province of Sorsogon, shall preside over the Courts of First Instance of Sorsogon and Masbate.

Seven judges shall be commissioned for the Seventh Judicial District. Three judges, with residence in Iloilo, shall preside over the Courts of First Instance of Iloilo and Antique; two judges shall preside over the Court of First Instance of, and reside in, the Province of Occidental Negros; one judge, with residence in the Province of Capiz, shall preside over the Courts of First Instance of Capiz and Romblon; and another judge, with residence in the Province of Oriental Negros, shall preside over the Courts of First Instance of Oriental Negros and Siquijor.

Seven judges shall be commissioned for the Eighth Judicial District. Three judges shall preside over the Court of First Instance of, and reside in, the Province of Cebu; two judges shall preside over the Court of First Instance of, and reside in, the Province of Leyte and the others shall preside over the Courts of First Instance of, and reside in, the Provinces of Samar and Bohol, respectively.

Five judges shall be commissioned for the Ninth Judicial District. One judge, with residence in the Province of Zamboanga, shall preside over the Courts
of First Instance of the Provinces of Zamboanga and Sulu; one judge, with residence in the Province of Davao, shall preside over the Courts of First Instance of the Provinces of Davao; one judge, with residence in the Province of Oriental Misamis, shall preside over the Courts of First Instance of Oriental Misamis, Occidental Misamis, and Bukidnon; one judge, with residence in the Province of Cotabato, shall preside over the Courts of First Instance of Cotabato and Lanao; and another judge with residence in the Province of Surigao, shall preside over the Courts of First Instance of Surigao and Agusan.

[2657–179; 3107–1(156); 3267–1(157); 3345–9(158); 3267–2(159); 4007–21(160); C.A. 145–2(161); C.A. 348–1(162); C.A. 545–1(163). See C.A. No. 504(164), re cadastral judges.]  

SECTION 155. **Detail of judge to another district or province.** — Whenever a judge stationed in any province or branch of a court of a province should certify to the Secretary of Justice that the condition of the docket in his court is such as to require the assistance of an additional judge, or when there is any vacancy in any court or branch of a court in a province, and there is no judge-at-large available to be assigned to said court, the Secretary of Justice may, in the interest of justice, and for a period of not more than three months, assign any judge of any other court or province within the same judicial district, whose docket permits his temporary absence from said court, to hold sessions in the court needing such assistance, or where such vacancy exists. No district judge shall be assigned to hold sessions in a judicial district other than that to which he is appointed without the approval of the Supreme Court being first had and obtained.

[2657–180; 2941–1(165); 3107–1(166); 3564–1(167); 3779–1(168); 4007–22(169); C.A. 145–2(170).]

SECTION 156. **Permanent residence of judges.** — The residence of a Judge of First Instance as required by section one hundred and fifty-four as herein amended shall in no case be at a place more than thirty kilometers from the seat of his court.

[2657–181; 3107–1(171); 3345–2, 5(172); 3267–3(173); 3911–2(174); 4007–23(175); 4060–2(176); C.A. 145–2(177).]

**ARTICLE V**

**Judges-at-Large of First Instance**

SECTION 157. **Judges-at-large.** — In addition to the judges mentioned in section one hundred and fifty-four hereof, as amended, there shall also be
appointed twelve judges who shall not be assigned permanently to any judicial
district and who shall render duty in such districts or provinces as may, from time
to time, be designated by the Department Head.

[2657–182; 2941–2(178); 3107–1(179); see 3911–4(180); 4007–24(181);
4060–3(182); C.A. 145–3(183); 348–2(184).]

SECTION 158(185).  [Official stations of auxiliary judges.]

[2657–183; 3107–1(186); 3564–2(187).]

SECTION 159(188).  [Functions of auxiliary judge.]

[2657–184; see 3107–7(189).]

SECTION 160(190).  [Assignment of auxiliary judge to other group.]

[2657–185; see 3107–7(191).]

ARTICLE V-A

Salaries of Judges of the Courts of First Instance

SECTION 160-A(192).  Salaries of the Judges and Judges-at-large of
First Instance. — The judges of the Courts of First Instance included within the
Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, and Ninth Judicial Districts,
with the exception of the judges presiding over the Court of First Instance which
are hereinbelow indicated, shall receive an annual salary of ten thousand pesos
each.

The judges of the Courts of First Instance included within the first judicial
district, with the exception of the one presiding over the Court of First Instance of
Isabela and Nueva Vizcaya, and the judges of the Courts of First Instance of
Bataan and Zambales; of Oriental Negros and Siquijor; of Samar; and of Davao
and Cotabato, shall receive an annual salary of nine thousand pesos each.

The judges of the Courts of First Instance of Isabela and Nueva Vizcaya; of
Camarines Norte; of Bohol; of Occidental Misamis, Oriental Misamis, Lanao, and
Bukidnon; of Surigao and Agusan; and the judges-at-large shall receive an annual
salary of eight thousand pesos each.

[C.A. 348–3(193).]

ARTICLE VI
SECTION 161.  Places and times of holding courts. — For the Fourth Judicial District, court shall be held in the City of Manila, in Pasig, Rizal, and in Palawan as hereinafter provided. In other districts, court shall be held at the capital of the province in which the judges are permanently residing, respectively, except as hereinafter provided. Sessions of court shall be convened on all workdays when there are cases ready for trial or other court business to be dispatched.

In the following districts, court shall also be held at the places and times hereinbelow specified:

In the First District: At Aparri, Province of Cagayan, on the first Tuesday of January of each year; at Santo Domingo de Basco, Province of Batanes, on the first Tuesday of March of each year. A special term of court shall also be held once a year in the municipalities of Abulug and Tuao, both of the Province of Cagayan, and twice a year in the municipality of Echague and once a year in the municipality of Cabagan, both of the Province of Isabela, in the discretion of the district judge; Provided, however, That cases coming from the Subprovince of Apayao may be tried in the municipality of Abulug or Tuao, Province of Cagayan, in the discretion of the district judge; at Bayombong, Province of Nueva Vizcaya, on the second Tuesday of January and June of each year; at Bangued, Province of Abra, on the First Tuesday of March and October of each year.

In the Second District: At Baguio, Mountain Province, on the first Tuesday of June and December of each year; at Kiangan, Mountain Province, on the first Tuesday of March and November each year; at Bontoc, Mountain Province, on the second Tuesday of March and November of each year; and whenever the interests of justice so require, a special term of court shall be held at Lubuangan Subprovince of Kalinga; at San Fernando, La Union, on the first Tuesday of January and September of each year; at Tayug, Province of Pangasinan, on the first Tuesday of February of each year; at Iba, Province of Zambales, on the first Tuesday of February and October of each year; and at Balanga, Province of Bataan, on the first Tuesday of January and June of each year.

In the Fourth District: At Coron, Province of Palawan, on the first Monday of March and August of each year; at Cuyo, same province, on the second Thursday of March and August of each year; and at Puerto Princesa, same province, on the fourth Wednesday of March and August of each year.

In the Fifth District: At Calapan, Province of Mindoro, on the second Tuesday of February and the second Tuesday of September of each year; at San Jose, same province, on the second Tuesday of March of each year; at Lubang,
Lubang Island, Province of Mindoro, on the fourth Tuesday of March of each year; at Infanta, Province of Tayabas, for the municipalities of Infanta, Casiguran, Baler and Polillo, on the first Tuesday of June of each year; at Boac, Province of Marinduque, on the first Tuesday of March of each year.

In the Sixth District: At Virac, Subprovince of Catanduanes, on the first Tuesday of March and September of each year; and at Masbate, Province of Masbate, on the first Tuesday of February, June and October of each year.

In the Seventh District: At Kalibo, Capiz, not to exceed two months in each year, to be set at the discretion of the judge of the district with the approval of the Secretary of Justice; at Romblon, Province of Romblon, on the first Tuesday of March and November of each year; at San Jose, Province of Antique, on the first Tuesday of February, June and October of each year; at Culasi, Province of Antique, on the first Tuesday of December of each year; and at Larena, Subprovince of Siquijor, on the first Tuesday of August of each year.

In the Eighth District: At Borongan, Province of Samar, on the second Tuesday of July of each year; at Catarman, same province, on the first Tuesday of March of each year; at Guiuan, same province, on the second Tuesday of February of each year; at Calbayog, same province, on the second Tuesday of September of each year; at Laoang, of the same province, in the first Tuesday of October of each year; at Maasin, Province of Leyte, on the first Tuesday of March and September of each year; at Ormoc, same province, on the first Tuesday on December of each year.

In the Ninth District: At Oroquieta, Province of Occidental Misamis, on the first Tuesday of December and June of each year; at Cantilan, Province of Surigao, on the second Tuesday of August of each year; at Butuan, Province of Agusan, on the first Tuesday of March and October of each year; a special term of court shall also be held once a year in either the municipality of Tandag or the municipality of Hinatuan, Province of Surigao, in the discretion of the district judge; at Mambajao, Province of Oriental Misamis, on the first Tuesday of March of each year; at Malaybalay, Province of Bukidnon, on the first Tuesday of December of each year. A special term of court shall also be held once a year either in the municipality of Talisayan or in the municipality of Gingoog, Province of Oriental Misamis, in the discretion of the district judge; at Iligan, Province of Lanao, on the first Tuesday of March and September of each year, but the September term for the Province of Lanao may be held at Dansalan, Province of Lanao, in the discretion of the district judge; at Dipolog, Province of Zamboanga, on the first Tuesday of January and June of each year; at Jolo, Province of Sulu, on the first Tuesday of March and October of each year. The office of the clerk of Court of First Instance of Dapitan,
Province of Zamboanga, is hereby transferred to Dipolog, same province. At Glan, Province of Cotabato, and at Baganga and Mati, Province of Davao, terms of court shall be held at least once a year on the dates to be fixed by the district judge.

Notwithstanding the provisions of this section, whenever weather conditions, the condition of the roads or means of transportation, the number of cases, or the interest of the administration of justice require it, the Secretary of Justice may advance or postpone the term of court or transfer the place of holding the same to another municipality within the same judicial district, and, in land registration cases, to any other place more convenient to the parties.

[2657–186; 2941–1(194); 3107–1(195); 3161–1(196); 3334–1(197); 3345–3, 6, 8(198); 3627–4(199); 3728–1(200); 3779–2(201); 3911–3(202); 4007–26(203); 4060–4(204); 4133–1(205); C.A. 145–4(206); 348–4(207); 540–1(208); 545–2(209).]

SECTION 162. *Duty of Judges to hold court at permanent station.* — Any judge shall hold court at the place of his permanent station, not only during the period herein above appointed, but also at any other time when there are cases ready for trial or other court business to be there dispatched, if he is engaged elsewhere.

[2657–186; 3107–1(210).]

SECTION 163. *Special terms of court.* — When so directed by the Department Head, Judges of First Instance shall hold special terms of court at any time or in any municipality in their respective districts for the transaction of any judicial business.

[2657–187; 3107–1(211).]

SECTION 164. *Authority of judge to define territory appurtenant to courts.* — Where court is appointed to be held at more than one place in a district, the judge of first instance may, with the approval of the Department Head, define the territory over which the court held at a particular place shall exercise its authority, and cases arising in the territory thus defined shall be triable at such court accordingly. The power herein granted shall be exercised with a view to making the courts readily accessible to the people of the different parts of the district and with a view to making the attendance of litigants and witnesses as inexpensive as possible.

[2657–188.]

SECTION 165. *Hours of daily sessions of courts.* — The hours for the
daily sessions of Courts of First Instance shall be from nine to twelve in the forenoon, and from three to five in the afternoon, except on Saturdays, when a forenoon session only shall be required; but the judge may extend the hours of session whenever in his judgment it is proper to do so. The Judge holding any court may also, in his discretion, order that but one session per day shall be held, instead of two, at such hours as he may deem expedient for the convenience both of the court and the public; but the number of hours that the court shall be in session per day shall be not less than five.

[2657–189.]

SECTION 166. Clerk's duty to attend sessions and keep office hours. — Clerks of court shall be in attendance during the hours of session; and when not so in attendance upon the court they shall keep the same office hours as are prescribed for other Government employees.

[2657–189.]

ARTICLE VII

Special Provisions Relative to Business in Court of First Instance of [Ninth] Fourth District (City of Manila)

SECTION 167. Division of business among branches of court of [Ninth] Fourth District (City of Manila). — In the Court of First Instance of the [Ninth] Fourth District (City of Manila) all cases relative to the registration of real estate in the City of Manila and all matters involving the exercise of the powers conferred upon the fourth branch of said court or the judge thereof in reference to the registration of land shall be within the exclusive jurisdiction of said fourth branch and shall go or be assigned thereto for disposition according to law. All other business appertaining to the Court of First Instance of (said district) the City of Manila shall be equitably distributed among the judges of the (four) nine branches in such manner as shall be agreed upon by the judges themselves; but in proceeding to such distribution of the ordinary cases a smaller share shall be assigned to the fourth branch, due account being taken of the amount of land registration work which may be required of this branch.

Nothing contained in this section and in section one hundred and sixty-nine shall be construed to prevent the temporary designation of judges to act in (this district) the City of Manila in accordance with sections one hundred and fifty-five and one hundred and sixty or to prevent the other judges of the (district) City of Manila, including the (auxiliary judges) judges-at-large, to hear registration cases in order to assist the judge of the fourth branch in disposing of such cases.
SECTION 167-A. Authority of the Court of First Instance of the [Ninth] Fourth Judicial District (City of Manila) over administration of its own affairs. — The Court of First Instance of the [Ninth] Fourth Judicial District (City of Manila) shall have the administrative control of all matters affecting the internal operations of the court. This administrative control shall be exercised by the court itself through the clerk of the court. In administrative matters, the clerk of the court shall be under the direction of the court itself. The personnel of the office of the clerk of the Court of First Instance of the [Ninth] Fourth Judicial District (City of Manila) shall consist of the officers and employees provided for said court by Act Numbered Twenty-nine hundred and ninety-seven. The subordinate employees of said office shall be appointed by the Secretary of Justice upon recommendation of the chief of the office, the clerk of the court. The said clerk of the court shall receive an annual salary of five thousand pesos, and with all the employees of his office shall belong, for all purposes, to the Court of First Instance of the [Ninth] Fourth Judicial District (City of Manila).

SECTION 168. Appointment and qualification of clerks. — The clerk and deputy clerk of the [Ninth] Fourth Judicial District (City of Manila) shall be appointed by the (Governor-General) President of the Philippines upon the recommendation of the Secretary of Justice, with the [advice and] consent of the (Senate) Commission on Appointments of the National Assembly. No person shall be eligible for appointment to either of these positions who is not duly authorized to practice law in the (Philippine Islands) Philippines.

SECTION 169. Interchange of judges. — The judges of the several branches of the Court of First Instance for the [Ninth] Fourth District (City of Manila) may, for their own convenience or the more expeditious accomplishment of business, sit by interchange, by mutual agreement or by order of the Department Head, in other branches than those to which they severally pertain; and except as regards land registration matters, any action or proceeding in one branch may be sent to another branch for trial or determination.

SECTION 170(216). Convocation of judges for assistance of judge of fourth branch. — In matters of special difficulty connected with the registration of
land, the judge of the fourth branch of the Court of First Instance of the [Ninth] Fourth District (City of Manila) may, when he deems such course advisable or necessary, convoke the other three judges of said court for the purpose of obtaining their advice and assistance. In such case the issue or issues to be decided shall be framed in writing by the judge of the fourth branch and shall be propounded for determination in joint session, with not fewer than three judges present. In case of a tie upon any issue, that view shall prevail which is maintained by the judge of the fourth branch.

[2657–192.]

ARTICLE VIII

Vacation of Courts of First Instance

SECTION 171. Vacations of Courts of First Instance. — The yearly vacation of Courts of First Instance shall begin with the first of April and close with the first of June of each year.

[2657–193; 3334–2(217).]

SECTION 172. Assignment of judges to vacation duty. — During the month of January of each year the Department Head shall issue an order naming the judges who are to remain on duty during the court vacation of that year; and consistently with the requirements of the judicial service, the assignments shall be so made that no judge or (auxiliary) judge-at-large shall be assigned to vacation duty, unless upon his own request, with greater frequency than once in three years.

Such order shall specify, in the case of each judge assigned to vacation duty, the territory over which in addition to his own district his authority as vacation judge shall extend, and the assignments shall be so arranged that provision will be made for the exercise of interlocutory jurisdiction, during vacation, in all parts of the Islands.

At least one judge shall always be assigned for vacation duty in the [Ninth] Fourth Judicial District (City of Manila).

The Department Head may from time to time modify his order assigning the judges to vacation duty as newly arising conditions or emergencies may require.

A judge assigned to vacation duty shall not ordinarily be required to hold court during such vacation; but the Department Head may, when in his judgment the emergency shall require, direct any judge assigned to vacation duty to hold
during the vacation a special term of court in any district.

[2657–194.]

ARTICLE IX

Removal and Suspension of Judges

SECTION 173. Proceedings for the removal of judges. — Temporary suspension. — No judge or (auxiliary judge) judge-at-large of first instance shall be separated or removed from office by the (Governor-General) President of the Philippines unless sufficient cause shall exist, in the judgment of the Supreme Court, involving serious misconduct or inefficiency, for the removal of said judge from office after the proper proceedings. The Supreme Court of the (Philippine Islands) Philippines is authorized, upon its own motion or upon information of the (Attorney-General) Secretary of Justice of the (Philippine Islands) Philippines to conduct an inquiry into the official or personal conduct of any judge appointed under the provisions of this law and to adopt such rules of procedure in that regard as it may deem proper, and, after such judge shall have been heard in his own defense, the Supreme Court may recommend his removal to the (Governor-General) President of the Philippines who, if he deems that the public interest will be subserved thereby, shall thereupon make the appropriate order for such removal.

The (Governor-General) President of the Philippines, upon recommendation of the Supreme Court, may temporarily suspend a judge pending proceedings under this section. In case the judge suspended is acquitted of the cause or causes that gave rise to the investigation, the (Governor-General) President of the Philippines shall order the payment to him of the salary, or part thereof, which he did not receive during his suspension, from any available funds for expenses of the judiciary.

The cost and expenses incident to such investigations shall be paid from the funds appropriated for contingent expenses of the judiciary, upon vouchers approved by the Chief Justice of the Supreme Court.

[2657–195.]

ARTICLE X

General Land Registration Office

SECTION 174. General Land Registration Office. — For the due effectuation and accomplishment of the laws relative to the registration of land
there shall be maintained in the City of Manila, under the supervision of the judge of the fourth branch of the Court of First Instance of the [Ninth] Fourth Judicial District (City of Manila), an office to be known as the General Land Registration Office.

Said office shall be the head of the clerical and archival system of the Courts of First Instance throughout the (Philippine Islands) Philippines in the exercise of the faculties conferred upon them or upon judges of first instance in reference to the registration of land and shall constitute a central repository of records in matters connected therewith.

[2657–196.]

SECTION 175. Chief and assistant chief of General Land Registration Office. — The General Land Registration Office shall have a chief and an assistant chief to be known, respectively, as the Chief of the General Land Registration Office and assistant chief of the General Land Registration Office. The chief of said office shall be a lawyer duly qualified by the Supreme Court of the Islands.

The assistant chief shall serve as acting chief during the absence or disability of the chief, as he shall also do in case of the death, resignation, or removal of the chief, until the vacancy shall be filled.

[2657–197.]

SECTION 176. Relation of chief to Courts of First Instance. — The chief of the General Land Registration Office shall be deemed to be clerk of the fourth branch of the Court of First Instance of the [Ninth] Fourth District (City of Manila) in the exercise of the functions conferred upon said branch or the judge thereof in matters relating to the registration of land. As such it shall be his duty to attend, either in person or by deputy, all sessions of said court at which proceedings relative to the registration of land are held, to keep minutes of such proceedings, and to perform with reference thereto all the duties of clerk of court.

The chief of the General Land Registration Office shall be deemed to be the chief clerk of all Courts of First Instance, save in the [Ninth] Fourth Judicial District (City of Manila), in so far as concerns the discharge of functions conferred by law upon such courts or the judges thereof in matters relating to the registration of land, and all clerks of said courts, acting in said capacity, shall be deemed to be subordinate to the chief of the General Land Registration Office. As such it shall be their duty to attend, either in person or by deputy, all sessions of their respective courts at which proceedings relative to the registration of land are held, to keep
minutes of such proceedings, and to perform with reference thereto all the duties of clerk of court.

It shall be the duty of the chief of the General Land Registration Office to comply with all orders, decisions, or decrees relative to the registration of land addressed to him by Courts of First Instance or the Supreme Court.

[2657–198.]

SECTION 177. Chief surveyor. — There shall be a chief surveyor in the General Land Registration Office, who shall have general supervision of all other surveyors in said office, and of all plats, plans and work requiring the services of a surveyor in said office. He shall examine the applications plans, and technical descriptions in all cases filed whether in the provinces or in the City of Manila, and shall promptly make report to the court of any errors in said plans and technical descriptions and any conflicts between descriptions in said cases and descriptions of adjoining lands for which application for registration has been made. It shall also be his duty to prepare notices for publication and to prepare final decrees in all adjudicated cases.

[2657–199.]

SECTION 178. Subordinate employees of General Land Registration Office. — The chief surveyor and other subordinates of the General Land Registration Office shall be appointed by the Secretary of Justice, upon recommendation of the chief of said office. For administrative purposes, the General Land Registration Office shall be under the direct control of the Secretary of Justice.

[2657–200; 2834–1(218).]

SECTION 179. Regulations of General Land Registration Office. — Administrative regulations governing the conduct of the business in the General Land Registration Office and defining the duties of its personnel may be made by the chief of said Office.

With a view to uniformity of practice, regulations not inconsistent with law shall be made and promulgated by the chief of the General Land Registration Office, with the approval of the judge of the fourth branch of the Court of First Instance of the [Ninth] Fourth Judicial District (City of Manila), governing the registration, indexing, classification, filing, and preservation of documents, papers, and maps relative to the registration of land. These regulations shall be observed, so far as applicable, in all courts and offices and by all officers exercising
functions connected with such matters, including clerks of Courts of First Instance in the provinces and registers of deeds throughout the (Islands) Philippines.

[2657–201.]

SECTION 180. *Blank forms.* — The chief of the General Land Registration Office, with the approval of the judge of the fourth branch, as aforesaid, shall also prepare the blank forms necessary for carrying into proper effect the laws relative to the registration of land.

[2657–202.]

SECTION 181. *Certain documents to be kept in General Land Registration Office.* — In the General Land Registration Office shall be kept and preserved all official papers, documents, and records of whatever character pertaining to the registration of lands located in the City of Manila; and in this office shall be received and preserved copies of all applications for registration and of maps of lands concerned in registration proceedings, and of all replies and other documents connected with such proceedings, including the orders, resolutions, and decisions of the various courts in registration cases; but except as regards land located in the City of Manila, all the original records of cases, with all the documents, notes of the testimony of witnesses, and other papers attached thereto, after the issuance of the decree of registration, shall be kept, and preserved by the clerk of the Court of First Instance of the province in which the land lies.

[2657–203.]

SECTION 182. *Seal to be used in General Land Registration Office.* — All processes, documents, and papers which require a seal and which issue through the General Land Registration Office shall have the seal of the proper Court of First Instance affixed thereto.

[2657–204.]

**ARTICLE XI**

**Office of Sheriff**

SECTION 183. *Powers and duties of sheriff.* — In the City of Manila and in each of the several provinces there shall be an officer to be known as the sheriff, whose powers and duties shall be these:

(a) He shall be the legal custodian of the courthouse or of the quarters set apart for the court room and court offices,
including, in the City of Manila, the buildings occupied by the Supreme Court, and he shall be charged with the care and safe-keeping of all public property therein, except the books, records, and papers appertaining to the office of the clerk.

(b) He shall, in person or by deputy, attend the sessions of the Court of First Instance, shall enforce proper decorum in the court room, and preserve good order in its precincts. To this end he shall carry into effect the orders of the court made in this behalf, or of the judge thereof, and shall arrest any person there disturbing the court or violating the peace.

(c) Except as otherwise specially provided, he shall, in person or by deputy, serve all writs, execute all processes, and carry into effect all orders issuing from the Court of First Instance or made by any judge thereof; and in the City of Manila the sheriff shall serve or execute civil writs, processes, and orders issued from the Supreme Court or any inferior or superior court or by a judge of any such court. Orders and processes in criminal cases from whatever court or by whatever judge issued, shall be served or executed in the City of Manila by members of the police department of the city, and in the provinces warrants of arrest in criminal cases shall be executed by members of the Philippine Constabulary or of the municipal police force, though the same may also be served or executed with equal effect by the sheriff.

[2657–205; 3598–1(219); see C.A. 89–1(220).]

SECTION 184. Appointment of deputies. — The provincial sheriffs in provinces of the first and second class may appoint three deputies; in provinces of the third and fourth class, two deputies; and in provinces of the fifth and sixth class, one deputy. The provincial sheriff shall be responsible for the acts of his deputies. The chief of police in each municipality shall be ex officio deputy sheriff in his municipality without additional compensation. The salaries of the said provincial deputies shall be paid out of the (insular) national funds.

[2657–206; 3598–2(221).]

SECTION 185. Service of process when sheriff incompetent. — When the sheriff is party to any action or proceeding or is otherwise incompetent to serve process therein some suitable person shall be thereunto deputed by the judge of the court from which the process issues.
SECTION 186. **Officers in function of sheriff.** — In the City of Manila the clerk of Court of First Instance of said city shall exercise the functions of sheriff. In the several provinces of (these Islands) the Philippines including the specially organized provinces said functions shall be exercised by a provincial sheriff who shall be appointed by the Secretary of Justice. No person shall be eligible to appointment as provincial sheriff unless he shall be: (1) at least twenty-five years of age; (2) a citizen of the (Philippine Islands) Philippines or of the United States; (3) of good moral character; (4) admitted by the Supreme Court to practice law, or be a person who has at least finished the courses of legal study in a recognized school, or shall have passed the corresponding civil service examination.

SECTION 187. **Carriage of arms by sheriff.** — For the proper exercise of their functions and the protection of their persons against persons resisting their authority in the execution or service of judicial writs, processes, or orders, sheriffs shall supply themselves with a revolver and shall be entitled to the free carriage thereof. This right may be extended to deputies upon recommendation of the sheriff and approval of the Secretary of Justice.

SECTION 188. **Detail of policemen as attendants upon courts.** — In the City of Manila, the Mayor, and in the provinces, the Provincial Governor or the municipal (president) mayor shall direct the detail of one or more members of the provincial guard or municipal police of the place where a Court of First Instance or any superior court shall be held, to attend the sessions and enforce good order in and about the same under the direction of the sheriff. If no member of the provincial guard or municipal police can be thus detailed and it is impracticable to obtain the services of a member of the Constabulary upon request directed to the proper Constabulary officer in the province, the judge of the court may appoint a bailiff to serve as an emergency employee during such time as the court may be in session in the province.

SECTION 189. **Temporary sheriff.** — When the office of provincial sheriff is vacant, or the proper appointee has not yet qualified, the judge of the Court of First Instance of the province, may in case of emergency, make a temporary appointment to the office of sheriff of the province, pending the
appointment and qualification of the sheriff in due course; and he may appoint the
deputy clerk of the court or other officer in the Government service to act in said
capacity. Such temporary appointee shall have all the powers of a regular
provincial sheriff and shall cease in the performance of his duties only when his
successor shall have duly qualified, or at the expiration of ninety days from his
appointment. A second appointment of the same person as temporary sheriff shall
not be made unless for the purpose of supplying the vacancy occurring after a
permanent sheriff shall have been appointed and qualified.

[2657–211; 3598–6(226).]

SECTION 190. **Expenses of maintenance of courthouse.** — All expenses
incident to the repair, alteration, and custody of the courthouse, or court room and
court offices, and the cost of all equipment and supplies for a Court of First
Instance, including necessary books and stationery, shall be borne by the province
concerned. The similar expenses of the Court of First Instance of the [Ninth]
Fourth Judicial District (City of Manila) shall be borne by the City of Manila.

[2657–212.]

SECTION 191. **Compensation of sheriff and his deputies.** — In the City
of Manila the clerk serving as sheriff shall receive from the City of Manila
additional compensation at the rate of two thousand pesos *per annum*. In the
provinces the officer or employee serving as provincial sheriff shall receive a
compensation not exceeding two thousand four hundred pesos *per annum* in
first-class provinces; one thousand eight hundred pesos *per annum* in second-class
provinces, one thousand five hundred pesos *per annum* in third-class provinces,
and one thousand two hundred pesos *per annum* in fourth, fifth, and sixth-class
provinces. Deputy sheriffs shall receive compensation at the rate of eight hundred
and forty pesos *per annum: Provided,* That in classifying the especially organized
provinces for the purposes of this Act the amount of insular aid received by the
said provinces shall not be considered.

[2657–213; 3598–7(227).] [As to collection and disposition of fees for
services of sheriffs, see secs. 8–9 of Act No. 3598.]

**ARTICLE XII**

**Registers of Deeds**

SECTION 192. **Office of the register of deeds.** — There shall be a
register of deeds for the City of Manila and one for each of the first- and
second-class provinces, except the Mountain Province where there shall be two:
one for the Subprovince of Benguet, including the City of Baguio, and another for
the rest of the province. There shall also be one for any of the other provinces,
whenever the Secretary of Justice will certify to the advisability of the appointment
in the interest of the public service. In the third-, fourth-, and fifth-class provinces
for which no register or deeds has been appointed, the provincial fiscal shall be the
register of deeds ex-officio of the province.

[2657–214; 3156–1(228); 3900–1(229); 4007–28(230); C.A. 92–1(231).]

[Commonwealth Act No. 440, approved May 31, 1939, designates the
register of deeds of provinces whose capitals have been converted into cities, as
City Register of Deeds ex officio thereof, with additional compensation. See C.A.
581 (approved June 8, 1940) re Romblon.]

SECTION 192 (a). Appointment of registers of deeds and subordinate
personnel. — The registers of deeds and the subordinate personnel of their offices
shall, for administrative purposes, be under the General Land Registration Office.
The registers of deeds shall be appointed by the (Governor-General) President of
the Philippines, with the consent of the (Philippine Senate) Commission on
Appointment of the National Assembly, and the subordinate employees of their
offices shall be appointed by the Secretary of Justice, on nomination by the Chief
of the General Land Registration Office.

SECTION 192 (b). Salaries of register of deeds. — The salary of the
register of deeds of the City of Manila shall be five thousand pesos per annum; that
of the registers of deeds of the Provinces of Cebu, Iloilo, Occidental Negros, and
Pangasinan, three thousand pesos per annum; that of the registers of deeds of the
Provinces of Albay, Bulacan, Laguna, Leyte, Nueva Ecija, Pampanga, Rizal,
Tarlac, Tayabas, and Zamboanga, twenty-four hundred pesos per annum; and that
of the registers of deeds of the other provinces, including the subprovince of
Benguet, eighteen hundred pesos per annum.

SECTION 192 (c). Qualifications of registers of deeds. — No person shall
be appointed to the office of register of deeds unless he has been employed for
over five years in some branch of the Government the functions of which include
the registration of property or unless he is authorized to practice law in the
Philippine Islands or is a graduate of a law school recognized by the Government.
This qualification shall, however, not be required in the case of officers designated
temporarily to perform the duties of register of deeds.

SECTION 192 (d). Privileges of registers. — Registers of deeds shall
be entitled to the benefits and privileges of classified employees.
SECTION 192 (e). Transfer of employee to serve in another province. — When the public interest requires it, the Secretary of Justice, on recommendation of the Chief of the General Land Registration Office, may direct a register of deeds appointed for one province or any subordinate employee of the office of such register to go to another province for temporary service in the same.

[2657–214; 3156–1(232).]

SECTION 193. General functions of register of deeds. — The office of register of deeds constitutes a public depository of records of documents affecting the title of land in the province or city wherein such office is situated; and it is the duty of a register of deeds to record in proper form all instruments relative to such lands, the recording whereof shall be required or allowed by law.

Except in the City of Manila, the register of deeds shall perform the functions of commercial register in all matters except the registration of vessels, under the supervision of the Director of the Bureau of Commerce and Industry. He shall also maintain a book of records of chattel mortgages and perform in respect to such instruments the duties prescribed in section one hundred and ninety-eight hereof.

SECTION 193 (a). Annual reports. — Immediately after January first of each year, all registers of deeds shall send to the Chief of the General Land Registration Office annual reports of the scope and form of which said chief shall prescribe, on the work performed in their respective offices during the preceding year.

[2657–215; 3156–2(233).]

SECTION 194. Recording of instruments or deeds relating to real estate not registered under Act Numbered Four hundred and ninety-six or under the Spanish Mortgage Law. — No instrument or deed establishing, transmitting, acknowledging, modifying or extinguishing rights with respect to real estate not registered under the provisions of Act Numbered Four hundred and ninety-six, entitled “The Land Registration Act,” and its amendments, or under the Spanish Mortgage Law, shall be valid, except as between the parties thereto, until such instrument or deed has been registered, in the manner hereinafter prescribed, in the office of the register of deeds for the province or city where the real estate lies.

It shall be the duty of the register of deeds for each province or city to keep a daybook and a register book for unregistered real estate, in accordance with a form to be prepared by the Chief of the General Land Registration Office, with the approval of the Secretary of Justice. The day book shall contain the names of the
parties, the nature of the instrument or deed for which registration is requested, the hour and minute, date and month of the year when the instrument was received. The register book shall contain, among other particulars, the names, age, civil status, and the residences of the parties interested in the act or contract registered and in case of marriage, the name of the wife, or husband, as the case may be, the character of the contract and its conditions, the nature of each piece of land and its own improvements only, and not any other kind of real estate or properties, its situation, boundaries, area in square meters, whether or not the boundaries of the property are visible on the land by means of monuments or otherwise, and in the affirmative case, in what they consist; the permanent improvements existing on the property; the page number of the assessment of each property in the year when the entry is made, and the assessed value of the property for that year; the notary or the officer who acknowledged, issued, or certified the instrument or deed; the name of the person or persons who, according to the instrument, are in present possession of each property; a note that the land has not been registered under Act Numbered Four hundred and ninety-six nor under the Spanish Mortgage Law; that the parties have agreed to register said instrument under the provisions of this Act and that the original instrument has been filed in the office of the register of deeds, indicating the file number, and that the duplicate has been delivered to the person concerned; the exact year, month, day, hour, and minute when the original of the instrument was received for registration, as stated in the day book. It shall also be the duty of the register of deeds to keep an index-book of persons and an index-book of estates, respectively, in accordance with a form to be also prepared by the Chief of the General Land Registration Office, with the approval of the Secretary of Justice.

Upon presentation of any instrument or deed relating to real estate not registered under Act Numbered Four hundred and ninety-six and its amendments or under the Spanish Mortgage Law, which shall be accompanied by as many duplicates as there are parties interested, it shall be the duty of the register of deeds to ascertain whether said instrument has all the requirements for proper registration. If the instrument is sufficient and there is no legitimate objection thereto, or in case of there having been one, if the same has been dismissed by final judgment of the courts, and if there does not appear in the register any valid previous entry that may be affected wholly or in part by the registration of the instrument or deed presented, and if the case does not come under the prohibition of section fourteen hundred and fifty-two of Act Numbered Twenty-seven hundred and eleven, the register of deeds shall register the instrument in the proper book. In case the instrument or deed presented has defects preventing its registration, said register of deeds shall refuse to register it until the defects have been removed, stating in writing his reasons for refusing to record said instrument as requested. Any registration made under this section shall be understood to be without
prejudice to a third party with a better right.

The register of deeds shall be entitled to collect in advance as fees for the services to be rendered by him in accordance with this Act, the same fees established for similar services relating to instruments or deeds in connection with real estate in section one hundred fourteen of Act Numbered Four hundred ninety-six entitled "The Land Registration Act," as amended by Act Numbered Two thousand eight hundred and sixty-six.

[2657–216; 2837–1(234); 3344–1(235).]

SECTION 195. **Duties of register with reference to land judicially registered.** — A register of deeds shall have authority to make memoranda affecting the title of land registered in his district and to enter and issue new certificate and duplicate certificates of title as provided by law, affixing the proper seal of court to the same.

[2657–217.]

SECTION 196. **Journal for notation of matters relating to commercial documents.** — It shall be the duty of all registers of deeds to keep a day book in their offices in which they shall enter the hour and minute, date, month, and year of the commercial documents presented for registration and the names of the persons executing said documents, as well as the name of the person presenting the same.

[2657–218.]

SECTION 197. **Certain fees collectible upon commercial documents.** — The following fees shall be paid for the registration and entry of each commercial document in the office of Mercantile Register:

For the presentation of a document, fifty centavos.

For each entry made in the book of merchants not mentioned in the following paragraphs, ten pesos.

For the entry of a change of any circumstance relating to a private merchant, two pesos.

For the entry of powers of attorney and of substitutions, modifications, and renewals of the same, five pesos.

For entries of dowries, articles of marriage, or paraphernal property, ten pesos.
For the first entry of any business partnership or association, the fees designated in the following schedule:

If the capital of said business partnership or association does not exceed ten thousand pesos, ten pesos; if it exceeds ten thousand, one peso for each thousand or fraction thereof in excess of the first ten thousand; but the maximum fee which may be charged for the first entry, whatever the amount of the capital may be, is three hundred pesos: Provided, That for the registration of a document showing an increase of the capital, a fee shall be collected based upon the amount of the increase of the capital in accordance with the foregoing schedule.

For entries made in the book of associations not mentioned in the foregoing paragraphs, five pesos.

For certificate of correctness, with seal of office, fifty centavos.

For a literal copy of entries, one peso for every page or fraction thereof.

For certificate of any entry, five pesos.

For any negative certificate, three pesos.

[2657–219; 3885–1(236).]

SECTION 198. Registration of chattel mortgages and fees collectible in connection therewith. — Every register of deeds shall keep a book of records of chattel mortgages; shall certify on each mortgage left for record the date, hour, and minute when the same was by him received; record in such book any chattel mortgage, transfer, or discharge, which shall be presented to him in duplicate, the original to be filed and the duplicate to be returned to the person concerned.

The record shall be effected by making an entry, which shall be given a correlative number, setting forth the names of the mortgagee and the mortgagor, the sum of obligation guaranteed, date of the instrument, name of the notary acknowledging the same, and a note that the property mortgaged is mentioned in detail in the instrument filed, giving the proper file number thereof.

The register shall also certify the officer's return of sale upon any mortgage, making reference upon the margin of the record of such officer's return to the volume and page of the record of the mortgage, and a reference of such return on the record of the mortgage itself, and give a certified copy thereof, when requested, upon the payment of lawful fees for such copy; and certify upon each mortgage officer's return of sale or discharge of mortgage, both on the original and on the duplicate, the date, hour, and minute when the same is received for record and
record such certificate with the return itself and keep an alphabetical index of
mortgagors and mortgagees, which record and index shall be open to public
inspection.

         Duly certified copies of such record and of filed instrument shall be
receivable as evidence in any court.

         A register of deeds shall collect the following fees for services under this
section:

         For record of filing of any document, twenty-five centavos.

         For filing and recording each chattel mortgage, including the necessary
certificates and affidavits, the fees established in the following schedule shall be
collected:

         For each mortgage, the amount of which is —

         Three hundred pesos or less, three pesos.

         From three hundred and one to six hundred pesos, three pesos and
fifty centavos.

         From six hundred and one to eight hundred pesos, four pesos.

         From eight hundred and one to one thousand pesos, four pesos and
fifty centavos.

         From one thousand and one to one thousand five hundred pesos, five
pesos.

         From one thousand five hundred and one to two thousand pesos, five
pesos and fifty centavos.

         From two thousand and one to two thousand five hundred pesos, six
pesos.

         From two thousand five hundred and one to three thousand pesos, six
pesos and fifty centavos.

         From three thousand and one to four thousand pesos, seven pesos
and fifty centavos.

         From four thousand and one to five thousand pesos, eight pesos and
seventy-five centavos.
From five thousand and one to eight thousand pesos, ten pesos.

From eight thousand and one to ten thousand pesos, eleven pesos and twenty-five centavos.

From ten thousand and one to twelve thousand pesos, twelve pesos and fifty centavos.

From twelve thousand and one to fourteen thousand pesos, fourteen pesos.

From fourteen thousand and one to sixteen thousand pesos, fifteen pesos and fifty centavos.

From sixteen thousand and one to eighteen thousand pesos, seventeen pesos.

From eighteen thousand and one to twenty thousand pesos, eighteen pesos and fifty centavos.

From twenty thousand to twenty-five thousand pesos, twenty pesos.

From twenty-five thousand pesos upward, twenty-five pesos.

For recording each instrument of sale, conveyance, and transfer of a mortgage credit; whatever be the amount, three pesos.

For recording each notice of embargo, including the necessary index and annotations, three pesos.

For recording each release, including the necessary index and references, forty centavos.

For recording each release of embargo, including the proper annotations, forty centavos.

For recording each sheriff’s return of sale, including the index and references, for each one hundred words, twenty centavos.

For certified copies of records, such fees as are allowed by law for copies of records kept by the register of deeds, that is ten centavos for each one hundred words.

For any kind of certificate on a declaration or statement, fifty centavos.
[2657–220. See C.A. 66–2 (approved October 22, 1936) re free registration of agricultural or crop loan not exceeding P200 from Philippine National Bank.]

SECTION 199(237). [Supervision over register of deeds.]

[2657–221.]

SECTION 200(238). Reference of doubtful matter to judge of fourth branch of Court of First Instance at Manila. — When the register of deeds is in doubt with regard to the proper step to be taken or memorandum to be made in pursuance of any deed, mortgage, or other instrument presented for registration or where any party in interest does not agree with the register of deeds with reference to any such matter, the question shall be referred to the judge of the fourth branch of the Court of First Instance of the Ninth Judicial District either on the certificate of the register of deeds stating the question upon which he is in doubt or upon the suggestion in writing of the party in interest; and thereupon said judge, upon consideration of the matter as shown by the record certified to him, and in case of registered lands, after notice to the parties and hearing, shall enter an order prescribing the step to be taken or memorandum to be made.

[2657–222.]

SECTION 201. Discharge of duties of register in case of vacancy, etc. — Where no regular register of deeds shall have been appointed for any province, or in case of a vacancy in the office, or upon the occasion of the absence or disability of the register, the duties of register shall be performed by the following officials, without additional compensation, in the order in which they are mentioned below, until a regular register of deeds shall have been appointed and qualified, during the entire time of such absence or incapacity of the register:

(a) For the City of Manila, by the chief or assistant chief of the General Land Registration Office.

(b) For the subprovince of Benguet; by the city treasurer or deputy treasurer of Baguio.

(c) For provinces in general, by the provincial fiscal, provincial treasurer, or deputy provincial treasurer.

(d) And when the needs of the service require it, by and other officer of the Government whom the Secretary of Justice may designate.
SECTION 202. Expenses of office of register. — The salary of the register of deeds and that of the subordinate personnel of his office and, in the absence of any special provision, the cost of all equipment and material, including books and stationery, and other necessary expenses for the proper operation of the office of a register of deed, shall be paid out of the (Insular) National funds appropriated for said purposes and shall be disbursed by the disbursing officer of the General Land Registration Office.

SECTION 202 (a). Requisition of supplies for office of register. — All equipment and material, including books and stationery, required by the register of deeds, shall, in the absence of any special provision, be obtained through the Chief of the General Land Registration Office, who shall make the necessary requisition in accordance with the Supply Law.

SECTION 202 (b). Payment of salaries of personnel and furnishing of supplies by provincial treasurer. — The Chief of the General Land Registration Office may, when he considers it advisable for the service, direct the provincial treasurer in the provinces in general and the city treasurer of Baguio in the subprovince of Benguet, to furnish to the office of the register of deeds all necessary office supplies and pay the salaries of the register and his employees. In such case, the provincial treasurer or city treasurer of Baguio shall send to the Chief of the General Land Registration Office, at the end of each month, an account of the expenses so paid, for the reimbursement thereof.

At the request of the register of deeds, the Chief of the General Land Registration Office may likewise order the necessary equipment, furniture, and nonexpendable material for the office of such register furnished to the latter, at the expense of said General Land Registration Office.

SECTION 202 (c). Disposition of furniture, equipment, etc., in office of register. — All equipment, furniture, books, and other nonexpendable office material acquired for the office of a register of deeds or for a provincial fiscal or other officer in his capacity as register of deeds, prior to the approval of this Act, shall become (insular) national property, under the custody of the register of deeds concerned, who shall be accountable for the same, in accordance with the
provisions of the Accounting Law.

[3156–4(243).]

SECTION 202 (d). Office room for register. — The province shall furnish a suitable place for the office of the register of deeds and shall, likewise, place at the disposal of such register of deeds a suitable vault of sufficient capacity to contain all important register books and documents, until a fireproof vault can be provided out of (insular) national funds.

[3156–4(244).]

SECTION 202 (e). Disposition of fees. — All moneys received and collected by the register of deeds as registration fees or for services rendered by the office of the register of deeds, shall be paid into the (Insular) National Treasury.

[3156–4(245).]

CHAPTER 10

Justices of the Peace

ARTICLE I

Office of Justice of the Peace

SECTION 203(246). Appointment and distribution of justices of the peace. — One justice of the peace and one auxiliary justice of the peace shall be appointed by the (Governor-General) President of the Philippines, with the (advice and) consent of the (Philippine Senate) Commission on Appointments of the National Assembly, for the City of Baguio, and for each municipality, [township], and municipal district in the (Philippine Islands) Philippines, and if the public interest shall so require, for any minor political division or unorganized territory in (said Islands) the Philippines: Provided, That justices and auxiliary justices of the peace shall be appointed to serve until they have reached the age of sixty-five years; Provided, further, That the present justices and auxiliary justices of the peace who shall, at the time this Act takes effect, have completed sixty-five years of age, shall automatically cease to hold office on January first, nineteen hundred and thirty-three; and the Governor General with the advice and consent of the Philippine Senate to cover the vacancies occurring by operation of this Act.

Upon the recommendation of the Department Head, the territorial jurisdiction of any justice and auxiliary justice of the peace may be made to extend over any number of municipalities, [townships,] municipal districts, or other minor
political divisions or places not included in the jurisdiction of a justice of the peace already appointed; and upon like recommendation of the Department Head, the (Governor-General) President of the Philippines may combine the offices of justices of the peace for two or more such jurisdictions already established, and may appoint to the combined jurisdiction one justice of the peace and one auxiliary justice, at a salary not to exceed the total of the salaries of the combined positions; but in this case the appointee shall be a member of the bar of the (Philippine Islands), if there be any applicant with this qualification.

[2657–235; 3107–1(247); 3899–1(248).]

SECTION 204. Jurisdiction of justice of the peace as affected by territorial changes. — When a new political division affecting the territorial jurisdiction of a justice of the peace is formed or the boundaries limiting the same are changed, the (Governor-General) President of the Philippines may, in the absence of special provision, designate which of the justices and auxiliary justices within the territory affected by the change shall continue in office; and the powers of any others therein shall cease.

[2657–236.]

SECTION 205. Oath of office of justice of the peace. — The oath of office of the justice of the peace shall be the same in substance as that prescribed for a judge of first instance. Said oath shall be filed with the clerk of the Court of First Instance in the province and shall be there preserved.

[2657–237; see Ex. Or. No. 1, 1935.]

SECTION 206. Tenure of office — Transfer from one municipality to another. — A justice of the peace having the requisite legal qualifications shall hold office during good behavior unless his office be lawfully abolished or merged in the jurisdiction of some other justice: Provided, That in case the public interest requires it, a justice of the peace of one municipality may be transferred to another.

[2657–238; 2768–1(249).]

SECTION 207. Qualifications for the office of justice of the peace. — No person shall be eligible to appointment as justice of the peace or auxiliary justice of the peace unless he shall be (1) at least twenty-three years of age; (2) a citizen of the Philippines; (3) of good moral character and not convicted of any felony; and (4) admitted by the Supreme Court to practice law. As vacancies occur, or when the proper administration of justice so demands, the Department Head may group municipalities into circuit courts, composed of at least two
municipalities: *Provided, however,* That the capital of the province shall not be grouped with any other municipality except in fourth- or fifth-class provinces, or the Mountain Province and the specially organized provinces, if the Secretary of Justice so directs: *Provided, further,* That any designation or appointment that has heretofore been made of any justice of the peace of a provincial capital except in a fourth- or fifth-class province or the Mountain Province and the specially organized provinces, to act as such in any other municipality shall, from the date of the taking effect of this Act, be considered cancelled and of no effect: *And provided, finally,* That the Secretary of Justice may, upon the recommendation of the judge of first instance concerned, designate the justice of the peace of the capital of a province or subprovince as clerk of court *ex officio* of said province or subprovince.

No person shall be appointed judge of the Municipal Court of the City of Manila and of the provincial capitals unless he shall have practiced law in the Philippines for a period of five years, or being a qualified lawyer, shall during a like period have held in the Philippines the position of provincial fiscal, deputy provincial fiscal, clerk or deputy clerk of a court of first instance, or assistant attorney in the Bureau of Justice.

*[2657–239; 3107–1(250); 3727–1(251); 3887–1(252); 4007–27(253); 4057–1(254); 4179–1(255); C.A. 101–1(256).*]

SECTION 208. *Fee to be paid by examinee.* — The applicant for examination for justice of the peace shall pay an examination fee of five pesos, to be collected by the clerk of the Court of First Instance.

*[2657–240; see C.A. 101–1(257).*]

SECTION 209. *Fee of examining lawyer.* — The lawyer appointed by the judge as a member of the board of examination shall be entitled to a compensation of twenty pesos for each day of actual service to be paid out of the appropriation for Courts of First Instance.

*[2657–241; see C.A. 101–1(258).*]

SECTION 210. *Filling of vacancy in office of justice of the peace.* — When a vacancy occurs in the office of any justice of the peace, except in provincial capitals and first-class municipalities, the judge of the Court of First Instance of the district shall forward to the (Governor-General) President of the Philippines a list of the names of persons qualified to fill said vacancy, accompanied by all the applications presented by persons desirous of appointment. The (Governor-General) President of the Philippines, with the (advice and) consent
of the (Philippine Senate) Commission on Appointments of the National Assembly, shall make the repetitive appointments from said list: Provided, however, That he may also appoint to the position any qualified person not included in the list and not applicant for the place, without preferences of any kind, when he deems such course to be in the public interest.

[2657–242; 2702–1(259); 3107–1(260); see C.A. 101–1(261).]

SECTION 211. Auxiliary justice — Qualifications and duties. — The auxiliary justice of the peace shall have the same qualifications and be subject to the same restrictions as the regular justice, and shall perform the duties of said office during any vacancy therein or in case of the absence of the regular justice from the municipality, or of his disability or disqualification, or in case of his death or resignation until the appointment and qualification of his successor, or in any cause whose immediate trial the regular justice shall certify to be specially urgent and which he is unable to try by reason of actual engagement in another trial.

In case there is no auxiliary justice of the peace to perform the duties of the regular justice in the cases above mentioned, the judge of the district shall designate the nearest justice of the peace of the province to act as justice of the peace in such municipality, town, or place, in which the justice of the peace so designated shall have jurisdiction and shall receive the total of his own salary and seventy-five per centum of the salary of the justice of the peace whom he may substitute.

[2657–243; 3539–1(262).]

SECTION 212. Courtroom and supplies. — The municipalities and (townships) municipal districts to which a justice of the peace pertains shall provide him with a room in the tribunal, or elsewhere in the center of population, suitable for holding court and shall supply the necessary furniture, lights, and janitor service therefor, and shall also provide him with such of the printed laws in force in the (Philippine Islands) Philippines as may be required for his official use. The similar expenses of maintaining the office of a justice of the peace appointed in unorganized territory shall be borne by the province.

Legal blanks and the dockets required by law, as well as the notarial seal to be used by the justice as ex officio notary public, shall be furnished by the Bureau of Justice.

[2657–244.]

SECTION 213. Clerks and employees of municipal and justice of the
peace courts. — The Municipal Court of the City of Manila and the courts of the provincial capitals and first class municipalities shall have such clerks of court and other employees as may be necessary at the expense of the said city and municipalities. The justice of the peace courts of Iloilo, Cebu, and Lingayen shall each have two clerks, at the expense of the respective municipalities.

In other municipalities, the municipal councils may allow the justices of the peace one clerk each, at the expense of the respective municipalities, with a salary not to exceed three hundred and sixty pesos per annum.

With the exception of the clerks and employees of the Municipal Court of the City of Manila, all employees mentioned in this section shall be appointed by the respective justices of the peace.

[2657–245; 3107–1(263); 3464–1(264); 4144–1(265); see section 58, C.A. 158 (approved November 9, 1936), re clerk of Municipal Court of the City of Iloilo; and also section 39, C.A. 58 (approved October 20, 1936), re clerk of Municipal Court of the City of Cebu.]

ARTICLE II

Exercise of Functions of Justice of the Peace

SECTION 214(266). Miscellaneous powers of justice of peace. — A justice of the peace shall have power anywhere within his territorial jurisdiction to solemnize marriages, authenticate merchants' books, administer oaths and take depositions and acknowledgment; and in his capacity as ex officio notary public may perform any act within the competency of a notary public.

[2657–246.]

SECTION 215. Attendance at court — Permission for justice to pursue other vocation. — A justice of the peace or auxiliary justice shall be present as often as the business of his court requires; and a justice of the peace shall be present at least once each business day at an appointed hour in his office or at the place where his court is held, but he may during his incumbency, with the permission of the judge of first instance of the district, pursue any other vocation or hold any other office or position.

No justice or auxiliary justice may act as the attorney for any party to a cause commenced in his court or elsewhere except by special permission of the said judge.

[2657–247.]
SECTION 216. *Hearing of cause at place other than office of justice of the peace.* — Upon written request of both parties to a cause, a justice of the peace may hear the same at any suitable place in his jurisdiction; and in such case his necessary travel expense from his official station to the place of trial, and upon return therefrom, not exceeding two and one-half pesos per day in all, may be taxed as costs, but if the trial of more than one of such cases is requested in a particular locality, he shall arrange to try them as nearly as possible at the same time and place and shall divide the travel expense among them proportionately to the time consumed in the trial of each case.

[2657–248.]

SECTION 217. *Service of process of justice of the peace.* — The sheriff of the province shall serve or execute, or cause to be served and executed, all civil writs, processes, and orders issued by any justice of the peace in the province; and civil process, other than executions, may be served by any person designated by the justice for that purpose. Criminal process issued by a justice of the peace shall be served or executed by the (president) mayor of the municipality or other local political division, by means of the local police, or in the City of Manila by the members of its police department; but such process may also be served or executed with equal effect by the sheriff.

Criminal process may be issued by a justice of the peace, to be served outside his province, when the judge of first instance of the district, or in his absence the provincial fiscal, shall certify that in his opinion the interests of justice require such service.

[2657–249.]

SECTION 218. *Seal of justice acting as notary public.* — The use of a seal of office shall not be necessary to the authentication of any paper, document, or record signed by a justice of the peace or emanating from his office except when he acts as notary public *ex officio*.

[2657–250.]

**ARTICLE III**

*Justices of the Peace Ex Officio*

SECTION 219. *Appointment of Government officers as justices of the peace ex officio.* — When in the opinion of the (Governor-General) President of the Philippines the public interest shall so require, he may appoint any suitable
person in the Government service to act in the capacity of justice of the peace *ex officio*, without additional compensation, in any specially organized province or in any province of the Department of Mindanao and Sulu. Such appointee shall have all the powers of a justice of the peace proper, with such territorial jurisdiction as shall be stated in the commission issued to the appointee, but such jurisdiction shall not extend to, or be hereafter exercised at any place within the jurisdiction of any duly appointed justice of the peace or auxiliary justice, of the peace.

[2657–251.]

A person exercising the function of justice of the peace *ex officio*, in any municipal district of the Department of Mindanao and Sulu may, in his discretion, transfer any case within his jurisdiction to the justice of the peace of the nearest organized municipality in the province.

The (Governor-General) President of the Philippines may, in his discretion, authorize a municipal district (president) mayor to act as justice of the peace to try cases for violation of municipal ordinances within his district.

[2664–1(267).]

ARTICLE IV

*Salaries, Compensation, and Fees*

SECTION 220. *Salaries of justices of the peace.* — Except as provided in the next succeeding section, justices of the peace shall receive the following salaries *per annum*:

(a) In municipalities of the first class, from one thousand two hundred to one thousand four hundred forty pesos;

(b) In municipalities of the second class, from one thousand eighty to one thousand two hundred pesos;

(c) In municipalities of third class and fourth class, municipal districts and other places not specially provided for by law, from nine hundred and sixty to one thousand eighty pesos.

*Provided,* That the Secretary of Justice shall, with the approval of the President, fix the salary of each justice of the peace within the above limitations; taking into consideration, among other things, the number of cases docketed in his court and the accessibility and means of transportation available between the different municipalities under his jurisdiction: *Provided, further,* That when a
justice of the peace is appointed to act as justice of the peace of a district composed of two or more municipalities, or when he is designated to act temporarily in one or more municipalities in addition to his own municipality or district, in the first case, he shall be entitled to the salary of the largest municipality in his district, plus seventy-five per centum of the salary for the other municipality or municipalities therein; and, in the second case, he shall be entitled to the salary of his municipality or district, plus seventy-five per centum of the salary for each municipality in which he is temporarily designated to act; but in no case shall he be entitled to an aggregate salary of more than two thousand and four hundred pesos per annum: And, provided, finally, That the capital of a province shall not be grouped with any municipality and that no justice of the peace of the capital of any province or subprovince shall receive a salary less than one thousand eight hundred pesos per annum.

[2657–252; 3107–1(268); C.A. 299–1(269); see C.A. 402(270), sec. 5, subsec. 10.]

SECTION 221(271). Salaries of the judge of the Municipal Court of Manila and of the justices of the peace in provincial capitals. — The salary of each of the judges of the Municipal Court of Manila shall be six thousand pesos per annum.

The annual salaries of the justices of the peace of the capitals of the following provinces shall be as follows:

Of the justices of the peace of the capitals of the Provinces of Albay, Bulacan, Cebu, Iloilo, Laguna, Nueva Ecija, Occidental Negros, Pampanga, Pangasinan, Rizal, and Tayabas, three thousand six hundred pesos per annum each; of the justices of the peace of the capitals of the Provinces of Batangas, Bohol, Cagayan, Camarines Sur, Capiz, Ilocos Norte, Ilocos Sur, Leyte, Oriental Negros, Samar, Tarlac, and Zamboanga, three thousand pesos per annum each; of the justices of the peace of the capitals of the Provinces of Antique, Cavite, Isabela, La Union, Oriental Misamis, Sorsogon, and Surigao, two thousand four hundred pesos per annum each; of the justices of the peace of the capitals of the other provinces organized under the Provincial Law, the capitals of the Provinces of Agusan, Bukidnon, Cotabato, Davao, Sulu, Lanao, Palawan, Batanes, Mountain Province, and the justice of the peace of the City of Baguio, one thousand eight hundred pesos per annum each: Provided, however, That for judicial purposes the municipality of Aparri, Province of Cagayan, and the municipality of Cervantes, Province of Ilocos Sur, shall be considered as provincial capitals and the respective justices of the peace thereof shall have the same qualifications required of, and shall have the jurisdiction as, under the law, may be exercised by the justices of the
peace of provincial capital and shall be paid an annual salary of two thousand four hundred pesos each.

[2657–252; 3107–1(272); 3310–1(273); 3622–1(274).]

NOTE. — The capitals of the Provinces of Cebu, Davao, Iloilo, Occidental Negros, and Zamboanga were converted into chartered cities provided with municipal courts instead of justice of the peace courts. The annual salary of the municipal judge in each of these cities are as follows: Bacolod, P3,600 (C.A. 326–37; C.A. 404–14); Cebu, P3,600 (C.A. 58–38; C.A. 129–7); Davao, P3,000 (C.A. 51–34; C.A. 209–1); Iloilo, P4,000 (C.A. 57; C.A. 158–23); and Zamboanga, P3,000 (C.A. 39–34; C.A. 208–1).

SECTION 222. Payment of salaries of justice of the peace. — In order to facilitate the payment of the salaries of justices of the peace in the provinces, the treasurer of the respective political division concerned shall advance the same monthly out of any proper available funds in his possession and such advances shall be reimbursed monthly from the (insular) national appropriation.

[2657–253.]

SECTION 223. Compensation of auxiliary justice. — An auxiliary justice of the peace, when performing all the duties of a justice of the peace, shall receive the full compensation which would have accrued to the office of justice. In cases where the justice of the peace, without ceasing to act as justice, shall certify any cause to the auxiliary justice for trial, the latter shall receive compensation in an amount equivalent to the fees accruing in such cause, which amount shall be deducted from the salary of the regular justice.

When the auxiliary justice acts as substitute for the regular justice while the latter is absent on official business, the compensation of the auxiliary justice shall not be deducted from the salary of the justice.

[2657–254.]

SECTION 224. Fees collectible by justices of the peace. — No fee, compensation, or reward of any sort, except such as is expressly prescribed and allowed by law, shall be collected or received for any service rendered by a justice of the peace or by any officer or employee of his court.

[2657–255; see C.A. 66–1, approved October 22, 1936 re agricultural or crop loan from the Philippine National Bank not exceeding P200.]

SECTION 225. Moneys paid into courts of justice of the peace — By
whom to be received. — All moneys accruing to the Government in courts of justices of the peace, including fees, fines, forfeitures, costs, or other miscellaneous receipts, and all trust or depository funds paid into such courts shall be received by the deputy provincial treasurer, or in the City of Manila by the Collector of Internal Revenue, for disposition according to law.

[2657–256.]

SECTION 226. Disposition of Government moneys derived from courts of justice of the peace. — Such of these moneys as accrue to the Government shall be turned over to the Collector of Internal Revenue, who shall have the administrative jurisdiction over such collections and shall pay the same into the (Insular) National Treasury to the credit of the general funds to the (Insular) National Government; Provided, That forty percent of the fines collected under sections two thousand seven hundred and fifty-one and two thousand seven hundred and fifty-two of article sixteen, chapter sixty-six of this code for offenses connected with the administration of the Bureau of Forestry, shall accrue to the school funds of the municipality in which the offense is committed, and ten percent shall accrue to the school funds of the respective province.

[2657–257; 3294–2(275).]

SECTION 227. Monthly report of justice of the peace. — On the first of the month each justice of the peace shall submit to the receiving officer, upon forms prescribed by the (Bureau of Audits) General Auditing Office, a detailed report of all official business transacted by him or in his court during the preceding month, such as marriages solemnized, actions begun, terminated, or pending in court, together with an itemized statement of all fees and costs collected and for what service.

[2657–258.]

ARTICLE V

Supervision Over Justices of the Peace

SECTION 228. Supervision of judges of first instance over justice of the peace — Annual report of justice. — The judge of Court of First Instance shall at all times exercise a supervision over the justices of the peace within his district, and shall keep himself informed of the manner in which they perform their duties, by personal inspection whenever possible, from reports which he may require from them, from cases appealed to his court, and from all other available sources. In proper cases he shall advise and instruct them whenever requested, or when
occasion arises, and such justices of the peace shall apply to him and not the (Attorney-General) Secretary of Justice for advise and instruction, and any such inquiries received by the (Attorney-General) Secretary of Justice shall be referred by him to the judge of the proper district.

The justice of the peace shall, during the first five days of the fiscal year, forward to said judge of the district a report concerning the business done in his court for the previous year, upon forms to be prescribed by the (Attorney-General) Secretary of Justice [with the approval of the Department Head].

Such report shall be filed in the office of the clerk of the Court of First Instance, and said judge of the district shall, with the assistance of said clerk, embody a summary of such reports for each province of his district, together with other matters of interest and importance relative to the administration of justice therein, particularly with reference to justice of the peace courts, in a brief report, which he shall forward as soon as possible after the close of the fiscal year to the Department Head.

[2657–259.]

SECTION 229. Suspension and removal. — If at any time the judge of first instance has reason to believe that a justice of the peace is not performing his duties properly, or if complaints are made which, if true, would indicate that the justice is unfit for the office, he shall make such investigation of the same as the circumstances may seem to him to warrant, and may, for good cause, reprimand the justice, or may recommend to the (Governor-General) President of the Philippines his removal from office, or his removal and disqualification from holding office and may suspend him from office pending action by the (Governor-General) President of the Philippines. The (Governor-General) President of the Philippines may upon such recommendation or on his own motion, remove from office any justice of the peace or auxiliary justice of the peace.

[2657–260.]

SECTION 230. Final disposition of dockets. — When a justice of the peace shall die or resign or shall be removed from office or shall remove from the jurisdiction to which he was appointed, or when his office shall in any way become vacant, such justice of the peace, or his legal representative in case of his death, shall, within ten days thereafter, deliver his docket, process, papers, books, and all records relating to his office to the justice appointed to fill the vacancy or to the auxiliary justice of the same locality.

Where the documents and records aforesaid are delivered into the custody
of the auxiliary justice of the peace, it shall be his duty, during the time he shall perform the duties of the office, safely to keep the same and to certify copies thereof whenever lawfully demanded; and upon the appointment and qualification of a justice of the peace to fill the vacancy, the said auxiliary justice shall deliver all the documents and records pertaining to the office in question to the new justice of the peace.

When any violation of this section comes to the knowledge of the judge of first instance having supervision over the office in question, it shall be his duty to issue a summary order for the delivery of the documents and records aforesaid, under penalty of contempt.

[2657–261.]

CHAPTER 11

Notaries Public

PRELIMINARY ARTICLE

Title of Chapter

SECTION 231. Title of the chapter — Title of the chapter shall be known as the Notarial Law.

[2657–265]

ARTICLE I

Appointment and Qualification of Notaries Public

SECTION 232. Appointment of notaries public. — Judges of Court of First Instance in the respective provinces may appoint as many notaries public as the public good requires, and there shall be at least one for every municipality in each province. Notaries public in the City of Manila shall be appointed by the Supreme Court or, during vacation, by the Supreme Court judge assigned to vacation duty.

[2657–266.]

SECTION 233. Qualifications for appointment. — To be eligible for appointment as notary public, a person must be a citizen of the (Philippine Islands) Philippines or of the United States and over twenty-one years of age. He must, furthermore, be person who has been admitted to the practice of law or who has completed and passed in the studies of law in a reputable university or school of
law, or has passed the examination for the office of justice of the peace or clerk or deputy clerk of court, or be a person who has at some time held the office of clerk or deputy clerk of court for a period of not less than two years, or a person who had qualified for the office of notary public under the Spanish sovereignty.

In the chartered cities and in the capitals of the provinces, where there are two or more lawyers appointed a notaries public, no person other than a lawyer or a person who had qualified to hold the office of notary public under the Spanish sovereignty shall hold said office.

In municipalities or (townships) municipal, districts wherein no person reside having the qualifications hereinbefore specified or having them; refused hold such office, judges of first instance may appoint other persons temporarily to exercise the office of notary public who have the requisite qualifications of fitness and morality.

[2657–267; C.A. 514–1(276).]

SECTION 234. Disqualification incident to conviction of crime. — No person shall be appointed notary public who has been convicted of any crime implying moral turpitude.

[2657–268.]

SECTION 235. Restriction on right of certain officials to act as notaries public. — Justices of the peace and clerks of court shall not act as notaries public except in the character of notaries public ex officio.

[2657–269.]

SECTION 236. When oath of office to be preserved. — The oath of office of a notary public in a province shall be filed and preserved, together with the commission, in the office of the clerk of the Court of First Instance of the province. The oath of office of a notary public in the City of Manila shall be filed and preserved, with the commission, in the office of the clerk of the Supreme Court.

[2657–270.]

SECTION 237. Form of commission for notary public. — The appointment of a notary public shall be in writing, signed by the judge, and substantially in the following form:

GOVERNMENT OF THE PHILIPPINES)
This is to certify that ______________________, of the municipality of ______________________ in said province, was, on the ________ day of ______________________, anno Domini nineteen hundred and _____________ appointed by me a notary, public, within and for the said province, for the term ending on the first day of January, anno Domini nineteen hundred and ________

____________________
Judge of the Court of First Instance of said Province

SECTION 238. Certificate of appointment to be forwarded to Bureau of Justice. — Clerks of Courts of First Instance shall make and forward to the Bureau of Justice immediately after commission and oath of office of any notary public are recorded in said clerk's office a certificate of such appointment and the term office of the appointee. A record shall be kept of all such certificates in the Bureau of Justice.

[2657–272]

SECTION 239. Term of office. — The term of office of a notary public shall end at the expiration of the two-year period beginning upon the first day of January of the year in which the appointment is made.

[2657–273.]

ARTICLE II

Jurisdiction and Powers

SECTION 240. Territorial jurisdiction. — The jurisdiction of a notary public in a province shall be co-extensive with the province. The jurisdiction of a notary public in the City of Manila shall be co-extensive with said city. No notary shall possess authority to do any notarial act beyond the limits of his jurisdiction.

[2657–274.]

SECTION 241. Powers of notary public. — Every notary public shall have power to administer all oaths and affirmations provided for by law, in all matters incident to his notarial office, and in the execution of affidavits, depositions, and other documents requiring an oath, and to receive the proof or
acknowledgment of all writings relating to commerce or navigation, such as bills of sale, bottomries, mortgages, and hypothecations of ships, vessels, or boats, charter parties of affreightments, letters of attorney, deeds, mortgages, transfers and assignments of land or buildings, or an interest therein, and such other writings as are commonly proved or acknowledged before notaries; to act as a magistrate, in the writing of affidavits or depositions, and to make declarations and certify the truth thereof under his seal of office, concerning all matters done by him by virtue of his office.

[2657–275.]

ARTICLE III

Notaries Public Ex Officio

SECTION 242. Officers acting as notaries public ex officio. — Except as otherwise specially provided, the following officials, and none other, shall be deemed to be notaries public ex officio, and as such they are authorized to perform, within the limits of their territorial jurisdiction as herein below defined, all the duties appertaining to the office of notary public:

(a) The Chief of the Division of Archives, Patents, Copyrights, and Trademarks; the Clerk of the Supreme Court, the Clerk of the Court of First Instance of the Ninth Judicial District, the Chief of the General Land Registration Office, and the Superintendent of the Postal Savings Bank Division, Bureau of Posts — when acting within the limits of the City of Manila.

[3228–1(277).]

(b) Clerks of Courts of First Instance outside of the City of Manila, when acting within the judicial districts to which they respectively pertain.

(c) Justices of the peace, within the limits of the territory over which their jurisdiction as justices of the peace extends; but auxiliary justices of the peace and other of who are by law vested with the office of justice of the peace ex officio shall not, solely by reason of such authority, be also entitled to act in the capacity of notaries ex officio.

(d) Any government officer or employee of the Department of Mindanao and Sulu appointed notary public ex officio by the Judge of the Court of First Instance, with jurisdiction co-extensive with the province wherein the appointee is stationed, and for a term of two years beginning upon the first day of January of the year in which the appointment is made.
The authority conferred in subsections (a) and (b) hereof may, in the absence of the chief or clerk of court, be exercised by an assistant chief, acting chief, or deputy clerk of court pertaining to the office in question.

[2657–276; 2664–04(278).]

SECTION 243.  Notary public ex officio required to use register. — No person shall do any act in the capacity of notary public ex officio in cases where full notarial authentication is required unless he shall have the prescribed notarial register; but the notarial acts of an assistant chief, acting chief, or deputy clerk shall be entered in the same register as would be used by his principal.

[2657–277.]

ARTICLE IV

Notarial Seal

SECTION 244.  Seal of notary public. — Every person appointed to the position of notary public shall have a seal of office, to be procured at his own expense, which shall be affixed to papers officially signed by him. It shall be of metal and shall have the name of the province and the words ("Philippine Islands") "Philippines" and his own-name engraved on the margin thereof, and the words "notary, public" across the center. An impression of such seal directly on the paper or parchment on which the writing is had shall be as valid as if made on wax or wafer.

In the case of the Chief of the General Land Registration Office or other clerk of court acting as notary public ex officio, it shall suffice to use the official seal of the court to which the officer in question pertains other officials authorized to act as notaries public ex officio are not required to keep or use a seal, unless especially so prescribed, by law.

[2657–278.]

ARTICLE V

Notarial Register

SECTION 245.  Notarial register. — Every notary public shall keep a register to be known as the notarial register, wherein record shall be made of all his official acts as notary; and he shall supply a certified copy of such record, or any part thereof, to any person applying for it and paying the legal fees therefor.
Such register shall be kept in books to be furnished by the Attorney-General to any notary public upon request and upon payment of the actual cost thereof, but officers exercising the functions of notaries public *ex officio* shall be supplied with the register at Government expense. The register shall be duly paged, and on the first page the Attorney-General shall certify the number of pages of which the book consist.

[2657–279.]

SECTION 246. Matters to be entered therein — The notary public shall enter in such register, in chronological order, the nature of each instrument executed, sworn to, or acknowledged before him, the person executing, swearing to, or acknowledging the instrument, the witnesses, if any, to the signature, the date of the execution, oath, or acknowledgment of the instrument, the fees collected by him for his services as notary in connection therewith, and; when the instrument is a contract, he shall keep a correct copy thereof as part of his records, and shall likewise enter in said records a brief description of the substance thereof, and shall give to each entry a consecutive number, beginning with number one in each calendar year. The notary shall give to each instrument executed, sworn to, or acknowledged before him a number corresponding to the one in his register, and shall also state on the instrument the page or pages of his register on which the same is recorded. No blank line shall be left between entries.

When a notary public shall protest any draft, bill of exchange, or promissory note, he shall make a full and true record in his notarial register of all his proceedings in relation thereto, and shall note therein whether the demand or the sum of money therein mentioned was made, of whom, when, and where; whether he presented such draft, bill, or note; whether notices were given, to whom, and in what manner; where the same was made, and when, and to whom, and where directed; and of every other fact touching the same.

At the end of each week the notary shall certify in his register the number of instruments executed, sworn to, acknowledged, or protested before him; or if none such, certificate shall show this fact.

[2657–280]

A certified copy of each month's entries as described in this section and a certified copy of any instrument acknowledged before them shall within the first ten days of the month next following be forwarded by the notaries public to the clerk of the Court of First Instance of the province and shall be filed under the responsibility of such officer: Provided, That if there is no entry to certify for the month, the notary shall forward a statement to this effect in lieu of the certified
SECTION 247. Disposition of notarial register. — Immediately upon his notarial register being filled, and also within fifteen days after the expiration of his commission, unless reappointed, the notary public shall forward his notarial register to the clerk of the Court of First Instance of the province or of the City of Manila, as the case may be, wherein he exercises his office, who shall examine the same and report thereon to the judge of the Court of First Instance. If the judge finds that no irregularity has been committed in the keeping of the register, he shall forward the same to the chief of the division of archives, patents, copyrights, and trademarks. In case the judge finds that irregularities have been committed in the keeping of the register, he shall refer the matter to the fiscal of the province — and in the City of Manila, to the fiscal of the city — for action and the sending of the register to the chief of the division of archives, patents, copyrights, and trademarks shall be deferred until the termination of the case against the notary public.

ARTICLE VI
Supervisory Authority of Judges Over Notaries Public

SECTION 248. Supervision of judges of first instance over notaries public. — The judge of the Court of First Instance in each judicial district shall at all times exercise supervision over the notaries public within his district and shall keep himself informed of the manner in which they perform their duties by personal inspection wherever possible, or from reports which he may require from them, or from any other available source.

In the City of Manila such supervision shall be exercised by one of the Judges of the Court of First Instance of the (Ninth) Fourth Judicial District (City of Manila) to be thereunto assigned by the judges of the nine branches of said court.

SECTION 249. Grounds for revocation of commission. — The following derelictions of duty on the part of a notary public, shall, in the discretion of the proper judge of first instance, be sufficient ground for the revocation of his commission:

(a) The failure of the notary to keep a notarial register.
(b) The failure of the notary to make the proper entry or entries in his notarial register touching his notarial acts in the manner required by law.

(c) The failure of the notary to send the copy of the entries to the proper clerk of Court of First Instance within the first ten days of the month next following.

(d) The failure of the notary to affix to acknowledgments the date of expiration of his commission, as required by law.

(e) The failure of the notary to forward his notarial register, when filled, to the proper clerk of court.

(f)(281) The failure of the notary to make the proper notation regarding cedula certificates.

(g) The failure of a notary to make report; within a reasonable time, to the proper judge of first instance concerning the performance of his duties, as may be required by such judge.

(h) Any other dereliction or act which shall appear to the judge to constitute good cause for removal.

[2657–283; 3068–2(282).]

ARTICLE VII

Miscellaneous Provisions

SECTION 250. Affixing date of expiration of commission. — Notaries public shall affix to all acknowledgments taken and certified by them, according to law, a statement of the date on which their commissions expire.

[2657–284]

SECTION 251. Requirement as to notation of payment of (cedula) residence tax. — Every contract, deed, or other document acknowledged before a notary public shall have certified thereon that the parties thereto have presented their proper (cedula) residence certificates or are exempt from the (cedula) residence tax, and there shall be entered by the notary public as a part of such certification the number, place of issue, and date of each (cedula) residence certificate as aforesaid.
SECTION 252. Compensation of notaries public. — No fee, compensation, or reward of any sort, except such as is expressly prescribed and allowed by law, shall be collected or received for any service rendered by a notary public. Such moneys collected by notaries public proper shall belong to them personally. Officers acting as notaries public ex officio shall charge for their services the fees prescribed by law and account therefor as for Government funds.

SECTION 253. Pay of United States officers detailed for duty in the Philippine Service. — An Officer of the United States Army or Navy, when detailed to perform the duties of an office under the (Insular) National Government, shall receive in lieu of the salary authorized for said office the difference between the pay actually received by him from the Army or Navy during said detail and the amount of said salary.

SECTION 254. Division of annual salary into fractional parts. — All annual salaries shall be divided into twelve equal installments, one of which shall be the pay for each calendar month; and in making payment for part of a month the amount to be paid for each day shall be determined by dividing the monthly pay into as many parts as there are days in the particular month.

SECTION 255. When salary begins to accrue. — Unless otherwise
specially provided by law, the salary of any person appointed to a position in the Philippine service shall begin on the day he enters upon the discharge of the duties of his position.

[2657–329.]

SECTION 256.  Date of taking effect of appointments and promotions. — Where a new position is created or the salary of an existing position is increased, appointment to such new position or promotion to the increased salary shall not be effective, unless expressly so provided, prior to the enactment of the law creating the new position or authorizing the higher salary; and aside from exceptional cases, approved as such by the proper Head of Department, an appointment or promotion shall not be effective as of a date prior to that upon which the appointment or promotion is actually made.

[2657–330.]

SECTION 257.  Salary of employee transferred to other branch of service. — When an employee stationed in the (Philippine Islands) Philippines is transferred from one branch of the Government service to another, and a change of station is thereby rendered necessary, the salary incident to his new position shall begin when he leaves his former station, provided he travels to his new destination in ordinary course; otherwise he shall be allowed such salary prior to arrival at his new destination for such time only as is ordinarily consumed in travel between the places in question.

[2657–331.]

SECTION 258.  Attendance of Government employee in certain proceedings. — When a Government employee is required to attend court as a witness or is required by lawful authority to render service as a witness or otherwise before a court-martial or in any extradition case or administrative proceeding of any sort, such service shall be deemed to be service in regular course of employment, and the salary accruing during the period thereof shall not be withheld.

[2657–340.]

SECTION 259.  Inhibition against payment of extra compensation. — In the absence of special provision, persons regularly and permanently appointed under the Civil Service Law or whose salary, wages, or emoluments are fixed by law or regulation shall not, for any service rendered or labor done by them on holidays or for other overtime work, receive or be paid any additional
compensation; nor, in the absence of special provision, shall any officer or employee in any branch of the Government service receive additional compensation on account of the discharge of duties pertaining to the position of another or for the performance of any public service whatever, whether such service is rendered voluntarily or is exacted of him under authority of law.

[2657–332; see C.A. 246(285), sec. 7(32) and C.A. 353(286)(2).]

SECTION 260. Payment of salary accruing pending suspension. — When the Chief of a Bureau or Office suspends a subordinate officer or employee from duty, the person suspended shall not receive pay during suspension unless the Department Head shall so order; but upon subsequent reinstatement of the suspended person or upon his exoneration, if death should render reinstatement impossible, any salary so withheld shall be paid, but without prejudice to the application of the disciplinary provisions of section six hundred and ninety-five hereof.

In case of a person suspended by the (Governor-General) President of the Philippines [or by the President] no salary shall be paid during suspension unless so provided in the order of suspension; but upon subsequent reinstatement or exoneration of the suspended person, any salary so withheld may be paid in whole or in part, at the discretion of the officer by whom the suspension was effected.

[2657–333.]

SECTION 261. Extra compensation for substitutionary service. — In case of the temporary absence or disability of the chief of any Bureau or Office, without pay, or in cases of a vacancy in such position, the Department Head or person making temporary appointment may, in his discretion, order the payment of additional compensation to the substitute who acts or is designated temporarily to supply the place, which compensation with his existing salary shall not exceed the salary authorized by law for the position filled.

A person who serves as acting chief of a Bureau or Office during the suspension of the chief may also be paid additional compensation in the same manner, if upon the final disposition of the matter of such suspension, the full salary is not paid to the officer who was suspended.

[2657–334.]

SECTION 262(287). Payment of money due to deceased employee. — Where money is due to the estate of a deceased officer or employee for salary or compensation incident to leave, the same may be paid to the person or persons
whom the (Insular) Auditor General shall ascertain to be lawfully entitled thereto; but such payment shall be without prejudice to the right of any person claiming said sum, or a part thereof, subsequently, to proceed by action in court against the person or persons who may have received the same.

[2657–335.]

ARTICLE II

Salaries of Appointees from United States

SECTION 263. Salaries of appointees from United States. — A person residing in the United States who is appointed to a position in the Philippine civil service shall receive full salary from the date of his arrival in the (Islands) Philippines; and he shall receive half salary from the date of his embarkation [or in case of a judge of a court, from the date of his leaving home to come to Manila] until the date of his arrival provided he proceeds directly to the (Islands) Philippines by the route, indicated for him, otherwise for such time only as is ordinarily required to perform the journey by that route.

Except in the case of judges of courts, the half salary earned en route shall not be paid until after two years of satisfactory service in the (Islands) Philippines, unless prior thereto the appointee dies or is involuntarily separated from the service without fault.

[2657–336.]

SECTION 264. Half salary upon retirement. — A regularly appointed officer or employee, not being a judge of a court, who has come to the (Islands) Philippines upon appointment from the United States, and who has rendered continuous, faithful, and satisfactory service for three years or more after arrival in the (Philippine Islands) Philippines, shall, upon his retirement from the service, be allowed half salary for thirty days in addition to full salary for the period which may be granted him as leave of absence.

If appointed prior to January twelfth, nineteen hundred and four, such person shall also be furnished transportation from Manila to San Francisco or transportation of equal cost to the Government by any other route; but the transportation must be used within six months after retirement from the service.

A teacher who has come to the (Islands) Philippines from the United States or from a foreign country under regular appointment or who has received such regular appointment in the (Philippine Islands) Philippines, and who has rendered under said appointment continuous, faithful, and satisfactory service in the Bureau
of Education or is the Office of the Secretary of Public Instruction in the enforcement of Act Numbered Twenty-seven hundred and six, as amended, for three or more years after reporting for duty in the (Islands) Philippines, shall, upon retirement, in addition to the half salary provided for in the first paragraph of this section, also be entitled to actual travel expenses from Manila to his place of residence in the United States or in a foreign country, at the time of his appointment as follows: To those who have served three but less than four years under present appointment, actual travel expenses but not to exceed three hundred pesos; to those who have served four but less than five years under present appointment, actual travel expenses but not to exceed six hundred and fifty pesos; to those who have served five or more years under present appointment, actual travel expenses but not to exceed one thousand pesos. The travel expenses as herein provided may be applied on actual return transportation other than the most direct route. The term under present appointment means the appointment under which a teacher is serving at the time the travel expenses herein granted are applied for, and the word teacher includes principal, supervisor, and superintendent. The maximum credit allowed a teacher for service rendered prior to March thirty-first, nineteen hundred and fifty-five shall not exceed two years. No period of service can be credited more than once towards the required accumulation herein prescribed. A teacher may elect toward which of the above travel expenses he desires to accumulate service. Not more than three months of leave without pay can be counted as a part of the said required period of service. The journey for which the travel expenses are claimed shall be made within six months after the date of the retirement. A teacher who retires under the provisions of Act Numbered Twenty-five hundred and eighty-nine, as amended, and Act Numbered Three thousand and fifty, as amended by Act Numbered Thirty-one hundred, and a teacher entitled to the privilege granted by the preceding paragraph, shall not be entitled to the travel expenses herein created.

[2657–337; 3186–1(288).]

ARTICLE III

Scale of Salaries

SECTION 265(289). [Scale of salaries received by Government employees.] — (Repealed)

[2657–338; see Ex. Or. No. 174, dated November 7, 1938.]

SECS. 3, 5 and 14, Commonwealth Act No. 402, provide as follows:

"SEC. 3. Schedule of grades and rates of compensation. — With
the exception of the special groups provided in section five hereof, the positions to which this Act applies are classified into ten grades. Such grades and their rates of annual compensation are as follows:

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"(a) Grade 1 shall include all classes of positions the duties of which are, under administrative direction and with very wide latitude for the exercise of independent judgment, to serve as head of a very large or very important division or other unit of organization of similar import, engaged in work involving technical training and extended experience on the part of the employees; or to supervise the design and installation of complex and important accounting office, or institutional system, methods, and procedures; or to plan, organize, and conduct investigations in original research or in development work in professional, scientific, or technical fields; or to perform the most important, difficult, and responsible work along highly specialized professional, scientific, or technical lines; requiring training extended experience, and demonstrated attainments of an exceptionally high order.

"(b) Grade 2 shall include all classes of positions the duties of which are, under administrative direction and with wide latitude for the exercise of independent judgment, to serve as head of a large or important division or other unit of organization of similar import, engaged in work involving technical training and extended experience on the part of the employees; or to plan, organize; and conduct investigations in original research or in development work in a professional, scientific, or technical field; or to perform the most important, difficult, and responsible work along specialized professional, scientific, or technical lines, requiring training, extended experience, and demonstrated attainments of a high order.

"(c) Grade 3 shall include all classes of positions the duties of which are, under administrative direction and with considerable latitude for the exercise of independent judgment, to serve as head of division or other unit of organization of similar import, engaged in work involving technical training and considerable experience on the part of the employees; or to
perform exceptionally difficult, important, and responsible work along professional, scientific, and technical lines, requiring training and extended experience and demonstrated attainments or along very highly specialized clerical lines requiring extended training and mastery in stenography, translation, or other kindred subjects.

"(d) Grade 4 shall include all classes of positions the duties of which are, under direction and with considerable latitude for the exercise of independent judgment, to serve as head of a small division, or of a very large or very important section, or other unit organization of similar import, engaged in work involving technical training and considerable experience on the part of the employees; or to perform very difficult, important, and responsible work along professional, scientific, or technical lines, requiring training, considerable experience, and demonstrated executive ability, or along highly specialized clerical work, requiring training, extended experience and proficiency in stenography, or translation and kindred subjects.

"(e) Grade 5 shall include all classes of positions the duties of which are, under direction and with considerable latitude for the exercise of independent judgment, to serve as head of a large section or other unit of organization of similar import, engaged in difficult, specialized work; or to perform difficult, important, and responsible work along professional, scientific, technical or specialized clerical lines, requiring training, considerable experience, and demonstrated capacity for sound independent work, and an intimate knowledge of a special subject matter, and/or superior skill in crafts or arts.

"(f) Grade 6 shall include all classes of positions the duties of which are, under direct supervision and with substantial latitude for the exercise of independent judgment, to serve as head of a section or other unit of organization of similar import, engaged in varied and difficult work; or to perform moderately difficult, important, and responsible work along professional, scientific, technical, or specialized clerical lines, requiring training and moderate experience, or a lower training but considerable experience, thorough knowledge of a special subject matter, and/or unusual skill in crafts or arts.

"(g) Grade 7 shall include all classes of positions the duties of which are, under general supervision and with some latitude for the exercise of independent judgment, to serve as head of a small section or other unit of organization of similar import, engaged in difficult but routine work; or to perform somewhat difficult, and responsible work along professional, scientific, or technical lines, or along clerical lines, requiring training and moderate experience, or lower training but considerable experience, and a good knowledge of a special subject matter; or skill in arts, crafts, or trades.
"(h) Grade 8 include all classes of positions the duties of which are, under immediate or general supervision and with some latitude for the exercise of independent judgment, to perform responsible work along technical or clerical lines, requiring training and moderate experience, and a broad knowledge of a special subject matter; or simple elementary work requiring scientific or professional training with little or no experience; or subordinate professional or scientific work requiring training and experience; or important, difficult, and responsible subordinate vigilance work; or skill in crafts or manual labor.

"(i) Grade 9 shall include all classes of positions the duties of which are, under immediate or general supervision and with limited latitude for the exercise of independent judgment, to perform simple but responsible work along technical, clerical, messengerial, or subordinate vigilance lines; or simple and elementary subordinate professional or scientific tasks, or semi-skilled crafts or manual labor, requiring training or advanced apprenticeship in subordinate professional or scientific work, or crafts.

"(j) Grade 10 shall include all classes of positions the duties of which are, under immediate supervision, to perform the simplest routine clerical, messengerial, or custodial tasks, or unskilled manual labor, including apprenticeship in subordinate professional or scientific work or crafts."

"SEC. 5. Special groups. — Positions not subject to classification by the Board shall constitute the special groups as follows:

"(a) Executive group. — The positions included in this group and their annual rates of compensation are:

"(1) The Department Secretaries; the Secretary to the President, and the Commissioner of the Budget, at twelve thousand pesos per annum each;

"(2) The Undersecretaries of Department, the Commissioner of Civil Service, the Commissioner for Mindanao and Sulu, the Commissioner of Health and Welfare, the Assistant Secretary to the President, and the Deputy Auditor General, at nine thousand pesos per annum each;

"(3) The Solicitor-General and the Securities and Exchange Commissioner, at eleven thousand pesos per annum each;

"(4) The Directors of Animal Industry, Commerce Education, Forestry, Health, Lands, Mines, Prisons, National Library, Plant Industry, Posts, Printing, Public Welfare, Public Works, Science, Aeronautics and Coast Geodetic Survey; the Bank Commissioner; the Insular Collector of Customs; the Collector of Internal Revenue, the Treasurer of the Philippines,
the Chief of the General Land Registration Office, and the Manager of the National Information Board, at seven thousand two hundred pesos per annum each: Provided, That when there is appropriation available, the President may authorize the payment of additional compensation of not more than eighteen hundred pesos per annum each to the Director of Public Works; the Director of Mines, the Insular Collector of Customs, the Collector of the Internal Revenue, and the Treasurer of the Philippines.

"(5) The Director of Labor, the Director of the Weather Bureau, the Director of Private Education, the Director of Adult Education, the Director of the Institute of National Language, the National Physical Director, the Assistant Solicitors General of the Bureau of Justice, the Deputy Commissioner of Civil Service, the Assistant Bank Commissioner and the Assistant Directors of the bureaus mentioned in subparagraph (4) hereof, at six thousand pesos per annum;

"(b) Judicial group. — The positions included in this group and their annual rates of compensations are:

"(1) The Presiding Justice of the Court of Appeals, at thirteen thousand pesos per annum;

"(2) The Associate Justices of the Court of Appeals, at twelve thousand pesos per annum each;

"(3) The District Judges of the Court of First Instance, at ten thousand pesos per annum each;

"(4) The Judges at large of the Courts of First Instance, at nine thousand pesos per annum each;

"(5) The Senior Judge of the Court of Industrial Relations, at eleven thousand pesos per annum;

"(6) Two other Judges of the Court of Industrial Relations, at ten thousand pesos each per annum;

"(7) The Public Service Commissioner, at eleven thousand pesos per annum;

"(8) The Deputy Public Service Commissioner, at nine thousand per annum;

"(9) The justices of the peace of the capital of the first-class provinces, at three thousand six hundred pesos per annum each; the justices of the peace of the capital of the second-class provinces, at three thousand pesos per annum each; the justices of the peace of the capital of the
third-class provinces, at two thousand four hundred pesos per annum each; and the justices of the peace of all other provincial capitals, including the capitals of subprovinces, at one thousand eight hundred pesos per annum each;

"(10) The justices of the peace of first-class municipalities, from one thousand two hundred to one thousand four hundred forty pesos per annum each; the justices of the peace of second-class municipalities, from one thousand eighty to one thousand two hundred pesos per annum each; the justices of the peace of third-class and fourth-class municipalities, municipal districts and other places not specially provided for by law, from nine hundred and sixty to one thousand eighty pesos per annum each; Provided, That the Secretary of Justice shall, with the approval of the President, fix the salary of each justice of the peace within the above limitations, taking into consideration, among other things, the number of cases docketed in his court and the accessibility and means of transportation available between the different municipalities under his jurisdiction: Provided, further, That when a justice of the peace is appointed to act as justice of the peace of a district composed of two or more municipalities, or when he is designated to act temporarily in one or more municipalities in addition to his own municipality or district, in the first case, he shall be entitled to the salary of the largest municipality in his district, plus seventy-five per centum of the salary for the other municipality or municipalities therein; and, in the second case, he shall be entitled to the full salary of his municipality or district; plus seventy-five per centum of the salary for each municipality in which he is temporarily designated to act; but in no case shall he be entitled to an aggregate salary of more than two thousand and four hundred pesos per annum: And, provided, finally, That the capital of a province shall not be grouped with any municipality."

"SEC. 14. Limitations of salary rates. — All original appointments shall be made at the minimum rate of compensation for the appropriate grade, except as otherwise provided in this Act; and no appointments to positions subject to the provisions of this Act shall be made except at rates of compensation in conformity to the rates prescribed herein: Provided, however, That in the case of employees in Grade 10, entrance salary may be fixed by the Board at the maximum rate."

SECTION 266(290). [Minimum salary payable in absence of specific authority.] — (Repealed)

[2657–339.]

CHAPTER 13
Leave Law (291)

PRELIMINARY ARTICLE

Title of Chapter

SECTION 267. Title of chapter. — This chapter shall be known as the Leave Law.

[2657–345.]

ARTICLE I

Leave of Judges

SECTION 268. Leave of absence of (judges) justices of Supreme Court and Court of Appeals. — During vacation of the Supreme Court and the Court of Appeals, the (judges) justices not assigned to vacation duty shall be upon vacation leave; and if no court vacation is declared for any year each of the (judges) justices shall become entitled to two months' leave in lieu of court vacation. In the case of those who are assigned to vacation duty, they shall be entitled to vacation leave at any subsequent time for the same number of days that they spend on vacation duty but not exceeding two months per year.

[2657–346; C.A. 220–1(292).]

SECTION 269(293). [Accumulation of leave.] — (Repealed)

[2657–347.]

SECTION 270. Approval of leave. — The right of the (judges) justices of the Supreme Court to leave of absence may be exercised by them subject only to approval in such manner as the court by resolution may direct, provided all such leaves of absence shall be so arranged as never to deprive the court of a quorum during its regular sessions.

[2657–348.]

SECTION 271. Leave of absence of judges of first instance. — During the yearly court vacation, the judges and (auxiliary judges) judges-at-large of first instance not specially assigned to vacation duty shall be upon vacation leave. In the case of those who are assigned to vacation duty, they shall be entitled to vacation leave at any subsequent time for the same number of days that they spend on vacation duty but not exceeding two months.
SECTION 272(295).  [How leave may be taken.] — (Repealed)

SECTION 273(296).  [Commutation of salary.] — (Repealed)

ARTICLE II

Teachers' Leave

SECTION 274.  Vacation and leave of teachers. — During the yearly school vacations, persons in the teaching service other than the class that may be designated for continuous duty, under section two hundred and seventy-five hereof, shall be entitled to vacation leave.

SECTION 275.  Persons in teaching service designated for continuous duty in vacation periods. — For the good of the service, the Director of Education, or in the case of employees of the University of the Philippines, the President of the University, may, with the approval of the Secretary of Public Instruction, designate persons in the teaching service for continuous duty. Teachers so designated shall be entitled to the vacation leave and sick leave prescribed by section two hundred and eighty-five-A of this Act, and shall render the same hours of service as other employees entitled to vacation leave and sick leave.

ARTICLE III

Accrued Leave(299)

SECTION 276(300).  [Persons entitled to accrued leave.] — (Repealed)

SECTION 277(304).  [Computation of leave and pay earned under different salaries.] — (Repealed)
SECTION 278(305). [Anticipation of leave to accrue during absence.]
— (Repealed)
[2657–356.]

SECTION 279(306). [Persons not entitled to accrued leave.]
— (Repealed)
[2657–357.]

SECTION 280(307). [Accumulation of accrued leave.]
— (Repealed)
[2657–358; 2990–1(308).]

SECTION 281(309). [Accrued leave for legislative employees.]
— (Repealed)
[2657–359.]

SECTION 282(310). [Payment of equivalent of leave of deceased person.]
— (Repealed)
[2657–360.]

SECTION 283(311). [Time of application for persons resigning.]
— (Repealed)
[2657–361.]

ARTICLE IV

Vacation Leave and Sick Leave

SECTION 284. Vacation leave. — After at least six months' continuous, faithful, and satisfactory service, the President or proper head of department, or the chief of office in the case of municipal employees may, in his discretion, grant to each regularly appointed officer or employee of the National Government, the provincial government, the government of a chartered city, of a municipality or of a municipal district, in any regularly or specially organized province, other than those mentioned in sections two hundred sixty-eight, two hundred seventy-one, and two hundred seventy-four hereof, fifteen days' vacation leave of absence with full pay, inclusive of Sundays and holidays, for each calendar year of service.

[2657–362; 3087–3(312); 3374–2(313); C.A. 220–5(314); C.A.
SECTION 285. Vacation leave for craftsmen and classified apprentices of the Bureau of Printing. — A craftsman or classified apprentice of the Bureau of Printing may be granted fifteen days' vacation leave, at the salary received by him upon taking such leave, after at least one year of continuous, faithful, and satisfactory service as craftsman or classified apprentice, in accordance with the civil service rules and such other rules as the Department of Finance may prescribe, and the Head of said Department may suspend the vacation leave granted, or part thereof, if in his judgment the needs of the public service require it.

[2657–363; 2799–1(316); 2861–1(317); 3087–4(318); C.A. 220–6(319).]

SECTION 285-A. Sick leave in addition to vacation leave. — In addition to the vacation leave provided in the two preceding sections each regularly and permanently appointed officer or employee of the National Government, the provincial government, the government of a chartered city, of a municipality or municipal district in any regularly and specially organized province, other than those mentioned in sections two hundred sixty-eight, two hundred seventy-one and two hundred seventy-four hereof, shall be entitled to fifteen days of sick leave for each year of service with full pay, inclusive of Sundays and holidays: Provided, That such sick leave will be granted by the President, Head of Department or independent office concerned, or the chief of office in case of municipal employees, only on account of sickness on the part of the employee concerned or of any member of his immediate family, not due to vicious and immoral habits, intemperance or willful misconduct.

[C.A. 220–7(320); C.A. 490–1(321).]

SECTION 286. When vacation leave and sick leave may be taken. — Vacation leave and sick leave shall be cumulative and any part thereof which may not be taken within the calendar year in which earned may be carried over to the succeeding years, but upon separation from the service of any officer or employee, any accumulated vacation or sick leave to his credit shall be forfeited: Provided, That the total vacation leave and sick leave that can accumulate to the credit of any officer or employee shall, in no case, exceed five months: Provided, further, That the proper Department Head may in his discretion authorize the commutation of the salary that would be received during the period of the vacation leave of any permanently appointed officer or employee or teacher of the Philippine Government and direct its payment on or before the beginning of such vacation from the fund out of which the salary would have been paid.
ARTICLE V

Sundry Provisions Applicable to Persons Entitled to Accrued Leave or Teacher's Leave

SECTION 287(324). [Leave to go abroad — Half pay and travel allowance.] — (Repealed)

[2657–365; 3186–2(325); 3599–1(326).]

SECTION 288(327). [Commutation of salary for persons on leave.] — (Repealed)

[2657–366; 2990–2(328).]

SECTION 289(329). [Commutation of salary in case of separation from service.] — (Repealed)

[2657–367.]

SECTION 290(330). [Return to duty pending leave.] — (Repealed)

[2657–368.]

SECTION 291(331). [Absence of teachers from duty on account of illness.]

[2657–369.]

SECTION 292(332). [Absence of other employees from duty.]

[2657–370.]

SECTION 293. Withholding of salary incident to leave. — Payment of salary to an officer or employee for any absence during his first six months of service properly chargeable to vacation leave or sick leave shall be withheld until such leave may properly be taken under the provisions of this chapter; though in case of absence due to illness the President or proper Head of Department may direct that payment for such absence be not withheld if not in excess of the vacation leave and sick leave to his credit.

[2657–371; C.A. 220–9(333).]
SECTION 294. *Application — Action of office chief.* — Application for [accrued or] vacation leave shall first be acted upon by the chief of the Bureau or Office to which the applicant pertains. It shall then be transmitted by such chief to the (Director) Commissioner of Civil Service.

[2657–372.]

SECTION 295. *Final determination by Department Head.* — The respective Heads of Departments may authorize the Commissioner of Civil Service to act finally upon the application in all cases in which he approves the recommendation of the chief of the Bureau or Office in regard to such leave. Otherwise the matter shall in all cases be determined finally by the Department Head.

[2657–373; C.A. 220–9(334).]

**CHAPTER 14**

*Travel Expense Law*

**PRELIMINARY ARTICLE**

*Title of Chapter*

SECTION 296. *Title of chapter.* — This chapter shall be known as the Travel Expense Law.

[2657–380.]

**ARTICLE I**

*Travel Expense Incurred by Government Officers and Employees in Philippines*

SECTION 297. *Definition of "travel expense."* — "Travel expense" shall be held to include not only the actual and necessary expenses of transportation of one's person and essential baggage but also the actual and necessary expenses of subsistence and lodging while en route or absent from permanent station, together with such other items necessarily incidental thereto as shall, by regulation, be allowed by the Auditor with the approval of the (Governor-General) President of the Philippines.

[2657–381.]

SECTION 298. *Travel expense of (insular) national employees.* — When
traveling or when absent from their permanent stations on official business, officers and employees of the (Insular) National Government shall be allowed their travel expenses, to be charged to the Bureau or Office for which the service is rendered.

[2657–382.]

SECTION 299(335). Manner of payment of travel expenses. — [Travel expenses shall be allowed either in the form of payment of the travel expenses actually and necessarily incurred, or in the discretion of the chief of Bureau or head of Office, by the payment of per diems, or fractional per diems, in lieu of expenses other than transportation.

Per diems shall not be allowed to members of field parties or others for whom subsistence in kind is supplied or other special provision made to cover travel expense.

When travel is done by water and subsistence is not included in the transportation the amount actually and necessarily expended for subsistence shall be paid, and no per diem shall be allowed in lieu thereof.]

[2657–383; 2857–1(336).]

SECTION 300(337). Schedule of per diems for (insular) officers and employees of the National Government. — [Per diems, when allowed, shall be in accordance with the following schedules:

(a) Officers and employees receiving a salary of less than one thousand two hundred pesos per annum, a per diem of one peso.

(b) Those receiving one thousand two hundred pesos or more per annum, but not exceeding one thousand eight hundred pesos per annum, a per diem of two pesos.

(c) Those receiving more than one thousand eight hundred pesos per annum, but not exceeding two thousand four hundred pesos per annum, a per diem of three pesos.

(d) Those receiving more than two thousand four hundred pesos per annum, but not exceeding six thousand pesos per annum, a per diem of four pesos.

(e) Those receiving more than six thousand pesos per annum, a per
Persons whose compensations are stated at rates other than per annum may be given the allowances authorized for employees at a corresponding per annum compensation.]

[2657–384.]

SECTION 301. Control of head of Office over allowance of per diems. — Chiefs of bureaus and heads of offices shall make such examination in passing upon per diems as may be necessary to satisfy their minds that the per diems allowed will not more than reimburse employees for necessary travel expenses and will not constitute an increase of salary.

[2657–385.]

SECTION 302(338). Per diems of detailed Army and Navy officers. — [Officers of the United States Army or Navy detailed for duty with the Insular Government shall receive, when traveling on official business of this Government, the per diems corresponding to the salary of the position which the officers are filling under detail, and subject to the same conditions as other officers; and, if no salary is fixed by law for such position, the officers shall be considered as included in the class for which a per diem of five pesos is authorized.]

[2657–386.]

SECTION 303. Travel expense and subsistence of members of (Philippine Legislature) National Assembly. — Each member of the (Philippine Legislature) National Assembly, (the private secretary to the President of the Senate) and the private secretary to the Speaker of the (House) National Assembly, shall receive his travel expense en route from his home to Manila and return, once for each session which he actually attends. [He shall also receive his actual and necessary expenses for lodging and subsistence in Manila from the date of his arrival until the day of the opening of the session, if he arrives by the steamer, conveyance, or train next preceding such opening, or, if he arrives sooner, from the time of the arrival of such steamer, conveyance, or train and the similar expenses incurred after the adjournment of the session until the departure of the first steamer, conveyance, or train for return to his home.]

[2657–387.]

SECTION 304. Travel expense of provincial employees. — Officers and employees of provincial governments when traveling, or when absent from their permanent stations on official business, shall be allowed travel expenses as
follows, to be paid from the funds of their respective provinces:

(a) When traveling by water transportation, the actual travel expenses incurred.

(b) While in the City of Manila, a *per diem* of six pesos, which shall include transportation while in said city.

(c) When otherwise traveling or absent from station, the cost of transportation of person and essential baggage, together with a *per diem* to be fixed by the provincial board for expenses other than transportation, which *per diem* shall not exceed two pesos unless the Department Head shall approve a greater allowance.

Officers and employees who are technically in the (Insular) National service but whose salary or compensation is paid by the province in which their service is performed shall be on the same footing in regard to the allowance of travel expenses as other provincial employees.

[2657–388.]

**SECTION 305(339).** *Travel expense of employee transferred to other branch of service.* — When a Government employee is transferred from one branch of the service in the (Islands) Philippines to another, he shall be entitled to receive from the branch of the service to which he is transferred reimbursement of the travel expense incurred in reaching his new permanent station or place where he is assigned to duty.

[2657–389.]

**SECTION 306.** *Travel expense of appointee going to station.* — When a resident of the (Philippine Islands) Philippines, not already in the Government service, is appointed to a position which necessitates a change of residence, he shall receive from the branch of the service to which he is appointed reimbursement of the travel expense incurred in going to his permanent station or place where he is assigned to duty.

[2657–390.]

**ARTICLE II**

*Travel Expense of Persons En Route Between the United States and Manila*

**SECTION 307.** *Travel expenses of judges.* — A judge, who at the time
of his appointment resides in the United States, shall, upon entering the service, be allowed the travel expense of himself and family from his place of residence to Manila; and if one has been employed as judge in the (Philippine Islands) Philippines for three years, he shall, if he so requests, upon his retirement from the service, be furnished with transportation for himself and family from Manila to his place of residence.

[2657–391.]

SECTION 308. _Refund to employee of travel expense paid by him._ — Except in the case of a judge, the travel expense of an appointee to the Philippine Civil Service, paid by himself, from his place of residence in the United States to Manila shall, if the journey be consummated by the route and steamer directed, be refunded to him at the expiration of two years' continuous, faithful, and satisfactory service, after his arrival in the Philippines such refund to be made from the funds of the Bureau, Office, or province with which he is at that time connected.

[2657–392.]

SECTION 309. _Deduction from salary for travel expense advanced — Final refund to employee._ — When an employee is coming to Manila, the cost of his transportation, or any part thereof, may be advanced to him by the Government; and when this is done, the amount of such advance shall be made a charge against the Bureau, Office, or province to which he is assigned on his arrival, or return; and in such event ten _per centum_ of his monthly salary shall be retained and paid into the (Insular) National Treasury to the credit of a travel-expense trash fund, until the amount so paid in is equal to the amount paid out by the Government. At the end of the period of two years of satisfactory service the amount so paid by the employee shall be returned to him from such fund.

[2657–393.]

SECTION 310. _Audit and certification of accounts for travel expenses._ — Accounts of employees for expenses of travel from the United States or foreign countries to Manila shall be filed with the (Insular) Auditor General upon their arrival in Manila, for advance audit and subsequent certification to the proper Bureau, Office, or province for payment when due.

[2657–394.]

ARTICLE III

_Applications for Ocean Transportation_
SECTION 311. Applications for transportation on commercial steamship. — Where a commercial steamship company makes a concession from its regular rates for ocean transportation in favor of persons in the Government service, members of their families, fiancées, or other persons dependent upon them, official requests for such transportation and the necessary certificates showing the right of the applicants to such concession shall, when required, be supplied by or under the authority of the (Governor-General) President of the Philippines.

SECTION 312. Applications for transportation on Army transports. — Applications for ocean transportation upon United States Army transports in behalf of persons in the Philippine service entitled to such transportation, together with any certificate, or certificates, required in connection therewith, shall also be transmitted by or under the authority of the (Governor-General) President of the Philippines to the department quartermaster of the United States Army or other official having control of such transportation.

CHAPTER 15
Public-Bonding Law

SECTION 313. Title of chapter. — This chapter shall be known as the Public-Bonding Law.

[2657–398.]

SECTION 314. Persons bondable in the fidelity fund. — Every officer, agent, and employee of the Government of the (Philippine Islands) Philippines or of the companies or corporations the majority of the stock of which is held by the (Insular) National Government shall, whenever the nature of the duties performed by such officer, agent, or employee permits or requires the custody of funds or property for which he is accountable, be deemed a bondable officer; and except as otherwise provided, every such person shall be bonded, or bondable, and his fidelity insured, in accordance with the provisions of this chapter.

Justices of the peace, with the exception of the [justice of the peace] of the City of Manila, are excluded from the bonding requirements of this chapter.

[2657–399; 2853–1(340).]

SECTION 315. Administrative regulations. — The administrative regulations necessary for carrying into effect the provisions of this chapter relative to the fidelity fund and insurance of Government officers therein shall be
prescribed by the (Insular) Treasurer of the Philippines with the approval of the Department Head.

[2657–400.]

SECTION 316. Persons bondable in discretion of Auditor. — The fidelity of the following officers shall be insured in the fidelity fund only when the (Insular) Auditor General shall in his discretion so direct.

(a) Officers discharging their duties in the United States or in any foreign country.

(b) Officers accountable to others who are primarily accountable.

(c) Officers who perform their services gratuitously, not being employed in some other governmental capacity with remuneration.

(d) Officers of the Army or Navy of the United States detailed for duty in the Philippine service.

(e) Officers whose accountability is in an amount less than five hundred pesos.

[2657–401.]

SECTION 317. Amount of insurance — How fixed. — The (Governor-General) President of the Philippines shall fix the amount of insurance to be carried on the (Insular) Treasurer of the Philippines and Assistant (Insular) Treasurer of the Philippines. The like duty shall be performed as regards other officers, by the (Insular) Auditor General who shall keep a record of all officers insured in the fidelity fund.

[2657–402.]

SECTION 318. Extent of liability and conditions of insurance. — An officer whose fidelity is insured under the provisions hereof shall, from the moment he assumes the duties of office, be considered bonded to the Government of the (Philippine Islands) Philippines for the benefit of whom it may concern, for the faithful performance of all duties now or hereafter imposed by law upon him and for the faithful accounting for all public funds and public property coming into his possession, custody, or control by appropriation, collection, transfer, or otherwise, as well as for the lawful payment, disbursement, expenditure, or transfer of all such public funds or property in his possession or custody or under his
control as an accountable or responsible officer.

[2567–403.]

SECTION 319. Notification of officer's accession to bondable office — Treasurer's record of bonded officers. — The chief of a Bureau or Office to which any bonded position pertains shall, upon the appointment or lawful accession of any person thereto, at once notify the (Insular) Treasurer of the Philippines. Similar notification shall be given in case of any change or vacancy occurring in such position. In the provinces this duty shall be performed by the provincial treasurers for all bonded positions under both the provincial and municipal governments' separately or jointly; in cities incorporated under special charters the duty shall be performed by the chief executive officer thereof. Such notification shall be in such form and contain such information as the (Insular) Treasurer of the Philippines shall require.

Upon receiving notification, the (Insular) Treasurer of the Philippines shall place the name of the officer so certified upon a record of bonded officers to be kept by him and shall notify the chief of Bureau or head of Office of such action.

[2657–404.]

SECTION 320. Unsafe risks — How dealt with by (Governor-General) President of the Philippines. — When a person insured or about to be insured in said fund is not, in the judgment of the (Insular) Auditor General or (Insular) Treasurer of the Philippines, a safe and conservative risk, owing to character, associations, or habits, the facts shall be reported to the Secretary of Finance, who, if he disapproves the risk, will recommend to the (Governor-General) President of the Philippines or to the proper Head of Department the removal or relief of the officer of such duties as require insurance.

[2657–405.]

SECTION 321. Determination of premium rates — Collection of premium. — The (Insular) Treasurer of the Philippines, with the approval of the Secretary of Finance, shall fix, and may from time to time change, the uniform annual rate of premium chargeable for insurance under this chapter.

Premiums shall be due and payable semi-annually in advance, and shall be collected by the (Insular) Treasurer of the Philippines.

[2657–406.]

SECTION 322. Payment of premium. — The bureau, office, province,
municipality, or other branch of the Government to which the officer insured
pertains shall pay the whole premium on his bond. When an official is acting in a
bonded capacity for two or more governmental units the premium on his bond shall
be paid by the respective units served in such proportion and in such manner as the
(Insular) Auditor General shall determine.

[2657–407; 3373–1(341).]

SECTION 323(342).  [Persons exempt from individual liability.] —
(Repealed)

[2657–408.]

SECTION 324(343).  [Reimbursement of officer in certain cases.] —
(Repealed)

[2657–409.]

SECTION 325.  Constitution and maintenance of fidelity fund. — The
fidelity fund shall be constituted and maintained as a permanent reimbursable fund,
at an amount not in excess of one hundred thousand pesos, and shall consist of all
moneys that heretofore have been or should have been lawfully covered into the
fidelity fund, as heretofore constituted, and of its own future accretions resulting
either from premiums, profits on investments, or payments made to replace
shortages, losses, or defalcations of any sort. But any excess over the limit of one
hundred thousand pesos shall revert to the general funds.

[2657–410.]

SECTION 326.  Application and use of fidelity fund — Determination
and payment of loss. — The fidelity fund shall be available for the purpose of
replacing defalcations, shortages, and unrelieved losses in the accounts of bonded
officers, for the payment of fees and costs incident to civil proceedings brought
against them to recover sums paid on their account from said fund, and for the
payment of such expenses of administration and operation of the fidelity fund as
may be incurred in carrying out the provisions of this chapter.

In case the total claims payable from the fidelity fund shall at any time
exceed the capital and net earning pertaining thereto, the amount necessary to
cover such deficit shall be advanced from the general surplus of the (Insular)
National Government until such time as the overdraft shall have been offset by the
future net earnings of the fund.

[2657–411.]
SECTION 327. *Adjudication and payment of claims.* — Any and all claims against the fidelity fund shall be made or forwarded to the (Insular) Auditor General together with the evidence relating thereto, and if he shall recommend payment of the same, or a part thereof, and such recommendation shall receive the approval of the Secretary of Finance, the same shall be a legal claim against the fidelity fund and shall be paid, but not otherwise.

[2657–412.]

SECTION 328. *Payment of loss occasioned to private party by dereliction of bonded officer.* — When any person whosoever suffers loss in money or property intrusted to an officer insured in the fidelity fund who receives such money or property by virtue of his official position, the head of the Bureau or Office concerned and the (Insular) Auditor General may, after ascertaining and fixing the amount of the loss, recommend that such loss be paid out of the fidelity fund, and the same shall be so paid upon approval by the Secretary of Finance, as in other cases.

[2657–413.]

SECTION 329. *Liability of officer primarily accountable as affected by insurance of subordinate.* — When a person accountable to another who is primarily accountable is insured in the fidelity fund and a loss, chargeable to that fund, occurs by reason of the dereliction of the former, the officer primarily accountable shall not be held liable to the Government, except for the excess, if any, of the loss over such insurance; and in no case shall he be required to answer over the fidelity fund in respect of such loss.

[2657–414.]

SECTION 330. *Bond to be given by sheriff.* — A sheriff or a person exercising the functions of officer of court shall, before being qualified to perform the duties of his office, execute a bond, with approved sureties, in such form and amount as the (Insular) Auditor General shall prescribe, running to the Government of the (Philippine Islands) Philippines, for the benefit of whom it may concern. Such bond shall be conditioned for the faithful performance of the duties of himself and his deputies as sheriff and officer of court, and for the delivery or payment to the Government, or the persons entitled thereto, of all property or sums of money that shall officially come into his or their hands. The failure to give bond as herein required before the expiration of the period of thirty days from the date when the officer should enter upon the discharge of his duties shall constitute a renunciation of the office.
The bond herein required shall in no case have less than two sureties, if they be individuals; and if there are only two such, each must own real property to the full amount of the bond, free from incumbrances, and over and above all his other existing liabilities and exclusive of property exempt from execution. If there be three or more sureties, it shall suffice if they collectively own real property in double the amount of the bond and similarly circumstanced as above.

But in any case the bond may be made by a corporation authorized by law to execute fidelity bonds.

[2657–415.]

SECTION 331. Qualification of sureties. — Such bond shall bear an indorsement of the proper provincial treasurer stating that after due investigations and to the best of his knowledge and belief the sureties, if individuals, are qualified as by law required. The sureties themselves shall also justify to the same effect upon oath before a judge of the Court of First Instance of the district, or in his absence, before the provincial fiscal.

[2657–416.]

SECTION 332. Approval and preservation of bond. — Upon the execution of any such bond, the clerk of the court shall take a copy for preservation in his own office and shall transmit the original to the (Insular) Auditor General, which, after receiving his approval, shall be forwarded to the (Insular) Treasurer of the Philippines for preservation.

[2657–417.]

SECTION 333. Renewal or strengthening of bond. — When it shall appear to the judge of first instance in any province, or to the (judges) justices of the Supreme Court in the City of Manila, that any such bond is risky or insufficient, an order shall be made requiring a new bond or additional security to be given within a period to be specified therein; if the same is not duly complied with, the office shall be deemed to have been vacated and another person shall be appointed thereto.

[2657–418.]

SECTION 334. Right of bonded officer to require bond from deputy or assistant. — A sheriff or other accountable official may require any of his deputies or assistants, not bonded in the fidelity fund, to give an adequate personal bond as security against loss by reason of any wrongdoing on the part of such deputy or
assistant. The taking of such security shall in no wise impair the independent civil liability of any of the parties.

[2657–419.]

SECTION 335. Certificate required for bonded officer leaving (Islands) Philippines. — No sheriff or officer whose fidelity is or has been insured in the fidelity fund shall leave or attempt to leave the (Philippine Islands) Philippines until he shall secure a certificate from the (Insular) Auditor General showing that his accounts have been finally settled.

[2657–420.]

CHAPTER 16

Property-Insurance Law

SECTION 336. Title of chapter. — This chapter shall be known as the Property-Insurance Law.

[2657–424.]

SECTION 337. Properties insurable in the property insurance fund. — Vessels and craft, machinery, permanent buildings, property therein, property in rented buildings, belonging to the Government or to the companies or corporations the majority of the stock of which is held by the National Government, shall be insured, or insurable in the property insurance fund, against destruction or damage resulting from fire, earthquake, storm, or other casualty, in accordance with the provisions hereof.

[2657–425; C.A. 455–1(344).]

SECTION 338. How insurance effected. — The property of a province, chartered city, municipality, or other local political division, or of any of the companies or corporations mentioned in the next preceding section hereof, may only be insured in this fund with the approval of the Secretary of Finance, upon application made by proper board, council, or directors of the government division, company, or corporation in question: Provided, That the Treasurer of the Philippines shall have discretionary power to recommend the disapproval of a portion or the whole amount of insurance applied for by the companies or corporations aforesaid through their respective boards of directors: And provided, further, That such property, or part thereof, as may not be insurable or acceptable for insurance in the property insurance fund may be insured with any private insurance company. The premium rates for such insurance shall be as fixed by the
Treasurer of the Philippines with the approval of the Secretary of Finance. Property of the National Government insurable under the next preceding section hereof shall be insured in said fund without charge, and shall be deemed to be so insured solely by virtue hereof, without formality of any sort.

[2657–426; C.A. 455–1(345).]

SECTION 339. Determination and payment of loss. — The (Insular) Auditor General shall fix the amount of any loss insured against under this chapter and with the approval of the Secretary of Finance shall certify the same to the (Insular) Treasurer of the Philippines, who shall thereupon liquidate the liability in accordance with the Auditor's certification; but in the case of property owned by the (Insular) National Government such amount shall only be so certified and made available, in the discretion of the Secretary of Finance, for the restoration by construction, repair, purchase, or otherwise, of the specific property damaged or destroyed.

[2657–427.]

SECTION 340. Constitution of property-insurance fund. — The property-insurance fund shall be constituted and maintained as a permanent reimbursable fund, and shall consist of all moneys that heretofore have been or should have been lawfully covered into the 'insurance fund' as heretofore constituted, and of its own future accretions resulting either from profit on investments, from premiums, or from the continuing annual appropriation thereto.

Until such time as the property-insurance fund shall reach two million pesos there shall accrue to it, from any funds in the National Treasury not otherwise appropriated, a continuing annual appropriation of one hundred thousand pesos and thereafter a similar appropriation of such sum or sums, not in excess of one hundred thousand pesos, as may be necessary to maintain the fund at that level.

In case the total claims payable from the fund shall at any time exceed the capital, surplus, and reserves pertaining thereto, the amount necessary to cover such deficit shall be advanced from the general surplus of the National Government until such time as the overdraft shall have been offset by the future net earnings of the fund.

The property insurance fund shall also be available for the payment of such expenses of administration and operation of the fund as may be incurred in carrying out the provisions of this chapter.

[2657–428; C.A. 455–1(346).]
SECTION 341. Regulations for carrying law into effect. — The necessary regulations for the effectuation of the purposes of this chapter shall be promulgated by the (Insular) Treasurer of the Philippines with the approval of the Secretary of Finance.

[2657–429.]

CHAPTER 17

Assessment Law(347)

PRELIMINARY ARTICLE

Title of Chapter

SECTION 342.(348) Title of chapter. — (Repealed)

ARTICLE I

 Levy and Disposition of Proceeds

SECTION 343.(349) Incidence of real property tax. — (Repealed)

SECTION 344.(350) Property exempt from tax. — (Repealed)

SECTION 345.(351) Division of proceeds between provinces and municipalities. — (Repealed)

SECTION 346.(352) Special application of portions of proceeds of tax. — (Repealed)

SECTION 347.(353) Amount of levy where provincial or municipal authority fail to act. — (Repealed)

SECTION 348.(354) Change of levy by provincial or municipal authorities. — (Repealed)

ARTICLE II

Powers of Assessor

SECTION 349.(355) Authority vested in provincial assessor. — (Repealed)

ARTICLE III
Assessment of Tax

SECTION 350.(356) General revision of property valuations. — (Repealed)

SECTION 351.(357) Preparation of general schedules of values. — (Repealed)

SECTION 352.(358) Failure of municipal council to adopt schedule. — (Repealed)

SECTION 353.(359) Amending schedules of values. — (Repealed)

SECTION 354.(360) Certification of revised values to provincial board. — (Repealed)

SECTION 355.(361) Principle governing valuations and assessments. — (Repealed)

SECTION 356.(362) Declaration to be prepared by owner. — (Repealed)

SECTION 357.(363) Assessment of back taxes. — (Repealed)

SECTION 358.(364) Declaration to be prepared by owner. — (Repealed)

SECTION 359.(365) Notification of increased assessment. — (Repealed)

SECTION 360.(366) Appeal by owner to municipal council. — (Repealed)

SECTION 361.(367) Action by municipal council. — (Repealed)

SECTION 362.(368) Review of provincial board. — (Repealed)

SECTION 363.(369) Review by Chief of Executive Bureau. — (Repealed)

ARTICLE IV

Collection of Tax and Remedies for Enforcement Thereof

SECTION 364.(370) Date of accrual of tax — Lien of tax. —
SECTION 365.(371)  Term specially fixed for collection of tax. —  (Repealed)


SECTION 367.(373)  Power of Governor-General to postpone. —  (Repealed).

SECTION 368.(374)  Posting notice of time for collection of tax. —  (Repealed)

SECTION 369.(375)  Penalty for delinquency. — (Repealed)

SECTION 370.(376)  Notice of delinquency. — (Repealed)

SECTION 371.(377)  Distrain of personal property. — (Repealed)

SECTION 372.(378)  Property exempt from distrain or levy. —  (Repealed)

SECTION 373.(379)  Sale of distrained property. — (Repealed)

SECTION 374.(380)  Return of officer — Disposition of proceeds. —  (Repealed)

SECTION 375.(381)  Redemption of distrained property. — (Repealed)

SECTION 376.(382)  Final vesting of property in Government. —  (Repealed)

SECTION 377.(383)  Redemption by owner. — (Repealed)

SECTION 378.(384)  Manner of effecting publication. — (Repealed)

SECTION 379.(385)  Repurchase by owner. — (Repealed)

SECTION 380.(386)  Taxes and penalties payable upon redemption or repurchase. — (Repealed)

SECTION 381.(387)  Disposition of proceeds. — (Repealed)

SECTION 382.(388)  Ejection of occupants from delinquent property. — (Repealed)
ARTICLE V

Miscellaneous Provisions

SECTION 383.(389) Repayment of excessive collections. — (Repealed)

SECTION 384.(390) Remission of tax by provincial board. — (Repealed)

SECTION 385.(391) Remission or reduction of tax by Governor-General. — (Repealed)

SECTION 386.(392) Evidence in tax-assessment proceedings. — (Repealed)

SECTION 387.(393) Authority of assessor to take evidence. — (Repealed)

SECTION 388.(394) Restriction upon power of court to impeach tax. — (Repealed)

SECTION 389.(395) Restriction upon power of court to impeach forfeiture. — (Repealed)

SECTION 390.(396) Duty of municipal officers to assist provincial assessor. — (Repealed)

SECTION 391.(397) Regulations for enforcement of Assessment Law. — (Repealed)

CHAPTER 18

Election Law(398)

PRELIMINARY ARTICLE

Title of Chapter

SECTION 392.(399) Title of chapter. — (Repealed)

ARTICLE I

General and Miscellaneous Provisions

SECTION 393. Dates for regular elections for, and induction into,
provincial, city and municipal offices. — (Repealed)

SECTION 394.(400) Postponement of election. — (Repealed)

SECTION 395.(401) Filling of elective offices in new political division. — (Repealed)

SECTION 396.(402) Notice of special election. — (Repealed)

SECTION 397.(403) Expenses of elections. — (Repealed)

SECTION 398. Holding of elections in Manila. — (Repealed)

SECTION 399. Participation of municipal districts in election hereunder. — (Repealed)

SECTION 400.(404) Electoral relations of outlying community endowed with franchise. — (Repealed)

SECTION 401.(405) Acquisition of franchise incident to territorial changes. — (Repealed)

SECTION 402.(406) Posting of Election Law at polling place. — (Repealed)

ARTICLE II

General Provisions Relative to Elective Officers and Offices

SECTION 403.(407) Limitation upon reelection. — (Repealed)

SECTION 404.(408) Certificate of candidacy. — (Repealed)

SECTION 405(409). Filing and distribution of certificates of candidacy. — (Repealed)

[2657-502; 3030–4(410); 3210–1(411).]

SECTION 406(412). Official acts of persons ineligible to office. — (Repealed)

[2657-503.]

SECTION 407(413). Incapacity to assume office due to nonpayment of taxes. — (Repealed)
SECTION 408(414). Proceedings against an ineligible person. — (Repealed)

SECTION 409.(416) Precincts to be established by municipal council. — (Repealed)

SECTION 410.(417) Arrangement of election precincts. — (Repealed)

SECTION 411.(418) Posting map or plan of precincts. — (Repealed)

SECTION 412.(419) Posting map or plan of Representative district. — (Repealed)

SECTION 413.(420) First election in new municipality. — (Repealed)

ARTICLE IV

Polling Places

SECTION 414.(421) (a) Designation of polling places. — (Repealed)

(b) Portable polling places. — (Repealed)

(c) Buildings that shall not be used as polling places. — (Repealed)

(d) Changes of polling places. — (Repealed)

(e) Furnishing ballot boxes, office supplies, for election. — (Repealed)

(f) Construction, inscriptions, and keys of ballot boxes. — (Repealed)

(g) Signs and flags on polling places. — (Repealed)

(h) Direct supervision of elections. — (Repealed)

SECTION 415.(424) Voting booths. — (Repealed)
SECTION 416.(425)  Liquors, cockfighting, arms, etc. — (Repealed)

ARTICLE V

Board of Inspectors

SECTION 417.(426)  Appointment of inspectors and poll clerk. — (Repealed)

SECTION 418.(427)  Disqualification of inspector. — (Repealed)

SECTION 419.(428)  Qualification of inspectors and poll clerks — Oath of Office. — (Repealed)

SECTION 420.(429)  Certificate of appointment as inspector or poll clerk. — (Repealed)

SECTION 421.(430)  Organization of board of inspectors — Filling of temporary vacancy. — (Repealed)

SECTION 422.(431)  Designation of inspectors by qualified voters of precinct. — (Repealed)

SECTION 423.(432)  Preservation of order by inspectors. — (Repealed)

SECTION 424.(433)  Pay of inspectors and clerks. — (Repealed)

ARTICLE VI

Conditions and Manner of Registration

SECTION 425(434).  Permanent list of voters every twelve years; registration necessary to be able to vote. — (Repealed)

SECTION 426.  List of voters affected by changes in precincts — List of deceased and convicted, etc. — Treasurer's duties regarding same. — (Repealed)

SECTION 427 (a) Meetings for the preparation or revision of the permanent list of voters. — (Repealed)

(b)  Hours of meetings. — (Repealed)

(c)  Voter's affidavit. — (Repealed)
(d) Identification of voters. — (Repealed)

(e) Custody and filing of voters’ affidavit. — (Repealed)

(f) Reregistration in list. — (Repealed)

SECTION 428(435) (a) Mode of registration. — (Repealed)

(b) Columns of list of voters. — (Repealed)

(c) Manner of entering registrations on ensuing days; publication of lists. — (Repealed)

SECTION 429. Registration in other municipality. — (Repealed)

SECTION 430.(436) Who may be registered. — (Repealed)

SECTION 431.(437) Qualifications prescribed for voters. — (Repealed)

SECTION 432.(438) Disqualifications. — (Repealed)

SECTION 433.(439) Certificate of inspectors — Disposition of lists. — (Repealed)

SECTION 434.(440) Challenge of voter's right to be registered. — (Repealed)

SECTION 435.(441) Power of board to take evidence. — (Repealed)

SECTION 435-1/2 Division of judicial districts into circuits. — (Repealed)

SECTION 436. Application for inclusion of voters in list. — (Repealed)

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SECTION 440. Revision of list of voters for special election. — (Repealed)
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SECTION 443.(446)  Emergency ballots. — (Repealed)

SECTION 444.(447)  Use of sample ballots. — (Repealed)

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ARTICLE VIII

Opening of Polls and Casting of Ballots

SECTION 446.(449)  Hours during which polls shall be open. —
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conduct of election. — (Repealed)

SECTION 448.(451)  Persons allowed in and around polling place. —
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SECTION 449.(452)  Persons prohibited from influencing election. —
(Repealed)

SECTION 450.(453)  Prohibition against interference by police in
election. — (Repealed)

SECTION 451.(454)  Method of voting — Delivery of ballot. —
(Repealed)

SECTION 452.(455)  Preparation of ballot; prohibitions. — (Repealed)

SECTION 453.(456)  Preparation of ballot for illiterate or disabled
person. — (Repealed)

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SECTION 466.(469) Mode of transmission of statement. — (Repealed)
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SECTION 472.(475)  Confirmation by President of the Philippines. —  (Repealed)

SECTION 473.(476)  Confirmation protested for disloyalty. —  (Repealed)

SECTION 474.(477)  Disability of nonconfirmed candidates. —  (Repealed)

SECTION 475.(478)  Elections resulting in tie. —  (Repealed)

SECTION 476.(479)  Incompetency to act, and replacement, of provincial canvassers. —  (Repealed)

SECTION 477.(480)  Canvass by municipal council. —  (Repealed)

ARTICLE X

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SECTION 478.(481)  Contested election of members of Legislature. —  (Repealed)

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SECTION 480.(483)  Appeal to Supreme Court in contested election case. —  (Repealed)

SECTION 481.(484)  Mode of procedure in court cases. —  (Repealed)

SECTION 482.(485)  Bond or cash deposit required of contestants. —  (Repealed)

SECTION 483.(486)  Certification of finding when election found illegal. —  (Repealed)

CHAPTER 19

Internal-Revenue Allotment Law(487)

PRELIMINARY ARTICLE

Title of Chapter
SECTION 484. Title of chapter. — (Repealed)

ARTICLE I

Special Disposition of Certain Internal Revenue

SECTION 485. Disposition of fees for sealing weights and measures. — (Repealed)

SECTION 486. — (Repealed)

SECTION 487. Disposition of proceeds of cedula tax. — (Repealed)

SECTION 488. Disposition of proceeds of taxes on franchises. — (Repealed)

SECTION 489. Disposition of proceeds of income and inheritance taxes. — The proceeds of the tax on income and of the tax on inheritances, legacies, and other acquisitions mortis causa shall accrue to the Insular Government.

ARTICLE II

Disposition and Allotment of Internal Revenue in General

SECTION 490. Disposition of internal revenue in general. — (Repealed)

SECTION 491. Allotments of internal revenue for special purposes. — (Repealed)

SECTION 492. Apportionment and the use of provincial allotment. — (Repealed)

SECTION 493. Apportionment and use of road and bridge allotment. — (Repealed)

SECTION 494. Apportionment and use of municipal allotment. — (Repealed)

ARTICLE III

Miscellaneous Provisions
SECTION 495.(498) Status of cities, townships, and other local governmental divisions. — (Repealed)

SECTION 496.(499) Apportionment to be based upon census population. — (Repealed)

SECTION 497.(500) Warrants for quarterly payment of allotments. — (Repealed)

CHAPTER 20
Military Reservations

SECTION 498. Jurisdiction over places held for military uses of United States. — The retention, acquisition, or condemnation and appropriation by the United States of land in the (Philippine Islands) Philippines for reservations, military posts, naval bases, fortifications, magazines, arsenals, docks, warehouses, and other uses of the United States, does not withdraw such lands from the jurisdiction of the Philippine Government or from the operation of the laws of the (Philippine Islands) Philippines; and consistently with the provisions of this chapter, the jurisdiction of the Philippine Government and the operation of its laws over the places in question shall remain unimpaired in so far as the same shall not militate against or be inconsistent with the uses for which the property is held by the United States.

No branch of the Government of the (Philippine Islands) Commonwealth of the Philippines having authority on or over lands reserved for the military purposes of the United States, and no civilian residents thereon, shall interfere with the military administration or the use of such lands for military purposes.

[530–3.]

SECTION 499. Right of military authorities to eject intruders. — The military authorities of the United States and of the Commonwealth of the Philippines shall have the right to eject any intruder or trespasser on any public lands reserved for military purposes in the Philippines, and to suppress open breaches of the peace and abate nuisances thereon.

[539–2; C.A. 162–1(501); see C.A. 321–1(502).]

SECTION 500. Service of process on reservation. — No arrest of any officer, soldier, or civilian employee in the military service of the United States shall be made on any military reservation, or in any camp or barrack except on warrant in due form in writing, copy of which shall be previously delivered to the
commanding officer thereof; and no subpoena directed to any such officer, soldier, or civilian employee in the military service of the United States shall be served on any military reservation, or in any camp or barracks without previously delivering a copy of such subpoena to the commanding officer thereof.

[2104–1(503).]

SECTION 501. Exemption of military or other employees of the United States from taxation. — The personal property of persons employed in the military or other service of the United States in the (Philippine Islands) Philippines and used by them incident to said service shall be exempt from taxation.

[530–4(504); 3877–1(505).]

SECTION 502. Sale of liquor on reservation prohibited. — No licenses shall be granted for the sale of or dealing in any intoxicating liquors on any public land reserved by the President of the United States for military purposes in the (Philippine Islands) Philippines.

[530–1(506).]

SECTION 503. Sale of liquor near posts and camps prohibited. — Except as provided in the next succeeding section hereof, no license shall be granted by a municipal council or other local or provincial authority for the sale of any intoxicating liquors, beer, or wine, at any place or on any premises situated within a distance of two miles of land now used or hereafter to be used by the United States for military purposes at Camp Stotsenburg, in the municipality of Mabaluca, Province of Pampanga; Camp Morrison, municipality of Salomague, Province of Ilocos Sur; Camp Jossman, municipality of Guimaras, Province of Iloilo; Camp Gregg, municipality of Bayambang, Province of Pangasinan; in or near the municipality of Los Baños, Province of Laguna; in or near the municipality of Iligan, Province of Lanao; in or near the municipality of Batangas, Province of Batangas; in or near the municipality of Legaspi, Province of Albay; in or near the municipality of Sorsogon, Province of Sorsogon; in or near the municipality of Santo Tomas, Province of Batangas; at Fort William McKinley, near Macati, Province of Rizal; or within a distance of one and one-half miles of land used or to be used by the United States for military purposes at Camp Wallace, in the municipality of San Fernando, Province of La Union; at Pasay barracks, municipality of Pasay, Province of Rizal; in or near the municipality of Naga, Province of Camarines Sur; in or near the municipality of Lucena, Province of Tayabas; in or near the municipality of Calamba, Province of Laguna; on the Island of Talim, Laguna de Bay, or within a distance of three miles of the Island of Malahi, reserved for military purposes in the Laguna de Bay; or within a distance
of one mile of land used by the United States for military purposes at Santa Mesa in the City of Manila; or within distance of three-quarters of a mile of land used by the United States for military purposes near the town of Calbayog, in the Province of Samar.

The prohibition herein above contained shall not extend to the following-described land with the prohibited areas: Land situated on the left bank of the Pasig River within one mile of Santa Mesa, in the City of Manila; land within a circle with a radius of five hundred and eighty yards with a center at the middle of the road in the immediate front of the parish church of the municipality of Batangas, Province of Batangas; land within a circle with a radius of four hundred yards with the center at the southwest corner of the prison in Albay, Province of Albay; land within a circle with a radius of four hundred yards with the center at the southeast corner of the old Tribunal at Daraga, in the Province of Albay; land within a circle with a radius of seven hundred yards with the center at the door of the church of San Rafael, in the town of Legaspi, Province of Albay; land within a circle with a radius of three hundred yards with the center at the door of the parish church in Santo Tomas, Province of Batangas; land within a circle with a radius of five hundred yards with the center at the center of the public square in the town of Pasig, Province of Rizal; land within a circle with a radius of seven hundred yards with the center at the center of the public square in the municipality of Naga, Province of Camarines Sur; and land within a circle with a radius of seven hundred yards with the center at the middle of the road immediately in front of the parish church at Lucena, in the Province of Tayabas.

[709–1(507); 760–1(508); 1169–1, 2(509); 1381–1(510); 1904–1(511); 1951–1(512).]

The (Governor-General) President of the Philippines is authorized, however, in his discretion, of his own accord or upon petition of the municipal council interested, to revoke by proclamation any of the exceptions made in the next preceding paragraph hereof, in which event the restriction against the sale of liquors in such place or places shall become fully effective.

[2202–1(513).]

SECTION 504. Authority of (Governor-General) President of the Philippines to regulate sale of liquors in prohibited zones. — The (Governor-General) President of the Philippines shall have authority to authorize and regulate the sale of liquors within any prohibited zone surrounding any military reservation now existing or which may be hereafter established.

[2202–1(514).]
SECTION 505. Authority of (Governor-General) President of the Philippines to remove places from restriction. — The (Governor-General) President of the Philippines is authorized in his discretion to except from the provisions of section five hundred and three hereof any of the places or localities therein specified, or any portion thereof, whenever the United States Army shall discontinue the maintenance of military garrisons thereat or whenever such military garrisons shall be composed only of Philippine Scouts.

[1951–1(515).]

SECTION 506. Authority of (Governor-General) President of the Philippines to bring additional places under restriction. — Upon the request of the commanding general of the Philippine Department, or the admiral commanding the Philippine Squadron, the (Governor-General) President of the Philippines may, in his discretion, by proclamation, bring within the restrictions of section five hundred and three hereof any public lands reserved by the President of the United States for military or naval purposes in the (Philippine Islands) Philippines, or any place or premises within a distance to be prescribed in such proclamation, not exceeding two miles, of any such reservation, provided that within such distance the central part of a municipality be not included.

Upon the exercise of this power by the (Governor-General) President of the Philippines it shall be the duty of the commanding officer of the United States troops stationed at the post, camp, or place in question to make a survey and determine the limits of the territory included in the proclamation of the (Governor-General) President of the Philippines and to notify the municipal authorities the boundaries thereof; and it shall further be the duty of such commanding officer and of the municipal officers after the line shall have been run, to notify all persons then engaged in the sale of intoxicating liquors within the prohibited territory of the operation of the provisions of section five hundred and three hereof within such territory and of the time within which they must remove their places of business.

[709–5(516); 1904–1(517), see C.A. 321–1(518).]

CHAPTER 21

Supervision Over Cavite Harbor

SECTION 507. Police supervision of rear admiral over Cavite Harbor. — Cavite Harbor, being that portion of Manila Bay to the southward of a line drawn from Sangleay Point to Parañaque, including one-half of a sea mile due north of said line and limits, shall be under the police supervision of the rear admiral of
the United States Navy in command of the Asiatic Station, in so far as relates to the control of vessels in said harbor.

[238–1(519); 382–1(520); 675–1(521).]

SECTION 508. Supervisor of harbor appointed by rear admiral — Deputy supervisor. — The rear admiral of the United States Navy having police supervision over Cavite Harbor may appoint a line officer of the United States Navy to be supervisor of the harbor and to have charge therein of the berthing of all vessels, other than naval vessels, in conformity with law and regulation.

To assist the supervisor, the rear admiral may also appoint a line officer of the United States Navy to act as deputy supervisor, who shall have the same power as the supervisor himself, subject to the supervision of the latter.

[238–1(522); 382–1(523); 675–1(524).]

SECTION 509. Regulations for vessels berthing in Cavite Harbor. — The following regulations shall prevail as regards vessels, other than those of the United States Navy, desiring to berth within the limits of Cavite Harbor as above defined:

(a) Any such vessel shall first obtain permission to berth within said limits from the Insular Collector, whose duty it shall be to notify the senior naval officer afloat at Cavite, addressing commandant of Cavite Naval Station, of the approximate time of the arrival of said vessel at Cavite, giving the name and length of said vessel and her draft when loaded.

(b) When by reason of stress of weather, or of any other urgent necessity, a vessel is compelled to enter Cavite Harbor without having had an opportunity to communicate with the Insular Collector she will take berth as hereinafter provided.

(c) The supervisor of Cavite Harbor, so appointed by the rear admiral in command of the station, shall have charge of the berthing of all vessels, other than naval vessels, and the enforcement of the laws and regulations relating thereto.

(d) It shall be the duty of the supervisor to see that all vessels entering Cavite Harbor shall be met by a steam launch or tug and directed to a proper berth, and all vessels so entering or changing from one berth to another shall do so in accordance
with the direction of the supervisor.

(e) Should any vessel entering Cavite Harbor for any reason not be met and conducted to its berth as provided in the next paragraph, it may anchor temporarily in any open berth, but is required to keep steam up ready to move, until such anchorage is confirmed or said vessel is directed to another berth.

(f) All vessels are required to moor, if they are directed so to do, if the same be deemed advisable by the supervisor and he directs that the same be done.

(g) All vessels shall have steam up and be ready to move during a typhoon or other heavy weather.

(h) The commanders of vessels and other persons or corporations are hereby forbidden to dump, or permit to be dumped, ashes or other refuse within the limits of Cavite Harbor. Lighters to remove such ashes or other refuse shall be provided by the supervisor of the harbor and shall be available at any time upon application to him, and he will fix and collect the charge the vessels shall pay for the service of removing such ashes or refuse, and such lighters may, except in bad weather, be called alongside by hoisting the international letter "R." When, owing to heavy weather or other causes, lighters cannot come alongside the vessel, the ashes and refuse shall be retained on board until weather moderates so that lighters can be put alongside; or until the vessel leaves the harbor limits.

(i) Commanders or owners of vessels and all other persons or corporations are forbidden to obstruct said harbor by sinking or permitting to be sunk obstructions of any character, such as wrecks or lighters or other hindrances to navigation. All such wrecks or obstruction shall be removed by the supervisor at the expense of the officers, owners, agents, or masters of vessels immediately responsible for their presence in the harbor.

[238–2(525); 454–1(526).]

SECTION 510. Authority of rear admiral to make regulations. — The rear admiral hereinabove specified shall have the power to make additional reasonable regulations for the government of vessels in Cavite Harbor.
CHAPTER 22

Registration, Branding, Conveyance, and Slaughter of Cattle

SECTION 511. *Scope of terms.* — "Large cattle," as herein used, includes the horse, mule, ass, carabao, or other domesticated member of the bovine family.

"Municipality," as used in, this and the next succeeding chapter, refers not only to organized municipalities but to municipal districts in places not organized under the municipal law; it also includes cities organized under special charters, with the exception of Manila.

SECTION 512. *Registration of brands in office of municipal treasurer.* — All owners of large cattle shall register at the office of the treasurer of the municipality of their residence the private brand or brands used by them in marking their cattle by filing, in triplicate, with said municipal treasurer a true copy of said brand or brands, impressed or accurately drawn upon stout paper, approximately, fifteen centimeters wide by twenty centimeters long. One of the triplicate copies of said brand or brands so filed shall be retained in the office of the municipal treasurer; the others shall be sent by him to the provincial treasurer and the chief of the division of archives, patents, copyrights, trademarks, and corporations, one copy to each; and it shall be the duty of the municipal treasurer, the provincial treasurer, and the chief of the division of archives, patents, copyrights, trade-marks, and corporations to file in their respective offices said copies of said brand or brands and to keep a record of the names of the owners thereof alphabetically arranged, together with the ages, civil status, and occupations or professions of such owners.

No person shall be permitted to register or file a duplicate of any brand theretofore registered in the name of another unless he produces to the municipal treasurer, at the time of presentation for registry and filing, satisfactory evidence that he has succeeded to the right to such brand previously registered and filed; nor shall any person be permitted to register or file with said municipal treasurer any brand likely to be mistaken for a brand or mark owned and previously registered by another.
SECTION 513.  Certificate to be issued by municipal treasurer. — The municipal treasurer, on registering and filing any brand or mark, shall issue to the person registering and filing the same a certificate setting forth, over his own signature, the fact of registering and filing said brand, the date of registering and filing, the name, age, civil status, and occupation or profession of the owner of the brand and a copy of the brand as near as may be.

[1147–4(530).]

SECTION 514.  Distinctive brands of municipality and province. — Each municipality shall have a distinctive mark or brand for the purpose of branding large cattle owned by the municipality and of counterbranding large cattle owned by persons in the municipality and not bearing the counter-brand of any other municipality. Each municipality shall register and file a copy of its brand with the provincial treasurer and with the chief of the division of archives, patents, copyrights, trade-marks, and corporations. Each provincial government shall also have a distinctive brand for the purpose of branding large cattle owned by it. Copies of provincial brands shall be registered and filed with the chief of the division of archives, patents, copyrights, trade-marks, and corporations and with the provincial treasurer of the province owning the brand.

[1147–5(531).]

SECTION 515.  General requirement as to branding and registration — How and before whom effected. — All large cattle which have attained the age of two years must be branded and registered, as provided in this chapter, and it shall be the duty of the owner or other person in possession of cattle not thus branded or registered to cause the same to be effected in conformity with the provisions of this chapter.

All such cattle found within the jurisdiction of any municipality shall be branded on the right hip with the registered brand of the owner and counterbranded on the left hip with the registered brand of the municipality in which they are found.

The branding shall be done in the presence of the municipal (president) mayor, the municipal treasurer, and the municipal secretary, or their representatives, who shall, at the request of the owner, repair to the place where the cattle is if there are more than ten head to be branded; or in places not in an organized municipality by at least three persons appointed for the purpose by the provincial governor.

Large cattle kept by the (Insular) National Government need not be branded
or registered.

Cattle imported for immediate slaughter need not be branded or registered, but their importation and slaughter shall be subject to the regulations of the Director of Animal Industry relative to quarantine, inspection, and animal sanitation.

[1147–6, 34, 35(532); 1362–1(533); 3737–1(534).]

SECTION 516.  Registration of cattle previously branded. — Large cattle already branded with brand of ownership and counterbranded with the brand of the proper municipality need not be rebranded, but the owner must register such animals with the municipal treasurer and secure the certificate of ownership mentioned in the next succeeding section unless previously registered under this chapter.

[1362–1(535).]

SECTION 517.  Registration of cattle by municipal treasurer. — The municipal treasurer shall register in a book properly prepared and kept for the purpose, all branded and counter-branded animals presented for registry and not previously registered under this chapter, and shall set forth in his registry entry the name residence of the owner, and the class, color, sex, age, brands, knots of radiated hair commonly known as *remolinos* or cowlicks, and other marks of identification of the cattle registered. A copy of the entry shall be issued to the owner as a certificate of ownership, which certificate shall be *prima facie* evidence that the animal is the property of the person therein named as owner.

The original registry entry and the copy thereof issued as a certificate of ownership shall be signed by the owner and by the municipal treasurer, and attested by the municipal secretary; and where the branding of the cattle is effected in the presence of representatives of the municipal officials or in the presence of persons designated for such purpose by the governor of the province, the registry entry and the certificate of ownership shall also be signed or indorsed by such representatives or designated persons.

[1147–8(536).]

SECTION 518.  Inquiry into ownership by person charged with duty of branding. — Persons charged with the duty of branding or registering large cattle and issuing the proper certificates shall satisfy themselves of the ownership of the cattle so branded or registered, and shall take due care that no certificate of ownership is issued to any person other than the proper owner.
SECTION 519. Charge for registration — Disposition of proceeds. — Each certificate of registration shall have imprinted upon its face a form of stamp of the value of one peso, which stamp shall be duly cancelled with the seal of the municipality. The certificate required by this section shall be paid for by the owner of the cattle, and the moneys received therefor shall, in organized municipalities, be paid into the municipal treasury, and in the case of municipal districts into the provincial treasury for the benefit of the municipal district in question.

Each animal must be separately registered, and no certificate of ownership shall cover more than one animal.

SECTION 520. Municipal treasurer’s record of transfers. — The municipal treasurer shall enter in a book, duly prepared and kept for the purpose, all transfers of large cattle, which entry shall set forth the name and residence of the owners, the name and residence of the purchaser, the purchase price of the animal, or the consideration for the sale or transfer, the class, sex, age, brands, knots of radiated hair commonly known as remolinos or cowlicks, and other marks of identification of the animal, and a reference number to the original certificate of ownership, with the name of the municipality which issued it.

SECTION 521. Certificate of transfer — Place of issuance. — On making the entry of transfer prescribed by the last preceding section, the municipal treasurer shall issue to the purchaser of the animal a certificate of transfer setting forth the name and residence of the owner or vendor, the name and residence of the purchaser, the purchase price of the animal, or the consideration for the sale, the class, sex, age, brands, knots of radiated hair commonly known as remolinos or cowlicks, and other marks of identification of the animal transferred, and a reference to the original certificate of ownership by number, with the name of the municipality which issued such certificate.

A separate certificate of transfer shall be issued for each animal sold or conveyed.

SECTION 522. Manner of authentication. — The certificate of transfer and the entry to be made of such transfer in the record shall be signed or endorsed.
in the same manner as registry entries and certificates of ownership.

[1147–15(542).]

SECTION 523.  
Requirement as to production of documents of title.  —  
No entry of transfer shall be made or certificates of transfer issued by the 
municipal treasurer or other proper official except upon the production of the 
original certificate of ownership and certificates of transfer and such other 
documents or evidence as will show title in the owner, or, in the case of loss of 
certificate of ownership or certificates of transfer, certified copies of the record 
showing that such documents were duly and properly issued, and it shall be the 
duty of the official custodian of the record to issue such certified copies on demand 
of the party entitled thereto without charge.

[1147–16(543).]

SECTION 524.  
Descriptive matters to be noted in certificates.  —  
On certificates of ownership and certificates of transfer, the municipal treasurer or 
other property official shall carefully note in the proper place on the printed outline 
figure of the animal registered or transferred, the brands, class, sex, age, knots of 
radiated hair commonly known as *remolinos* or cowlicks, and other marks of 
identification of the animal registered or transferred, giving such marginal 
description, where necessary, as will fully identify the animal.

[1147–17(544).]

SECTION 525.  
Documents of title to be surrendered to purchaser.  —  
In 
case of sale, the owner shall deliver to the purchaser the original certificate of 
ownership and all certificates of intermediate transfer showing ownership in 
himself, and in case of loss of the original certificate of ownership, or of any of the 
certificates of intermediate transfer, certified copies of the proper entries showing 
such documents to have been issued by the proper officials.

[1147–18(545).]

SECTION 526.  
Place of issuance of certificate of transfer.  —  
Certificates of transfer shall be issued in the municipality where the contract of 
sale is made and consummated by the delivery of the cattle.

[1147–19(546).]

SECTION 527.  
Amendments of certificates.  —  
Erasures, interlineations, 
or amendments in certificates of registry or transfer shall be presumed to be invalid 
unless noted over the signature of the official or persons issuing or executing the
SECTION 528. Charge for certificate of transfer — Disposition of proceeds. — Each certificate of transfer shall have imprinted upon its face a form of stamp of the value of one peso, which stamp shall be duly canceled by the municipal treasurer with the seal of the municipality. The certificate required by this section shall be paid for by the purchaser and the moneys received therefor shall, in organized municipalities, be paid into the municipal treasury, and in the case of municipal districts into the provincial treasury for the benefit of the municipal district in question.

SECTION 529. Registration necessary to validity of transfer. — No transfer of large cattle shall be valid unless the same is registered and a certificate of transfer obtained as herein provided; but large cattle under two years of age may be registered and branded gratis for the purpose of effecting a valid transfer, if the registration and transfer are made at the same time.

SECTION 530. Forms of certificates of registration and transfer. — The certificates of registration and of transfer shall be in such forms as the (Chief of the Executive Bureau) Secretary of the Interior shall prescribe and the (Insular) Auditor General shall approve.

SECTION 531. Document of title to be exhibited upon demand of proper officer. — On the demand of the (municipal president) mayor, municipal treasurer, municipal secretary, or any Constabulary, police, or other peace officer, any person claiming to own large cattle shall produce and submit to such officer making the demand certificates of ownership and certificates of transfer showing his title thereto. In case of loss of certificates of ownership or certificates of transfer, certified copies of the entries showing the issuance of the original documents may be furnished in lieu of the original papers.

SECTION 532. Municipal treasurer's permit for slaughter of large cattle. — No large cattle shall be slaughtered or killed for food at the municipal slaughterhouse except upon permit secured from the municipal treasurer. Before
issuing the permit for the slaughter of large cattle for human consumption, the municipal treasurer shall require for branded cattle the production of the original certificate of ownership and certificate of transfer showing title in the person applying for the permit, and for unbranded cattle such evidence as may satisfy said treasurer as to the ownership of the animals for which permit to slaughter has been requested.

[1147–30(554).]

SECTION 533. Restriction upon slaughter of carabao. — Unless otherwise provided by ordinance by the municipal council concerned, no permit to slaughter carabao shall be granted by the municipal treasurer unless such animals are unfit for agricultural work or for draft purposes, and in no event shall a permit be given to slaughter for food any animal of any kind which is not fit for human consumption. Any ordinance authorizing the slaughter of carabaos fit for agricultural work shall not take effect until it has been approved by the Secretary of the Interior.

[1147–31(555); 3584–1(556).]

SECTION 534. Record of slaughtered or dead cattle — The municipal treasurer shall keep a record of all permits for slaughter issued by him and of all cattle of the death of which he may be informed, and such record shall show the name and residence of the owner, and the class, sex, age, brands, knots of radiated hair commonly known as remolinos or cowlicks, and other marks of identification of the dead animal or animal for the slaughter of which permit is issued, and the date of the death, if known, or the date on which such permit is issued. Names of owners shall be alphabetically arranged in the record, together with data mentioned.

If any large cattle dies from any cause other than that specified in section five hundred and thirty-two hereof, it shall be the duty of the owner or manager to report such death not later than thirty days after he has been informed hereof, to the municipal treasurer of the municipality in which he resides or of the municipality in which the death occurred, surrendering at the same time the certificate of ownership or transfer of the dead animal. The treasurer shall register the death of said animal in the record mentioned in the preceding paragraph and shall cancel the certificates for said animal. Any document of this kind found in the possession of any person shall be seized and disposed of as prescribed in this Act.

A copy of the record, accompanied by the cancelled certificates, shall be forwarded monthly to the provincial treasurer, who shall file and properly index the same under the name of the owner, together with the dates of the deaths and the
dates of the permits.

[1147–32(557); 3295–1(558).]

SECTION 535. Designation of person by provincial governor to perform duties of municipal and provincial officers. — Where a duty is required hereunder to be performed by a municipal or provincial officer and in the particular province or place no such office as that contemplated in the law exists, the duty in question shall be performed by such person or persons as shall be thereto designated in writing by the governor of the province.

[1147–36(559).]

SECTION 536. Preceding provisions not applicable in Manila. — The provisions of the preceding sections of this chapter shall not be effective in the City of Manila; and within the limits of said city the branding, registration, transfer, and slaughter of large cattle shall be governed by municipal ordinances and regulations; but the official charged with the duty of registering brands in said city shall forward to the division of archives, patents, copyrights, trademarks, and corporations a report of all brands registered by him.

[1147–37(560).]

CHAPTER 23
Disposition of Estrays and Stolen Cattle

SECTION 537. Scope of term "municipality." — The term "municipality" as used in this chapter has the scope indicated in section five hundred and eleven of this Code.

[1147–36(561).]

SECTION 538. Impounding of estrays and stolen cattle. — All estrays and all animals recovered from thieves or taken by peace officers from persons unlawfully or reasonably suspected of being unlawfully in the possession of the same, shall be delivered to the treasurer of the municipality where found, and it shall thereupon become the duty of such treasurer properly to care for and maintain such animals and to post for at least ten consecutive days at the door of the municipal building in the municipality holding the animals and to forward immediately to the recorder of the provincial board, written notices in Spanish and in the local dialects of the finding of such estrays or of the seizure or taking of the animals delivered to the municipal treasurer, together with the class, sex, age, brands, knots or radiated hair commonly known as remolinos or cowlicks, and
other marks of identification of the estrays or of the animals seized or taken from persons not entitled to the possession hereof, and notifying owners of such animals to present themselves within twenty days after date to the municipality and establish title thereto. It shall be the duty of the provincial secretary to send copies of the notice herein provided for to the municipal (presidents) mayors of the province concerned, whose duty it shall be to order said notice published by bandildo in all the barrios of their respective municipalities once a week during said period of twenty days.

[1147–25(562); 3576–1(563).]

SECTION 539. Restoration to owner. — In case owners of animals taken as estrays or seized as above set out present themselves within the time limited in the notice and prove title thereto, it shall be the duty of the municipal treasurer to cause delivery of such animals to the lawful owners upon payment of actual expenses of the maintenance and transportation, giving receipts for moneys paid and taking receipts for the animals delivered: Provided, however, That owners of stolen animals impounded in the municipal pound shall be exempt from the payment of pound fees.

[1147–25(564); 3576–2(565).]

SECTION 540. Sale of unclaimed animal. — Should the owners of such animals fail to present themselves within the time fixed in the notice and prove title to the animals taken or seized as aforesaid, immediate notice of that fact shall be given by the municipal treasurer to the provincial board of the province, which shall order said animals to be sold at public auction and shall give notice of the sale at least fifteen days before the date of sale by posting notice thereof at the door of the provincial building and at the door of the municipal building where such animals are held, and by bandildo in the barrios of said municipality. The notice of the sale shall contain a statement of the class, sex, age, brands, knots of radiated hair commonly known as remolinos or cowlicks, and other marks of identification of the animals to be sold, the place where found or seized, and the date, hour, and place of sale. The place of sale shall be fixed, in the discretion of the provincial board, either at the provincial capital or in the municipality where such animals are held.

Animals ordered to be sold by the provincial board in accordance with the provisions of this section shall be sold for cash to the highest and best bidder therefor at public auction by verbal bidding, and the purchaser at such sale shall receive a good and indefeasible title to the animal sold: Provided, however, That notwithstanding the provisions of the preceding sections, if the owner appears at or during the time of the auction and proves his title, the sale shall be suspended and
the animal shall be delivered to him upon payment of the maintenance and transportation expenses.

A record of any such sale shall be made in the municipality in which the sale took place and a certificate shall be issued as in ordinary sales, except that the entry and certificate shall show that the sale was made by the municipality in conformity with this section, and the signature of the owner shall be omitted from the entry and certificate.

[1147–25, 26(566); 3576–3(567).]

SECTION 541. **Notice to be given by treasurer to provincial recorder.**
— It shall be the duty of the municipal treasurer promptly to notify the secretary of the provincial board of all proceedings taken by him in each case arising under the preceding section.

[1147–25(568).]

SECTION 542. **Reclamation of animal by owner prior to sale.**
— At any time before actual sale as above provided, the lawful owner of the animal may prove title thereto to the municipal treasurer and receive his property on payment of all costs incurred by the municipality or the province for the care, maintenance; and transportation of the same.

[1147–27(569).]

SECTION 543. **Payment of net proceeds to owner.**
— If the owner of any animal sold at public auction pursuant to the foregoing provisions shall appear and present proper evidence of title to such animal, it shall be the duty of the municipal treasurer to receive such evidence of title and deliver the same to the provincial board of the province. Said board shall examine such evidence and make such other investigation as to it may seem proper, and if satisfied that the animal in question belonged to the claimant it shall cause the net proceeds of the sale to be paid to him; but no such claim shall be received or allowed after the lapse of one year from the time of public sale.

[1147–28(570).]

SECTION 544. **Final disposition of proceeds of sales.**
— The proceeds of sales made as contemplated above shall, in organized municipalities, be paid into the treasury of the municipality in which the animal or animals were found or seized, and in case of municipal districts into the provincial treasury for the benefit of the municipal district concerned. The expenses and the cost of care, maintenance, transportation, and sale of such animals shall be a special charge
against the moneys so paid in. Funds derived from such sales shall not be available for general expenditure until the lapse of one year from the date of sale.

[1147–29, 36(571).]

CHAPTER 24

Supervision of Orphans

SECTION 545. Transfer of child from institution for poor children. — The competent authorities of any asylum or institution in which poor children are cared for and maintained at public expense are authorized, subject to regulations approved by the Secretary of the Interior, to place any orphan or other child so maintained therein whose parents are unknown, or being known are unable or unwilling to support such child, in charge of any suitable person who may desire to take such child and shall furnish satisfactory evidence of his ability suitably to maintain, care for, and educate such child.

The instructing of a child to any person as herein provided shall not constitute a legal adoption and shall not affect the civil status of such child or prejudice the right of any person entitled to its legal custody or guardianship.

[2657–862]

SECTION 546. Duty of person assuming care of child. — It shall be the duty of any person who shall thus take any child from an asylum or institution suitably to maintain, care for, and educate it while in his custody.

[2657–863.]

SECTION 547. Supervision of Secretary of the Interior — Restoration of child to institution from which taken. — The any specially organized province or on any province of Secretary of the Interior shall personally or by agent visit every child so committed to the care of a private person at least once every three months and shall make all needful inquiries as to its welfare; and if he shall find that any such child is not being properly maintained, cared for, and educated, or if the person with whom such child has been placed shall no longer desire to retain the custody thereof, he shall again place the child in the asylum or institution from which it was taken.

[2657–864.]

SECTION 548. Adoption of child from institution for poor children. — Upon the application of any person to the competent authorities of any asylum or
institution where the poor children are maintained at public expense to adopt any child so maintained therein, it shall be the duty of such authorities, with the approval of the Secretary of the Interior, to report the fact to the provincial fiscal, or in the City of Manila to the fiscal of the city, and such official shall thereupon prepare the necessary adoption papers and present the matter to the proper court. The costs of such proceeding in court shall be de oficio.

[2657–865.]

BOOK II

Organization and Administration of Bureaus

TITLE VI

Bureau Organization in General

CHAPTER 25

Provisions Common to Various Bureaus and Offices

ARTICLE I

Bureau Organization

SECTION 549. Seal of Bureau. — The respective Bureaus shall keep appropriate seals, with which shall be sealed all commissions, records, transcripts, and other documents requiring authentication.

[2657–290.]

SECTION 550. Power and duties of chiefs of Bureaus. — The Director or other chief official in each Bureau or Office shall exercise the functions of chief executive and administrative officer thereof. It shall be his duty, under the immediate executive control, direction, and supervision of the proper Department Head, to exercise general authority in all matters embraced within the jurisdiction of the Bureau or relating to the operation thereof and to see the enforcement of all laws and regulations pertaining to it.

For administrative purposes, a Bureau chief may, consistently with law, distribute the work of his Bureau among such permanent divisions and sections as may be deemed advisable; and he shall define the duties of his subordinates in so far as may be desirable for the efficiency of the service.
SECTION 551. **Authority to prescribe forms and make regulations.** — Every chief of Bureau shall prescribe forms and make regulations or general orders, not inconsistent with law, to secure the harmonious and efficient administration of his branch of the service and to carry into full effect the laws relating to matters within the jurisdiction of his Bureau; but penalties shall not be prescribed in any such regulations or orders for violation thereof except as expressly allowed by law.

Regulations and orders shall become effective only when approved by the Department Head and published in the Official Gazette or otherwise publicly promulgated. Formal approval or publication shall not be necessary as regards circulars of information or instructions for the guidance of officers and employees in the internal administration of the affairs of the Bureau.

All general orders issued by a Bureau chief shall be serially numbered. Such orders shall be called administrative orders and they shall be so entitled.

SECTION 552. **Officials and subordinates of Bureaus and Offices in general.** — The officials and subordinates of each of the several Departments, Bureaus, Offices, and branches of the service shall consist of such as are specified in this Code and of such other assistants, clerks, employees, and agents as may, in each case, be essential to the proper accomplishment of the work required to be done and available within the limits of appropriated funds.

SECTION 553. **Authority of Bureau chief to employ and discharge subordinates.** — Laborers receiving compensations at a rate of seven hundred and twenty pesos or less per annum and other employees receiving compensation at the rate of two hundred and forty pesos or less per annum shall be employed and discharged by the chief of Bureau or Office, subject only to the general control of the Department head.

Other subordinates and employees shall be employed and discharged by the chief of Bureau or Office and, except as otherwise specially provided, in conformity with the provisions of the Civil Service Law.

SECTION 554. **Duties of assistant and other subordinates.** — Assistant
chiefs and other subordinates in every Bureau, Office, and branch of the service shall, respectively, perform therein such duties as may be required of them by law or regulation or as may be specified by the chief or head of the office or other person in lawful authority over them.

The circumstance that the duties of any subordinate officer or employee are specified by law shall not, in the absence of special restriction, be understood to prevent his being assigned to additional duties by proper authority, when not inconsistent with the performance of the duties imposed by law.

[2657–295.]

SECTION 555. Acting chief of Bureau. — During the absence or disability of the chief of a Bureau, the Department Head may designate as acting chief the Under Secretary of the Department, who shall perform the duties of the office in addition to his duties as such Under Secretary, or any officer or employee of the Bureau or other officer or employee in the Department.

[2657–296.]

SECTION 556. Designation of acting head of Office by (Governor-General) President of the Philippines. — During the temporary absence or disability of the head of any Office or branch of the service, not in or subordinate to a Bureau, the (Governor-General) President of the Philippines may, in the absence of special provision, designate any officer or employee to fill his place.

[2657–297.]

SECTION 557. Performance of duties of subordinate officers temporarily absent. — In case of the temporary absence or disability of any subordinate officer or employee in any Bureau or Office, the chief of such Bureau of Office may, in the absence of special provision, designate any other subordinate officer or employee in his Bureau or Office temporarily to perform the duties of the person thus absent or disabled, or he may temporarily perform such duties himself.

[2657–298.]

SECTION 558. Filling of vacancies. — Vacancies caused by the death, resignation, or removal of any officer or subordinate may be temporarily supplied in the same manner as in case of absence or disability. Such vacancies shall not be filled by permanent appointment until the expiration of any leave allowable to the predecessor, unless the (Governor-General) President of the Philippines or proper
head of Department is of the opinion that the exigencies of the service require that
the appointment be made forthwith.

[2657–299.]

SECTION 559(572).  Filling of vacancy by appointment of person or
persons in lower grade. — With the prior approval of the (Governor-General)
President of the Philippines or proper head of Department, a vacancy in a position
of any grade may be filled by the appointment of one person or more of a lower
grade; but in such case the aggregate of salaries paid shall not be greater than the
salary authorized by law for that position.

[2657–300.]

SECTION 560.  Bonds required of private persons — Duties of Bureau
chief in respect thereto. — The chief of each Bureau shall, consistently with law,
prescribe the form and fix the amount of all bonds executed by private parties to
the Government under the laws pertaining to his Bureau and shall pass on the
sufficiency of the security and retain possession of the bond.

When it appears that any such bond is risky or insufficient, such chief may
require better security, and after notice to the party concerned, and upon his failure
within a reasonable time to give better security, or additional security, may
abrogate the privileges secured by the giving of the bond, but such action shall be
without prejudice to the liability of any person or property already obligated.

[2657–301.]

SECTION 561.  Contract for transportation equipment belonging to
employee — Loan for purchase of equipment. — Subject to restriction and
regulation by executive order the chief of Bureaus may, in the absence of other
adequate transportation equipment, enter into contracts with employees for the use
by the latter, respectively, on official business, of transportation equipment owned
by them, at a rental to be paid from the transportation-expense funds of the Bureau
in question; but no allowance hereunder shall be in excess of twenty pesos per
month in the case of a horse, or thirty pesos per month in the case of motor
vehicles or vessels. When the nature of the official duties of any such employee
justifies the permanent assignment to him of transportation equipment for his
official use, he may, in the absence of other suitable means of transportation and
with the prior approval of the proper head of Department, be loaned from the same
funds an amount sufficient to purchase the necessary means of transportation, not
to exceed four hundred pesos for an American horse or motor vehicle and two
hundred pesos for a native horse, such loan to be repaid to the Government in
monthly installments of not less than ten per centum of the amount loaned.

[2657–302.]

ARTICLE II

Hours of Labor

SECTION 562. Legal hours of labor — Minimum requirement. — The Chiefs of Bureaus and Offices in every branch of the Government service shall require of all employees, of whatever grade or class, not less than the legal number of hours of labor.

Such hours, except for school and courts, shall be as prescribed in the Civil Service Rules and as otherwise from time to time disposed in temporary executive orders, in the discretion of the (Governor-General) President of the Philippines but save on Saturday and during the hot season they shall not be less than six and one-half hours per day, not including time for lunch.

[2657–303.]

SECTION 563. Government employees not required to work on holidays. — Upon holidays the school, courts, and the various Departments, Bureaus, and Offices pertaining to the administration of the (insular) national, provincial and municipal governments shall be closed; and on such days attendance or labor shall not be required of employees, except as otherwise provided.

[2657–304.]

SECTION 564. On Saturdays and during the hot season. — On Saturdays throughout the year and on all days during the hot season, from April first to June fifteenth, inclusive, the period of labor may be reduced to five continuous hours: Provided, That in the case of the city of Baguio the short hours will be observed from July first to September fifteenth, inclusive; but an executive order so disposing shall not oblige the head of any Department, Bureau, or Office so to reduce the hours of labor in his branch of work but shall leave the same in his discretion subject to the requirements of the service.

[2657–305; 3710–1(573); see Ex. Or. No. 222 (1939).]

SECTION 565. Temporary suspension of labor for special reasons. — The (Governor-General) President of the Philippines may, for special reasons only, direct that any Department, Bureau, or Office be closed during any particular day,
or for part of a day, as occasion requires.

[2657–306.]

SECTION 566. *Extension of hours and requirement of overtime work.* —
When the interests of the public service so require, the head of any Department,
Bureau, or Office may extend the daily hours of labor, in what manner soever
fixed, for any or all of the employees under him, and may likewise require any or
all of them to do overtime work not only on work days but also on holidays.

[2657–307.]

ARTICLE III

Officials Authorized to Execute Government Conveyances and Contracts

SECTION 567. *Authority of the President of the Philippines to execute
contracts relative to real property.* — When the Commonwealth of the Philippines
is party to a deed conveying the title of real property or is party to any lease or
other contract relating to real property belonging to said government, said deed or
contract shall be executed on behalf of said government by the President of the
Philippines or by an officer duly designated by him, unless authority to execute the
same is by law expressly vested in some other officer.

[2657–308; C.A. 261–1(574).]

SECTION 568. *Authority of (insular) national officials to make
contracts.* — Written contracts not within the purview of the preceding section
shall, in the absence of special provision, be executed, with the approval of the
proper Department Head, by the chief of the Bureau or Office having control of the
appropriation against which the contract would create a charge; or if there be no
such chief, by the proper Department Head himself or the (Governor-General)
President of the Philippines as the case may require.

Contracts on behalf of the (Insular) National Government with companies
operating vessels engaged in the coastwise trade to secure the carriage of freight
and passengers for the Government shall be executed by the Secretary of Public
Works and Communications, subject to such restrictions as may be prescribed by
law; but vessels engaged in the coastwise trade and vessels plying between
Philippine ports shall continue to carry mail free.

[2657–309; see Act 4007–36(575).]

ARTICLE IV
Gratuitous Conveyance of Government Property for Certain Purposes

SECTION 569.  Conveyance of Government property to province, city, or municipality. — When real property belonging to the Government of the (Philippine Islands) Philippines is needed for school purposes or other proper governmental use by the province, city, municipality, or other local political division wherein the property is situated, it shall be competent for the (Governor-General) President of the Philippines to execute to such province, city, municipality, or other local political division a proper conveyance thereof by way of gift, sale, lease, exchange, or otherwise, and upon such terms, to be inserted in the instrument of conveyance, as shall seem to him most convenient for the interests of the parties concerned. But nothing herein shall be deemed to authorize the conveyance of unreserved public land, friar land, or any other real property held by the Government of the (Philippine Islands) Philippines upon special trust.

[2657–310.]

SECTION 570.  Conveyance of provincial property to other branches of Government. — When real property belonging to any province is needed for school purposes or other governmental use by the Government of the (Philippine Islands) Philippines or by any government of a municipality or other local political division wherein the property is situated, it shall be competent for the provincial board, by resolution, to authorize the governor of the province to convey the same in due form to said government, municipality, or other division, as the case may be; and such conveyance may be made without consideration, if the board shall determine.

[2657–311.]

SECTION 571.  Conveyance of municipal property to other branches of Government. — When real property belonging to any municipality, (township,) municipal district, or other local political division, is needed for school purposes or other governmental use by the Government of the (Philippine Islands) Philippines or by the government of the province wherein the property is situated, it shall be competent for the council of the municipality or other local division, by resolution, to authorize the conveyance of said property in due form to said government or province, as the case may be; and such conveyance may be made without consideration, if the council shall so determine.

[2657–312.]
ARTICLE V

Miscellaneous Receipts of Bureaus and Offices

SECTION 572. Charges for property sold or service rendered — Refunds. — For services not required by law to be rendered without charge, for supplies furnished, or articles of any kind sold to other branches of the Government, or to any person or persons, the chief of a Bureau or Office may, upon the approval of the proper head of Department, charge and collect the cost of the same, or such other rate in excess of cost as may be prescribed by law or approved by the same authority. For cities, organized under special charters, such rate, unless otherwise prescribed by law, shall be fixed at cost or in excess of cost by the boards or councils of said cities; and in the case of the provinces, municipalities, (townships,) and (settlements,) municipal districts, by the proper provincial treasurers, with the approval of the respective provincial boards.

Upon the submission of facts warranting such action and consistently with good business practice, the authorities which fix the amounts to be paid for services rendered and supplies or articles furnished or sold, in accordance with the foregoing, may recommend that the whole or part of any sum so paid be refunded, and the same shall thereupon be done, upon the approval of the (Insular) Auditor General.

[2657–313.]

SECTION 573. Disposition of miscellaneous Bureau receipts. — Money collected for property thus sold or service rendered, and all other receipts or earnings of Bureaus, Offices, and branches of the (insular) national service, not being revenue or the proceeds of taxation, shall accrue, in the absence of special provision, to the general unappropriated surplus of the (Insular) National Government.

In case of the provinces, municipalities, (townships, settlements,) municipal districts, and cities incorporated under special charters, such receipts shall be paid into their respective treasuries as are their other revenue funds and all be expendable in the same manner.

[2657–314.]

ARTICLE VI

Official Reports
SECTION 574.  *Annual report of chiefs of Bureaus and heads of Offices.*  — All provincial governors and the mayor of the City of Manila and all chiefs of Bureaus and heads of Offices of the (Insular) National Government shall severally render annual reports to their respective heads of Department for each fiscal year. Such reports shall be typewritten but shall not be printed unless by specific approval of the proper Head of Department. Official copies of all such reports and statements shall be filed in English and Spanish with the (Philippine Legislature) National Assembly at the beginning of each regular session.

[2657–315.]

SECTION 575.  *Time for submission of annual reports.*  — Except as otherwise specially provided, all reports and statements covering the fiscal year required to be rendered annually by any officer of the Government of the (Philippine Islands) Philippines or of any branch thereof or of the government of any political division or subdivision of the (Philippine Islands) Philippines shall be rendered as soon as practicable after the first of (January) July of each year.

[2657–316; see C.A. 373, approved August 23, 1938 re change of fiscal year.]

SECTION 576.  *Form and contents of reports in general.*  — The following general rules shall be observed in regard to the form and contents of annual reports:

(a) Such report shall generally contain concise statements of the work of the Bureau or Office concerned and expenditures incurred in the prosecution of the same during the fiscal year, to which shall be added recommendations as to the future, including plans for specific work to be undertaken, if such there be.

(b) Financial reports contained in the annual reports shall be compared and brought into agreement with the Auditor's books.

(c) In addition, the report shall contain in each case the matter specifically required by law or regulation to be incorporated therein.

[2657–317.]

SECTION 577.  *Special reports required by Department Head.*  — Each
chief of Bureau or other officer of the Government shall make such special reports concerning the work of his Bureau or Office as may from time to time be required of him by the (Governor-General) President of the Philippines or proper Head of Department.

[2657–318.]

SECTION 578. Submission of annual estimates. — At least thirty days before the opening of each regular session of the (Philippine Legislature) National Assembly each chief of Bureau or head of Office of the (Insular) National Government shall file with the proper Department Head a statement of the receipts and expenditures of his Bureau or Office during the year and an estimate of the receipts and necessary expenditures thereof for the ensuing fiscal year, including any details which the Secretary of Finance may require.

Such reports shall be made in accordance with the forms prescribed by the Secretary of Finance.

[2657–319.]

ARTICLE VII

Miscellaneous Provisions

SECTION 579. Inhibition against purchase of property at tax sale. — Officials and employees of the Government of the (Philippine Islands) Commonwealth of the Philippines are prohibited from purchasing, directly or indirectly, from the Government, any property sold by the Government for the non-payment of any public tax. Any such purchase by a public official or employee shall be void.

[2657–320.]

SECTION 580. Powers incidental to taking of testimony. — When authority to take testimony or evidence is conferred upon an administrative officer or upon any nonjudicial person, committee, or other body, such authority shall be understood to comprehend the right to administer oaths and summon witnesses and shall include authority to require the production of documents under a subpoena duces tecum or otherwise, subject in all respects to the same restrictions and qualifications as apply in judicial proceedings of a similar character.

Saving the provisions of section one hundred and two of this Act, any one who, without lawful excuse, fails to appear upon summons issued under the authority of the preceding paragraph or who, appearing before any individual or
body exercising the power therein defined, refuses to make oath, give testimony, or produce documents for inspection, when thereunto lawfully required, shall be subject to discipline as in case of contempt of court and upon application of the individual or body exercising the power in question shall be dealt with by the judge of first instance having jurisdiction of the case in the manner provided by law.

[2657–321; 2944–2(576).]

TITLE VII

Various Bureaus and Offices

CHAPTER 26

(Bureau of Audits) General Auditing Office

PRELIMINARY ARTICLE

Title of Chapter

SECTION 581. Title of chapter. — This chapter shall be known as the Accounting Law.

[2657–610.]

ARTICLE I

General Organization of (Bureau of Audits) General Auditing Office

SECTION 582. Chief officials of (Bureau of Audits) General Auditing Office. — The (Bureau of Audits) General Auditing Office shall have one chief and one deputy chief, appointed by the President. These officers shall be respectively the Auditor General for the (Philippine Islands) Philippines and the Deputy Auditor General for the (Philippine Islands) Philippines. For brevity they may be designated as the Auditor and the Deputy Auditor respectively when the full title of the office otherwise appears in the document or paper requiring signature; and for the purpose of discrimination the term (Insular) Auditor General may be used.

There shall also be in this (Bureau) Office two assistant auditors and such number of district auditors as the conditions of the service shall require.

[2657–611.]

SECTION 583. Succession to position of Acting Auditor in absence of
Deputy Auditor. — In case of the absence from duty from any cause of both the Auditor and the Deputy Auditor, one of the assistant auditors, to be designated by the (Governor-General) President of the Philippines, shall have charge of the (Bureau) Office as Acting Auditor.

[2657–612.]

SECTION 584. General jurisdiction of (Bureau of Audits) General Auditing Office. — The authority and powers of the (Bureau of Audits) General Auditing Office extend to and comprehend all matters relating to accounting procedure, including the keeping of the accounts of the Government, the preservation of vouchers, the methods of accounting, the examination and inspection of the books, records, and papers relating to such accounts, and to the audit and settlement of the accounts of all persons respecting funds or property received or held by them in an accountable capacity, as well as to the examination and audit of all debts and claims of any sort due from or owing to the Government of the (Philippine Islands) Philippines in any of its branches. The said jurisdiction shall also extend to all corporations established and organized in accordance with the laws of the (Philippine Islands) Philippines wherein the Government of the (said Islands) Philippines or any of its branches owns the majority of the stock. In the exercise of this jurisdiction the (Insular) Auditor General shall act as the ex officio auditor of the said corporation and as such he is empowered and authorized, [with the approval of the Board of Control, composed of the Governor-General and the Presidents of both houses of the Philippine Legislature,] to appoint a representative in the said corporation. The (Insular) Auditor General, [with the approval of the Board of Control above mentioned,] shall have the right to appoint and fix the salaries and the number of the personnel to assist said representative in his work. The expenses for the maintenance and operation of his office shall be paid by the corporation concerned.

[2657–613; 3066–1(577); C.A. 11–1(578); see C.A. 320(579), 325(580), 327(581) re jurisdiction.]

SECTION 584-A. Check and audit of property and supplies from time to time. — In addition to the general powers of (Bureau of Audits) General Auditing Office mentioned in the next preceding section, it shall be the duty of said (Bureau) Office to make from time to time a careful and thorough check and audit of all property of the Bureaus and Offices, not only of the (Insular) National Government but also of the governments of the provinces, municipalities, and chartered cities. The check and audit provided for in this section shall not be confined to a mere inspection and examination of the vouchers, inventories, and other papers on file in the Bureaus and offices with respect to said property or
supplies, but shall include an ocular verification of the existence and condition of said material, and said (Bureau) Office shall subsequently make its recommendations in the proper annual report.

[3569–1(582).]

SECTION 585. Annual report of (Insular) Auditor General. — The annual report of the Auditor shall embrace the fiscal transactions of the Government for the year and shall show the income, expense, and outlays of the various Departments and Bureaus of the (Insular) National Government and of the various provinces and municipalities for the year.

[2657–614.]

SECTION 586. Auditor's notification of excessive expenditures by Bureau or Office. — The (Insular) Auditor General shall from time to time bring to the attention of the proper administrative officer any expenditure of money or use of property which in his opinion is irregular, unnecessary, excessive, or extravagant.

[2657–615.]

SECTION 587. Auditor's right of direct communication with claimants. — The Auditor may communicate directly with any Department, Bureau, Office, or person having official relations with his office or having a claim before him for settlement.

[2657–616.]

SECTION 588. Authority of Auditor in adjustment of accounts between offices. — The (Insular) Auditor General shall have the power, subject to such regulations as may be prescribed therefor, to authorize and enforce the settlement of accounts subsisting between the different Bureaus or Offices of the (Insular) National service; between any such Bureau or Office and any provincial, municipal, or city government; between provincial governments; between municipal or city governments; and between any such provincial and municipal or city governments.

[2657–617; 3066–1(583).]

SECTION 589. Authority of (Insular) Auditor General to investigate business of railroad company. — The (Insular) Auditor General shall have power to examine from time to time, in his discretion, or when requested to do so by the (Governor-General) President of the Philippines, the books, records, accounts, and
vouchers of any railroad company or corporation organized or operating in the (Philippine Islands) Philippines.

[2657–618.]

SECTION 590. Submission of papers relative to Government obligations. — It shall be within the power of the (Insular) Auditor General for purposes of inspection to require the submission of the original of any order, deed, contract, or other obligation under which any payment should or might be made from Government funds, and such certificate or other evidence respecting the same as may be required; and if an authenticated copy is needed as an office record the same shall, upon demand, be supplied.

In the case of deeds to property purchased by the Government, the Auditor shall require a certificate of title entered pursuant to a decree of the Court of Land Registration or other evidence satisfactory to the (Governor-General) President of the Philippines that the title is in the Government.

[2657–619.]

SECTION 591. Authority of officers to administer oath and take testimony. — The (Insular) Auditor General, the Deputy (Insular) Auditor General, the assistant auditors, the department managers, the supervising district auditors, the district auditors, and any other employee of the (Bureau of Audits) General Auditing Office specially deputed for the purpose by the (Insular) Auditor General, shall have authority to administer oaths and take testimony in any investigation or matter within the jurisdiction of the (Bureau of Audits) General Auditing Office.

[2657–620; 3066–1(584).]

SECTION 592(585). Statement of monthly receipts and disbursements to Secretary of War. — The Auditor shall forward to the Secretary of War and to the Secretary of Finance, as soon as practicable and within sixty days after the expiration of each month, a statement of all receipts of the (Insular) National Government of whatever class, and payments of moneys made on warrants or otherwise during the preceding month.

[2657–621.]

ARTICLE II

(District) Provincial and City Auditors

SECTION 593. Assignment and compensation of provincial and
supervising auditors. — There shall be an auditor for each province, chartered city and the Metropolitan Water District who shall be appointed by the (Insular) Auditor General and shall receive compensation in accordance with the following scale:

(a) For the City of Manila, five thousand pesos per annum.

(b) For first-class provinces, four thousand five hundred pesos per annum.

(c) For second-class provinces, including the Mountain Province, Zamboanga, Davao, and the Metropolitan Water District, four thousand pesos per annum.

(d) For third-class provinces, including the City of Baguio, Lanao, and Cotabato, three thousand six hundred pesos per annum.

(e) For fourth and fifth-class provinces, including Sulu, Agusan, Bukidnon, Nueva Vizcaya, Palawan, and Batanes, three thousand two hundred pesos per annum.

One-half of the salary of the provincial and city auditors shall be paid out of the general appropriation for the (Bureau of Audits) General Auditing Office and the other half shall be paid out of the general fund of the province, city, or district concerned: Provided, That all positions of deputy auditors in the different provinces are hereby abolished.

There shall be four supervising auditors whose annual compensation shall be five thousand pesos each who shall inspect and supervise the work of the several provincial and city auditors, and perform such other duties as may be required of them from time to time by the (Insular) Auditor General: Provided, That the auditor for the City of Manila and the Metropolitan Water District shall be under the direct supervision of the central office of the (Bureau of Audits) General Auditing Office. The (Insular) Auditor General may, as the interest of the service may demand, assign one supervising auditor to two or more divisions or to act as provincial or city auditor in a province, chartered city or the Metropolitan Water District, and may withdraw or transfer him to other assignments. Four provincial auditors at large are hereby authorized whose salary shall be three thousand two hundred pesos each per annum.

The salaries and traveling expenses of the supervising auditors and the provincial auditors at large shall be paid out of the general appropriation for the (Bureau of Audits) General Auditing Office.
as to compensation and salaries see also section 2. See Commonwealth Act 410 (approved September 15, 1938) re salary of City Auditor of Baguio, and C.A. 446 (approved June 8, 1939) as to salaries of provincial and city auditors.]

SECTION 594. Official station and traveling expenses of provincial auditors. — The permanent station of each provincial auditor shall be at the provincial capital. He shall be entitled to traveling expenses payable from the provincial general fund of the province to which he is assigned when traveling on official business.

[2657–623; 3457–1(589).]

SECTION 595. Providing office for the (district) provincial or city auditor. — It shall be the duty of the provincial board of each province, of the City of Manila, the Metropolitan Water District Board, and the City of Baguio, respectively, to furnish the (district) provincial or city auditor with suitable office space in the provincial, city, or office building, together with necessary office space, furniture, and janitor service.

In case of any disagreement between the auditor of any (district) province or city and the provincial, city, or Metropolitan Water District authorities above referred to, with regard to the sufficiency of the office space, furniture, or other services furnished to the district auditor, the matter shall be submitted to the (Governor-General) President of the Philippines, whose decision in the premises shall be final.

[2657–624; 2811–1(590); 3066–1(591).]

SECTION 596. Ineligibility of (district) provincial or city auditor for appointment as provincial treasurer. — During his tenure of office and until one full year after he ceases to be such, a (district) provincial or city auditor shall be ineligible for permanent appointment to the office of provincial treasurer of any province within his district; and during the same period he may serve temporarily as such treasurer only by virtue of the express provision of law.

[2657–625.]

SECTION 597. Functions and jurisdiction of (district) provincial auditors. — Each (district) provincial auditor shall examine and settle the accounts of the provincial, municipal, (township,) and (settlement) municipal district treasurers and other offices of such branches of the Government, within the district assigned to him. In the exercise of this function the (district) provincial auditor
shall have exclusive original jurisdiction, and in such matters his powers shall be
the same as those exercised by the (Insular) Auditor General in regard to (Insular)
National accounts proper.

The (district) provincial auditor shall also make such examinations, within
his district, of (Insular) National accounts and render such reports thereon as the
(Insular) Auditor General shall require. In this capacity the (district) provincial
auditor shall be the immediate representative of the (Insular) Auditor General.

[2657–626.]

SECTION 598. Clerks to and operating expenses of office of provincial
auditors. — The fixing of the number of clerks or assistants which the provincial
auditor shall have for each province, city, or district concerned shall be determined
by the provincial board upon the recommendation of the (Insular) Auditor General.
Such clerks shall be appointed by the (Insular) Auditor General and they shall be
under the direction of the provincial auditor, and their salaries shall be fixed by the
(Insular) Auditor General within the appropriation of the provincial board or body
concerned. The operating expenses of the provincial auditor's office and the
salaries and travel expenses of the clerks thereof shall be paid by the province, city,
or office concerned, and such province, city, or office shall make the necessary
appropriation for said purpose. In case of disagreement between the (Insular)
Auditor General and the authorities of the province, city, or office concerned, as to
the sufficiency of the number of clerks and the salaries of the same, as well as the
travel expenses and other operating expenses of the provincial auditor's office, the
matter shall be submitted to the (Governor-General) President of the Philippines,
whose decision in the premises shall be final.

[2657–627; 2811–1(592); 3066–1(593); 3457–4(594).]

SECTION 599(595). [Transfer of clerk for service in other province.]

[2657–628.]

ARTICLE III

Application of Appropriated Funds

SECTION 600(596). Use of appropriated funds. — All moneys
appropriated for the various branches of the public service shall be available solely
for the specific purposes for which appropriated, and for no other. Moneys
appropriated for salaries and wages shall not be available for contingent expenses
or vice versa.
SECTION 601. Appropriations not confined to fiscal year. — In the absence of express provision, legislative appropriations shall not be confined to fiscal years, but shall be available until expended for the purposes for which appropriated, subject to such restrictions as may be specifically imposed by law; but the net surplus of all annual appropriations for the current expenses of the Government remaining at the end of the fiscal year for which such appropriations are made shall revert to the general fund and shall not thereafter be available for expenditure except by subsequent legislative enactment.

SECTION 602. Official fiscal year. — The fiscal year of all branches of the Government of the Commonwealth of the Philippines shall be the period beginning with the first day of July of each calendar year and ending with the thirtieth day of June of the calendar year immediately following.

SECTION 603. Transfer of unexpended balances to general fund. — The Auditor may transfer at any time, from moneys appropriated for a specific purpose, to the unappropriated general fund, any surplus balances standing to the credit of any appropriation or fund when the officer having administrative control thereof shall certify to the Auditor that there is a surplus in excess of the requirements, or that the work or purpose for which the appropriation was made has been completed or indefinitely postponed, and that there are no outstanding obligations to be paid therefrom.

SECTION 604. Reimbursable funds for purchase of supplies. — When in the opinion of the (Insular) Auditor General it shall be advisable to create a reimbursable fund for the purchase of supplies for any Bureau or Office of the (Insular) National Government, he shall so certify to the Secretary of the Department concerned, stating the amount he recommends for such fund, which certificate shall be forthwith transmitted by said Secretary to the (Governor-General) President of the Philippines with his recommendation. The (Governor-General) President of the Philippines may thereupon create such fund and fix the amount thereof, the same to be thereafter administered by the Bureau or Office concerned under regulations of the (Bureau of Audits) General Auditing Office.
SECTION 605. Payments of rewards. — When a reward becomes payable by authority of law for information given relative to any offense or for any act done in connection with the apprehension of the offender, such reward shall, in the absence of special provisions, be paid in such manner as shall be prescribed by executive order. The final determination of any such matter by proper administrative authority pursuant to law or any such order shall be conclusive, as regards the liability of the Government, not only as to whether the person in respect to whose right the adjudication is made is entitled to any reward or not, but also as to the amount, if any, to which he may be entitled.

ARTICLE IV

Restrictions Upon Making of Public Contracts

SECTION 606. Appropriation antecedent to making of contract. — No contract involving the expenditure of public funds shall be made until there is an appropriation therefor, the unexpended balance of which, free of other obligations, is sufficient to cover the proposed expenditure. This provision shall not, however, be construed to prevent the purchasing and carrying of supplies in stock under the regulations of the (Bureau of Audits) General Auditing Office, provided that when issued such supplies shall be charged to the proper appropriation account.

SECTION 607. Certificate showing appropriation to meet contract. — Except in the case of a contract for personal service or for supplies to be carried in stock, no contract involving an expenditure by the (Insular) National Government of three thousand pesos or more shall be entered into or authorized until the (Insular) Auditor General shall have certified to the officer entering into such obligation that funds have been duly appropriated for such purpose and that the amount necessary to cover the proposed contract is available for expenditure on account thereof. When application is made to the (Insular) Auditor General for the certificate herein required, a copy of the proposed contract or agreement shall be submitted to him accompanied by a statement in writing from the officer making the application showing all obligations not yet presented for audit which have been incurred against the appropriation to which the contract in question would be chargeable; and such certificate, when signed by the Auditor, shall be attached to and become a part of the proposed contract, and the sum so certified shall not thereafter be available for expenditure for any other purpose until the Government...
is discharged from the contract in question.

Except in the case of a contract for supplies to be carried in stock, no contract involving the expenditure by any province, municipality, chartered city, or municipal district of two thousand pesos or more shall be entered into or authorized until the treasurer of the political division concerned shall have certified to the officer entering into such contract that funds have been duly appropriated for such purpose and that the amount necessary to cover the proposed contract is available for expenditure on account thereof. Such certificate, when signed by the said treasurer, shall be attached to and become a part of the proposed contract and the sum so certified shall not thereafter be available for expenditure for any other purpose until the contract in question is lawfully abrogated or discharged.

For the purpose of making the certificate hereinabove required ninety per centum of the estimated revenues and receipts which should accrue during the current fiscal year but which are yet uncollected, shall be deemed to be in the treasury of the particular branch of the government against which the obligation in question would create a charge.

[2657–637; 3441–1(599).]

SECTION 608. Void contract — Liability of officer. — A purported contract entered into contrary to the requirements of the next preceding section hereof shall be wholly void, and the officer assuming to make such contract shall be liable to the Government or other contracting party for any consequent damage to the same extent as if the transaction had been wholly between private parties.

[2657–638.]

ARTICLE V

Initial Receipt and Disposition of Public Moneys

SECTION 609. Disposition of moneys collected by public officers. — Except as otherwise specially provided all moneys officially received by a public officer in any capacity or upon any occasion must be accounted for as Government funds.

[2657–639.]

SECTION 610. Payments of government moneys into treasury. — Officers of the Government authorized to receive and collect moneys arising from taxes, revenues, or receipts of any kind shall pay the full amounts so received and collected by them into the treasury of the branch of the Government to which such
officers in their collecting capacity respectively pertain, to the credit of the particular account or accounts to which the moneys in question initially belong. The amount of such collections ultimately payable to other branches of the Government, shall thereafter be transferred to the respective treasuries of those branches, under regulations which the Auditor shall prescribe.

[2657–641.]

SECTION 611. Treasurer's receipts for revenue funds. — The (Insular) Treasurer of the Philippines shall issue a series of receipts for each fiscal year showing all revenue and trust funds received by him, each receipt bearing the date upon which deposit was actually made and indicating from whom and on what account the money was received.

These receipts shall be registered and countersigned by the Auditor or his duly authorized subordinate, and to this end shall be transmitted, as issued, to the Auditor, who, after registry and countersignature, shall transmit them to the person who made the respective payments. A receipt lacking countersignature shall not be recognized in the audit of accounts.

[2657–642.]

SECTION 612. Checks receivable as money. — An officer charged with the collection of revenue or the receiving of moneys payable to the Government for taxes or dues, may accept payment in the form of checks drawn on any bank established in the (Philippine Islands) Philippines, and when so received, such checks may be deposited by the collecting officer as money. In case any check received as herein provided is not accepted by the bank for any reason, the person who issued it shall continue to be liable for the sum due and all penalties resulting from delayed payment.

The receiving of checks as aforesaid shall cease as to any bank which shall refuse, upon demand, to receive for deposit or to cash any such check, without exchange, discount, or commission of any kind, at any point in the (Islands) Philippines where the bank may be established or may maintain an agency or branch.

[2657–643; 2979–1(600).]

SECTION 613. Government warrants receivable as money. — When the same can be done without embarrassment to the financial transactions of the office or officer concerned, checks and warrants issued in payment of Government obligations, shall, upon proper indorsement and identification of the payee, or
indorsee, be cashed or received as cash, at their face value by any provincial treasurer, postmaster, or other officer of the (Insular) National Government outside of the City of Manila, who collect or have in their hands moneys belonging to the (Insular) Treasurer of the Philippines.

The cashing of checks or warrants as contemplated above shall not be obligatory in favor of persons not residing, or stationed within the province where the officer to whom the check or warrant is presented is officially located; but the same may be done in the discretion of such officer.

[2657–644.]

ARTICLE VI

Disbursements

SECTION 614. Disbursement of government funds in general. — Revenue funds shall not be paid out of any treasury except in pursuance of lawful appropriation or other specific statutory authority.

Trust funds shall not be paid out of any treasury except in fulfillment of the purpose for which the trust was created or fund received, and upon authorization of the legislative body, or head of Bureau, Office, or other branch of the Government, having control thereof.

(Insular) National revenue and trust funds shall not be withdrawn from the (Insular) National Treasury except upon warrant; but nothing herein shall be construed to prevent disbursing officers from maintaining checking accounts in the (Insular) National Treasury or Philippine National Bank with funds so withdrawn, subject to such regulation as the (Insular) Auditor General shall prescribe.

[2657–645.]

SECTION 615. Requirement of approval and endorsement of head of Office. — Payments to creditors shall be made only upon the specific approval of the chief of Bureau or head of Office concerned, or his duly authorized representative, or if there be no such officer, upon the approval of the Department Head, endorsed upon the warrant or voucher effecting such payment.

[2657–646.]

SECTION 616. Persons authorized to draw warrants for payment of (Insular) national funds. — Warrants upon the (Insular) National Treasury shall be drawn by the chief of Bureau or Office having control of the appropriation or fund
against which such warrants are chargeable or by such subordinate as shall be
designated for such duty by the proper Department Head.

Warrants chargeable to (insular) national appropriations or funds not under
the control of a Bureau or Office shall be drawn by such officer as shall be
specified by law or, in the absence of such, designated by the (Governor-General)
President of the Philippines.

All payments out of the funds of the city shall be made by the city treasurer,
in accordance with the requirements of the law.

[2657–647; 2774–1(601); 2991–2(602).]

SECTION 617. To whom warrants may be made payable. — Warrants
chargeable to revenue or trust funds of the (Insular) National Government shall be
drawn payable either directly to the creditor to whom the money is due or to a
disbursing officer for official disbursement. All warrants for withdrawals for cash
payment shall bear the words "Advance for official expenditures."

[2657–648.]

SECTION 618. Disbursing officer for Bureau or Office. — The chief of
a Bureau or Office or other officer having administrative control of an
appropriation or Government fund subject to be paid out of the (Insular) National
Treasury upon warrant may, with the approval of the proper Department Head,
designate such number of disbursing officers or agents as may be necessary to
disburse such appropriation or fund.

[2657–649.]

SECTION 619. Fund disbursable under regulations of (Bureau of
Audits) General Auditing Office. — Funds not specifically required to be
withdrawn by warrant shall be paid out under such regulations as the (Insular)
Auditor General shall prescribe.

[2657–650.]

SECTION 620. Disbursing agent in Washington. — There shall be a
disbursing agent of the Government of the (Philippine Islands) Philippines in
Washington, to be appointed by the Secretary of War.

He shall, from funds in his keeping or under his control, pay all bills of the
Philippine Government approved by the Secretary of War, and generally shall
handle and apply as authorized by law any funds placed in his keeping by or on
He shall give a bond conditioned faithfully to discharge all the duties of his office and to account for all moneys officially coming into his hands. Such bond shall be approved by the Secretary of War and shall be in an amount fixed by him.

[2657–651.]

SECTION 621. **Countersigning of warrants by Auditor.** — No (insular) national warrant shall be paid by the Treasurer until countersigned by the Auditor or by an officer of the (Bureau of Audits) General Auditing Office thereunto authorized in writing by him.

[2657–652.]

SECTION 622. **Treasurer's responsibility for indorsements.** — The (Insular) Treasurer of the Philippines shall, during two years from the date of payment by him, be responsible for the indorsements on all warrants and for this period shall retain them in his custody, after which they shall be filed with the Auditor.

[2657–653.]

SECTION 623. **Payment of lost warrants.** — When any check or warrant is lost, stolen, or destroyed, the issuing officer may issue a duplicate check or warrant, which shall be paid under such regulations in regard to issuance and payment and upon the execution of a bond to indemnify the Government in such amount and with such security, if any, as the Auditor shall require.

[2657–654.]

SECTION 624. **Retention of salary for satisfaction of indebtedness to Government.** — When any person is indebted to the Government of the (Philippine Islands) Philippines or Government of the United States, the (Insular) Auditor General may direct the proper officer to withhold the payment of any money due him or his estate, the same to be applied in satisfaction of such indebtedness.

[2657–655.]

**ARTICLE VII**

Depositaries and Depositary Accounts

SECTION 625. **Appointment of depositaries by (Governor-General) President of the Philippines or Secretary of War.** — The (Governor-General)
President of the Philippines may appoint any bank or banking institution in the (Philippine Islands) Philippines, and the Secretary of War any similar institution in the United States, as a depository of the Government of the (Philippine Islands) Philippines, after such institution has filed sufficient evidence of its sound financial condition and has deposited, as security, either in the (Insular) National Treasury or in the Bureau of Insular Affairs, at Washington, bonds of the United States or of the Government of the (Philippine Islands) Philippines or other bonds or securities satisfactory to and approved by the officer making the appointment and in such amount as shall be required by him.

[2657–656.]

SECTION 626. Reports of depositaries to (Insular) Auditor General — Payment of stale or stopped checks. — Depositaries shall report to the Auditor at the close of each quarter, or oftener if he shall so require, and in such form as he may direct, the condition of such Government account standing on their books. They shall pay no check drawn against a Government account after two years from date of issue or at any time after notification of stoppage of payment by the Auditor or drawer thereof.

[2657–657.]

SECTION 627. Deposit of funds in hands of officers. — Officers having funds in their hands for disbursement shall deposit them only with such duly appointed depositaries as may be designated by the (Insular) Treasurer of the Philippines.

Collecting officers may, in the same manner, with the further approval of the (Insular) Auditor General, temporarily deposit collections received by them, pending payment into the proper treasury.

[2657–658.]

SECTION 628. Annual report of officers having accounts with depositaries. — Every officer having an account with a depository shall, at the close of business on the last day of every fiscal year, render a report to the Auditor showing all checks issued by him which have been outstanding and unpaid for two years or more from date of issue.

[2657–659.]

SECTION 629. Final report of officer having account with depository. — Upon ceasing to act in the official capacity under which an account with a depository was maintained, the officer having such an account shall render a report
to the Auditor, showing the balance standing to his credit with said depositary and a list of checks yet outstanding and unpaid.

[2657–660.]

SECTION 630. Transfer of balance to (Insular) National Treasury. — If in such case there remains an untransferred balance to the credit of such account, the Auditor may require the depositary to deposit such balance, or any part thereof, in the (Insular) National Treasury; and when two years elapse after the final account of such officer is rendered, any remaining balance shall be so deposited.

[2657–661.]

ARTICLE VIII

Accounts and Accounting

SECTION 631. Style of governmental accounts. — All accounts of the Government shall be with the "Government of the Philippines," and save in the (insular) national branch of the service there shall be added in the style of the account the name of the particular province, municipality, or other governmental division to which it pertains.

[2657–662.]

SECTION 632. Creditors' unclaimed balances. — There shall be maintained on the books of the Auditor an account styled "Creditors' unclaimed balances" to the credit of which shall be deposited all moneys for which there is no present rightful claimant. Money accruing to this account shall be held exclusively for the payment of pertinent obligations against it, when certified by the (Insular) Auditor General, not in excess of the respective amounts which accrued to said account by reason of such obligations.

After remaining unclaimed for a period of ten years moneys in this account shall accrue, as treasury funds, to the branch of the Government giving rise to their original deposit, or, in the absence of such, to the (Insular) National Government.

[2657–663.]

SECTION 633. Persons accountable for government funds or property. — Every officer of the Government of the (Philippine Islands) Philippines whose duties permit or require the possession or custody of the government funds or property shall be accountable and responsible therefor and for the safe-keeping
thereof in conformity with the provisions of this law.

[2657–664.]

SECTION 634. **Primary and secondary accountability for government property.** — The Director or other head of a Bureau or Office of the (Insular) National Government is immediately and primarily accountable for all government property pertaining to his Bureau or Office, and the treasurer of a province, municipality, (township) municipal district, or other local division shall be likewise primarily accountable for all government property pertaining to his province, municipality, (township) municipal district, or other division, as the case may be.

Persons entrusted with the possession or custody of government property under any of the officers hereinabove mentioned shall be immediately accountable to such officers, without prejudice to the liability of either party to the Government.

[2657–665.]

SECTION 635. **Records and reports required by persons primarily accountable.** — An officer primarily accountable for Government funds or property may require any person in possession of the same or having custody and control thereof under him to keep such records and make such reports as may be necessary for his own information and protection.

[2657–666.]

SECTION 636. **Measure of liability of officers accountable for government property.** — Every officer accountable for property shall be liable for its money value in case of the improper or unauthorized use, or misapplication thereof, by himself or any person for whose acts he may be responsible; and generally he shall be liable for all loss, damage, or deterioration occasioned by negligence in the keeping or use of such property, whether it be at the time in his actual custody or not.

[2657–667.]

SECTION 637. **Measure of liability of officers accountable for government funds.** — Persons accountable for government funds shall be liable for all losses resulting from the unlawful or improper deposit, use, or application thereof and for all losses attributable to negligence in the keeping of the same.

[2657–668.]
SECTION 638.  Credit for loss occurring in transit or due to casualty —
Notice to Auditor. — When a loss of Government funds or property occurs while
the same is in transit or is caused by fire, theft, or other casualty, the officer
accountable therefor or having custody thereof shall immediately notify the
(Insular) Auditor General, or the (district) provincial auditor, according as the
matter is within the original jurisdiction of the one or the other, and within thirty
days or such longer period as the Auditor, or (district) provincial auditor, may in
the particular case allow, shall present his application for relief, with the available
evidence in support thereof. An officer who fails to comply with this requirement
shall not be relieved of liability or allowed credit for any such loss in the settlement
of his accounts.

A (district) provincial auditor shall not allow credit for these losses unless
the (Insular) Auditor General shall give him express authority to that effect, to be
exercised only if the loss is not in excess of one hundred pesos. When, in any case,
the allowance of credit is not within the competency of the (district) provincial
auditor, the application and evidence, with the recommendation of the (district)
provincial auditor, shall be forwarded to the (Insular) Auditor General for his
action.

[2657–669; see Act 3457(603).]

SECTION 639.  Liability for acts done by direction of superior officer. —
No accountable person shall be relieved from liability by reason of his having
acted under the direction of a superior officer in paying out, applying, or disposing
of the funds or property with which he is chargeable; but the officer directing any
illegal payment or disposition of such funds or property shall be first required to
answer therefor.

[2657–671.]

SECTION 640.  Destruction or sale of unserviceable property. — When
government property has become unserviceable from any cause, or is no longer
needed, it shall, upon application of the accountable officer, be inspected by the
(district) provincial auditor, or other duly designated officer of the (Bureau of
Audits) General Auditing Office, and if found to be valueless or unsalable, may be
destroyed in the presence of the inspecting officer, and if found to be valuable,
may be sold at public auction, under the supervision of the (Bureau of Audits)
General Auditing Office, to the highest bidder, after advertising for not less than
six days by printed notice in the Official Gazette, or by notices posted for a like
period in at least four public places in the community where such property is to be
sold.
Such property may be sold at private sale at such price as may be fixed by the (Insular) Auditor General with the approval of the Department Head concerned.

[2657–622; 3066–1(604).]

SECTION 641. Transfer of property between different branches of Government. — Government property unserviceable or no longer needed by the branch of the Government to which it belongs may be transferred without cost, or at an appraised valuation, to other branches of the government service, upon authority of the respective heads of Departments concerned.

[2657–673.]

SECTION 642(605). Disposition of funds or property held by defunct or superseded officer primarily accountable. — When an officer primarily accountable for (insular) national funds or property dies, absconds, or becomes incapacitated for the performance of his duties, the proper head of Department shall designate a custodian to take charge of such funds or property until a lawful successor may be appointed and qualified, and may appoint a committee of one or more persons to count the cash and make an inventory of the property for which such officer was accountable and to determine the responsibility for any shortage therein. One copy of such inventory and of the report of the committee duly certified, shall be filed with the (Insular) Auditor General; but the findings of the committee shall not be conclusive until approved by the (Insular) Auditor General or his duly authorized representative.

If the defunct or superseded officer is accountable for funds or property of a province, the custodian and committee shall be designated by the (Chief of the Executive Bureau) Secretary of Finance; if accountable for funds or property of a city organized under a special charter, by the chief executive of said city; and if accountable for municipal, (township), or (settlement) municipal district funds or property, by the provincial treasurer. In all other respects the proceedings in such cases shall be as above prescribed.

[2657–674.]

SECTION 643. Disposition of funds or property held by defunct or superseded officer secondarily accountable. — If the defunct or superseded officer is responsible to another who is primarily accountable, the latter may himself designate the committee or take other lawful measures for the protection of his interests.
SECTION 644. Transfer of funds from one officer to another. — Transfer of (insular) national funds from one officer to another shall, except as allowed by law or regulation, be made only upon prior direction of the Auditor.

SECTION 645. Invoice and receipt upon transfer of funds or property. — When Government funds or property are transferred from one officer accountable therefor to another, or from an outgoing officer to his successor, it shall be done upon properly itemized invoice and receipt.

SECTION 646. Shipment of government funds or property by carrier — Notation of evidence of loss. — When government funds or property are transmitted from one place to another by carrier, it shall be upon proper bill of lading or receipt from such carrier; and it shall be the duty of the consignee, or his representative, to make full notation of any evidence of loss, shortage, or damage, upon the bill of lading or receipt, before accomplishing it.

SECTION 647. Time and mode of rendering account. — In the absence of specific provision all accountable persons shall render their accounts, submit their vouchers, and make deposits of money collected or held by them at such times and in such manner as shall be prescribed in the regulations of the (Bureau of Audits) General Auditing Office or as the (Insular) Auditor General may in particular cases require.

SECTION 648. Certificate of balances by (district) provincial auditor. — (District) Provincial auditors shall certify the balances arising in the accounts settled by them to the (Insular) Auditor General and to the proper provincial and municipal or (township) municipal district treasurer in such form as the (Insular) Auditor General may prescribe.

SECTION 649. Auditor’s notice to accounting officer of balance shown upon settlement. — The (Insular) Auditor General shall, at convenient intervals, send an official notification in writing to each officer whose accounts have been
settled in whole or in part by him, stating the balances found due thereon and certified and the charges or differences arising on such settlement by reason of disallowances, charges, or suspensions. Such statement shall be properly itemized and the reasons for disallowance, charge, or suspension of credit stated. (District) Provincial auditors shall perform the same duty as regards accounts audited by them. A charge or suspension which shall not be satisfactorily explained within ninety days after the deposit in the mails of notice thereof to the officer concerned shall become a disallowance, unless the (Insular) Auditor General or proper (district) provincial auditor, shall, in writing, extend the time for answer beyond ninety days.

[2657–681.]

SECTION 650. Collection of indebtedness adjudicated by Auditor. — The (Insular) Auditor General shall, through the proper channels, supervise and procure the collection and enforcement of all debts and claims, and the restitution of all funds and property, found to be due the Government in his settlement and adjustment of accounts; and if any legal proceeding is necessary to such end, he shall request the (Governor-General) President of the Philippines to authorize and direct the institution of the same.

All money demands in favor of the Government shall bear interest at six per centum per annum from the date of the Auditor's written demand.

[2657–682.]

SECTION 651. Power of Auditor to compromise claim. — When in the judgment of the (Insular) Auditor General the interest of the Government so requires he may compromise or release, in whole or in part, any claim or settled liability to the Government, not exceeding one hundred pesos, appearing in any matter that has arisen before him or before any (district) provincial auditor; and with the written approval of the (Governor-General) President of the Philippines, he may likewise compromise or release any similar claim or liability not exceeding two thousand pesos.

Applications for relief from such a claim or liability in excess of two thousand pesos shall be submitted, through the Auditor and (Governor-General) President of the Philippines, with their recommendation, to the (Philippine Legislature) National Assembly.

[2657–683.]

SECTION 652. Transcript of Auditor's record as evidence of liability. —
At the trial of any criminal proceeding against an officer for the embezzlement or misappropriation of governmental funds or property, and upon the trial of any civil proceeding to recover an amount due the Government from an accountable officer, it shall be sufficient evidence, for the purpose of showing a balance against him, to produce a transcript from the books and proceedings of the Auditor, in the case of (insular) national accounts and accounts of the City of Manila, and of a (district) provincial auditor in the case of other accounts, and a showing, in this manner, of any balance against such officer shall be _prima facie_ evidence of the misappropriation of the funds or property unaccounted for or of civil liability of the officer as the case may be. Bonds, contracts, or other papers relating to or connected with the settlement of any account may, in the same manner, be proved by the production of a certified copy, but the court may require the production of the original contract or other writing, when this appears to be necessary for the attainment of justice.

[2657–684.]

**ARTICLE IX**

*Appeal and Review*

**SECTION 653(606).** _Appeal from decision of Auditor._ — Any person aggrieved by the action or by any decision of a (district) provincial or city auditor in the settlement of an account or claim may within one year appeal to the (Insular) Auditor General and any person similarly aggrieved by the action or decision of the (Insular) Auditor General may likewise within one year appeal to the (Governor-General) President of the Philippines.

From a decision adversely affecting the interest of the Government the appeal may be taken by the proper Head of Department, or in case of provinces and municipalities, or other form of local government, by the head of the Office or branch of the Government immediately concerned.

[2657–685.]

**SECTION 654(607).** _Procedure incident to appeal._ — All appeals shall be in writing and the particular action or decision to which exception is taken shall be specifically set forth, with the reason and authorities relied on for modifying or reversing the same, all the papers in the case being at the same time transmitted to the officer to whom the appeal is taken.

[2657–686.]

**SECTION 655.** _Finality of decision made by Auditor._ — A decision of
the (Insular) Auditor General or of a (district) provincial auditor upon any matter within their respective powers shall be conclusive upon the executive branches of the Government, subject to appeal or review as hereinafter provided.

[2657–687.]

SECTION 656. Final action by (Governor-General) President of the Philippines or (Secretary of War) President of the United States. — If the (Governor-General) President of the Philippines shall upon any appeal to him, confirm the action of the Auditor, he shall so indorse the appeal and transmit it to the Auditor, and such action shall be final. Should he fail to sustain the action of the Auditor, he shall forthwith transmit his grounds of disapproval to the (Secretary of War) President of the United States, together with the appeal and the papers necessary to a proper understanding of the matter and the decision of the latter officer shall thereupon be conclusive.

[2657-688]

SECTION 657. Power of Auditor to open and revise settled accounts. — At any time before the expiration of three years after the making of any settlement by a (district) provincial auditor, the (Insular) Auditor General may, on his own motion, review and revise the same and certify a new balance. For such purpose he may require any account, vouchers, or other papers connected with the matter to be forwarded to him.

When any settled account appears to be infected with fraud, collusion, or error of calculation, or when new and material evidence is discovered, the (Insular) Auditor General may, within three years after original settlement, open such account, and after written notice to the person concerned and after a reasonable time for his reply or appearance, may certify thereon a new balance. A (district) provincial auditor may exercise the same power in respect to settled accounts pertaining to the branches of the Government under his jurisdiction.

Accounts once finally settled shall in no case be opened or reviewed except as herein provided.

[2657–689.]

ARTICLE X

Terms Defined

SECTION 658. Words and phrases defined. — Words and phrases used in this chapter shall be taken in the sense indicated below:
"Governmental funds" or "government funds" is a general term which includes public moneys or every sort, whether pertaining to the (Insular) National Government, the City of Manila, a province, municipality, or other branch of the Government, and comprises revenue funds proper, depositary, and trust funds.

"Revenue funds" comprise all Government funds derived from the income of the Government in any of its branches and available for appropriation or expenditure according to law.

"Trust funds" are Government funds which have officially come into the possession of the Government or of a Government officer as trustee, agent, or administrator, or which have been received as a guaranty for the fulfillment of some obligation. A trust fund is available only for the specific purpose for which it was created or for which it came into the possession of the Government.

"Depositary funds" are Government funds over which the officer accountable therefor may retain control for the lawful purposes for which the same came into his possession, being subject to his official check for such purposes. The term embraces moneys in the (Insular) National Treasury in its capacity as a depositary and all Government moneys in depositary banks.

"Depositary" means any institution lawfully authorized to receive Government moneys upon current or time deposit. The (Insular) National Treasury, in addition to its faculty as Treasury of the (Philippine Islands) Philippines, for the keeping of treasury and trust funds, is also the chief depositary.

"Contract" includes every species of engagement or agreement competent to originate legal liability or to serve as the basis of a civil action between private parties.

[2657–629.]

CHAPTER 27

Bureau of Civil Service

PRELIMINARY ARTICLE

Title of Chapter

SECTION 659. Title of chapter. — This chapter shall be known as the Civil Service Law.

[2657–695.]
ARTICLE I

Organization of Bureau

SECTION 660. Chief officials of Bureau of Civil Service. — The Bureau of Civil Service shall have one chief and one assistant chief, to be known, respectively, as the (Director) Commissioner of Civil Service and the (Assistant Director) Deputy Commissioner of Civil Service.

[2657–696.]

SECTION 661(608). Duties of (Director) Commissioner of Civil Service. — It shall be among the powers and duties of the (Director) Commissioner of Civil Service —

(a) To keep a record of all officers and employees in the permanent service of the different branches of the Philippine Government.

(b) To keep a record of the absences of all officers and employees entitled to leave of absence.

(c) To supervise the preparation and rating and have control of all civil-service examinations in the (Philippine Islands) Philippines.

(d) To fix proper limits of age for applicants desiring to enter the service.

(e) To make investigations and special reports upon all matters relating to the enforcement of the Civil Service Law and civil-service rules.

(f) To prepare and certify to the President of the Philippines such rules as may be adapted to the more effectual carrying out of the provisions and purposes of the Civil Service Law and to the securing of an efficient administration of the Government within the scope of the Civil Service Law, such rules to be effective when approved by the President of the Philippines and promulgated in an executive order.

[2657–697; C.A. 177–1(609).]

SECTION 662. Matters to be prescribed in civil-service rules. — The civil-service rules shall, among other things, prescribe the conditions which shall
govern certification from eligible registers, appointments to the service, separations therefrom, suspensions, deductions from pay, reductions, reinstatements, and transfers, and shall define the procedure to be followed in such matters. They shall also contain regulations concerning the hours of labor, the allowance of leave of absence (including the withholding of salary for leave granted), and the allowance of travel expenses and half salary of persons entitled thereto — all in conformity with the provisions of this Code. The rules shall also prohibit any discrimination in the appointment of eligibles by reason of the ratings obtained in the examination, and the political activity and engaging in any private business, vocation, or profession, of persons in the civil service.

[2657–698; C.A. 177–2(610).]

SECTION 663. Fundamental requirements as to civil-service rules. — Any civil-service rules promulgated by the President of the Philippines upon the recommendation of the Commissioner of Civil Service shall be consistent with the following fundamental requirements:

(a) As far as practicable open competitive entrance examinations shall always be required and/or given to test the merit and fitness of applicants for positions now classified or to be classified hereunder.

(b) Promotion examinations, competitive or noncompetitive, shall be prescribed when practicable.

(c) A thorough physical examination by a Government physician shall be required of every applicant for examination in the Civil Service. Persons found to be physically unfit for efficient service shall be rejected.

(d) A period of trial service shall be required before appointment or employment is made permanent.

[2657–699; C.A. 177–3(611).]

SECTION 664. Authority of officers and examiners to administer oaths and take testimony. — Officers and examiners of the Bureau of Civil Service may administer such oaths as may be necessary in the transaction of official business, and the (Director) Commissioner of Civil Service or other persons conducting any investigation authorized by him may administer oaths and take testimony in connection therewith.
SECTION 665. Duty of officers to aid enforcement of law. — All officers in the Philippine civil service shall aid in all proper ways in carrying the Civil Service Law and the civil-service rules into due effect.

SECTION 666. Publication of Official Roster. — From the records kept by the Commissioner of Civil Service shall be published an Official Roster at intervals determined by the President of the Philippines.

SECTION 667. Annual report of Commissioner of Civil Service. — The annual report of the Commissioner of Civil Service to the President of the Philippines shall contain an account of the work performed by the Bureau of Civil Service, a statement of the rules certified to the President of the Philippines and promulgated by him and the practical effect thereof, to which shall be added suggestions and recommendations for the effectual maintenance of an efficient and honest civil service in all the administrative branches of the Government.

ARTICLE II

Scope of Civil Service

SECTION 668. Persons embraced in Philippine Civil Service. — The Philippine Civil Service shall embrace all branches and subdivisions of the Government; and appointments therein, except as to those which are policy-determining, primarily confidential, or highly technical in nature, shall be made only according to merit and fitness, to be determined as far as practicable by competitive examination.

SECTION 669. Civil service status of municipal treasurers. — (Repealed)

SECTION 670. Persons embraced in classified service. — Persons in the Philippine civil service pertain either to the classified or unclassified service. The
classified service embraces all not expressly declared to be in the unclassified service.

[2657–706.]

SECTION 671. Persons embraced in unclassified service. — The following officers and employees constitute the unclassified service:

(a) A secretary, a sergeant-at-arms, and such other officers as may be required and chosen by the National Assembly in accordance with the Constitution.

(b) Officers, other than the provincial treasurers and Assistant Directors of Bureaus or Offices, appointed by the President of the Philippines, with the consent of the Commission on Appointments of the National Assembly, and all other officers of the Government whose appointments are by law vested in the President of the Philippines alone.

(c) Elective officers.

(d) The Secretaries, technical assistants and private secretaries to the President of the Philippines, one private secretary and one assistant private secretary to the Vice-President of the Philippines, and those, to the several Heads of Departments.

(e) The secretarial and office staff of the Speaker and of each Member of the National Assembly.

(f) One private secretary to each Justice of the Supreme Court.

(g) Members of the commissioned and enlisted service of the Army and Navy of the Philippines.

(h) Laborers whose rate of compensation is not more than two pesos per day.

(i) Persons in the military, naval, or civil service of the United States who may be detailed for the performance of duties with the Government of the Commonwealth.

(j) Secretaries of provincial boards, assistant provincial fiscals, provincial wardens, provincial sheriffs, deputy provincial sheriffs, and secret agents.
(k) Members of the various faculties and other teaching force of the University of the Philippines, including the Business Director and the Registrar of said institution.

(l) Positions which may be declared by the President of the Philippines, upon recommendation of the Commissioner of Civil Service, as policy determining, primarily confidential, or highly technical in nature.

(m) Deputy governors and special agents of the specially organized provinces.

[2657–707; C.A. 177–8(617); C.A. 477–1(618).]

ARTICLE III

Civil Service Examinations

SECTION 672. Examination as prerequisite to appointment. — No person shall be appointed to or employed in any position in the classified service until he passes the examination provided therefor: Provided, however, That persons now regularly and permanently employed in any branch or subdivision of the Government, whose positions are or may hereafter be classified by operation of the Constitution and of this Act may, unless separated by proper authority, continue in the service for the term of three years from January first, nineteen hundred and thirty-seven: Provided, That they shall be given three chances to qualify: And provided, finally, That all employees who, upon the approval of this Act, have rendered ten years or more of continuous and satisfactory service in a classified position or in a position which may be subject to classification, shall be given practical examination in which their length of satisfactory service shall be accorded preferred consideration.

[2657–708; C.A. 177–9(619).]

SECTION 673. Positions in unclassified service not subject to examination requirements. — The examination requirements of the Civil Service Law for entrance into the civil service or for promotion therein shall not apply to positions in the unclassified service, unless the officer making the appointment shall so direct.

[2657–709; C.A. 177–10(620).]

SECTION 674. Examining committees and special examiners; their incidental expenses. — The Commissioner of Civil Service may, with approval of
the proper Head of Department, appoint examining committees or special examiners from officers and employees in the service. Such persons shall be examiners of the Commissioner of Civil Service and shall perform such duties as the Commissioner of Civil Service may require in connection with examinations, investigations, appointments, and promotions; and in the performance of such duties, they shall be under his exclusive control. The duties so performed by them shall be deemed part of the duties of the office to which they pertain, and time shall be allowed for the performance of such duties during office hours. All incidental expenses incurred by them shall be borne by the respective bureaus or offices, provinces, cities, municipalities, or Government boards, corporations, or enterprises, for whose benefit the examinations are held.

[2657–710; C.A. 177–11(621).]

SECTION 675. Citizenship as qualification for admission to examination. — No applicant shall be admitted to any examination who is not a citizen of the Philippines or of the United States.

[2657–710; C.A. 177–12(622).]

SECTION 676. (Director's) Commissioner's authority to elicit information as to qualifications. — The (Director) Commissioner of Civil Service shall have power to elicit, under oath, from all applicants for examination and from persons in the service full information as to their citizenship, nativity, age, education, physical qualifications, and such other information as may reasonably be required affecting their fitness for the service.

[2657–712.]

SECTION 677. Oath of applicant for examination. — Before admission to a civil service examination in the Philippines, every applicant shall take and subscribe an oath, in such form as shall be prescribed in the civil service rules, wherein the affiant shall declare that he recognizes and accepts the supreme authority of the United States of America and will maintain true faith and allegiance thereto; that he will support and defend the Constitution of the Philippines, obey the laws, legal orders, and decrees promulgated by its duly constituted authorities; that the obligation imposed by such oath is assumed voluntarily, without mental reservation or purpose of evasion; and that the answers to the questions contained in his application for examination are true to the best of his knowledge and belief.

[2657–713; C.A. 177–13(623).]
SECTION 678. Use of public building for civil-service examinations. — When examinations are held, either in Manila or in the provinces, the officers having custody of public buildings shall allow the reasonable use thereof for such purpose and shall provide for furnishing and lighting the same.

[2657–714.]

ARTICLE IV

Appointment to Civil Service

SECTION 679. Filling of vacancies. — Appointment to the position of chief or assistant chief of a bureau or office and to any other position in the classified service shall be made by the promotion of persons in the competitive service, if there be such who are competent and available and who in the judgment of the appointing power possess the qualifications required.

[2657–715; C.A. 177–14(624).]

SECTION 680(625). [Appointment to Position in Civil Service. — Other appointments to positions in the civil service shall be made by the chief of a Bureau with the approval of the proper Department Head.]

SECTION 681. Preferences in selection from lists of eligibles. — In making selection from lists of certified eligibles furnished by the (Director) Commissioner, appointing officers shall, when other qualifications are equal, prefer:

First. Citizens of the (Philippine Islands) Philippines.

Second. Honorably discharged soldiers, sailors, and mariners of the United States.

[2657–716.]

SECTION 682. Temporary and emergency employees. — Temporary appointment without examination and certification by the Commissioner of Civil Service or his local representative shall not be made to a competitive position in any case, except when the public interests so require, and then only upon the prior authorization of the Commissioner of Civil Service; and any temporary appointment so authorized shall continue only for such period not exceeding three months as may be necessary to make appointment through certification of eligibles, and in no case shall extend beyond thirty days from receipt by the chief of the bureau or office of the Commissioner's certification of eligibles; Provided, That in
the case of teachers such temporary appointment may be authorized to continue for a period not exceeding one school semester, or until eligibles who meet the desired qualifications are certified for employment, but not sooner than the beginning of a school semester. Violation of these provisions will render such chief of the bureau or office responsible for the payment of salary to such person employed contrary to law as hereinafter provided. It shall be the duty of the Commissioner of Civil Service to provide a register of eligibles as soon as practicable prior to the expiration of the period of temporary employment.

[2657–717; C.A. 177–16(626); C.A. 281–1(627).]

SECTION 683(628). [Appointments and removals by Governor-General regardless of civil-service qualifications.] — (Repealed)

[2657–718.]

ARTICLE V

Sundry Provisions Relative to Administration of Civil Service

SECTION 684. Limitation on employment of persons in classified service. — No person appointed to a position in the classified service shall, without the approval of the (Director) Commissioner of Civil Service, be assigned to or employed in a position of a grade or character not contemplated by the examination from the results of which appointment was made, unless otherwise provided by law.

[2657–719.]

SECTION 685. Limitation on employment of person in unclassified service. — A person appointed to a position in the unclassified service shall not be employed in any position in the classified service nor shall he be allowed to do clerical duties other than such as may pertain to the office to which he was appointed.

[2657–720.]

SECTION 686. Office records of attendance. — Each chief of a bureau or office shall cause to be kept on a proper form a daily record showing for each day any absence of any employee from duty, due to any cause, and the duration thereof. At the beginning of each month, he shall make full report to the Commissioner of Civil Service of the absences shown by such records for the preceding month. Falsification of time records shall render the offender liable to summary removal from the service and subject him to prosecution as provided by
SECTION 687. Political activity and contributions to political fund prohibited. — Officers and employees in the civil service, including members of the armed forces, whether classified or unclassified, permanent or temporary, except those holding elective positions, shall not engage directly or indirectly in partisan political activity or take part in any election except to vote; and they shall not be under obligation to contribute to a political fund or to render any political service, nor shall they be removed or otherwise prejudiced for refusing to contribute or render any such service; and no officer or employee in the Philippine civil service shall directly or indirectly solicit, collect, or receive from any other officer or employees, any money or other valuable thing to be applied to the promotion of any political object whatever.

Any person violating any provision hereof shall be removed from office or dismissed from the service and shall be subject also to prosecution as provided by law.

SECTION 688. Making gifts to official superiors. — It shall be improper for an officer or employee to make a donation or present any gift of substantial value to an official to whom he is subordinate or to solicit or receive a contribution from other officers or employees in the Government service for the making of such donation or gift. It shall likewise be improper for any official to accept any donation or gift as aforesaid offered or presented to him by any person or persons in the Government service subordinate to himself.

SECTION 689. Political and religious affiliations to be ignored. — No inquiry shall be made, and no consideration whatsoever shall be given to any information relative to the political or religious opinions or affiliations of persons examined, or to be examined or of officers or employees in the matter of promotion, and no discrimination shall be exercised, threatened, or promised against, or in favor of, any person employed, examined or to be examined, because of his political or religious opinions or affiliations; and in making removals or reductions, or in imposing other punishment, for delinquency or misconduct, action shall be taken irrespective of the political or religious opinions or affiliations of the offenders.
SECTION 690.  Payment of salary of person in classified service. — Payment of money on account of salary to any officer or employee in the classified service shall not be made prior to the receipt by the disbursing officer of notification from the chief of the Bureau or Office that the appointment or employment of such officer or employee has been duly authorized as provided by the Civil Service law and rules.

SECTION 691.  Payment of person employed contrary to law — Liability of chief of office. — No person employed in the classified service contrary to law or in violation of the civil-service rules shall be entitled to receive pay from the Government but the chief of the Bureau or Office responsible for such unlawful employment shall be personally liable for the pay that would have accrued had the employment been lawful, and the disbursing officer shall make payment to the employee of such amount from the salary of the officers so liable.

SECTION 692.  Liability of disbursing officer for pay of such person. — When the Commissioner of Civil Service finds that any person is holding a position in the classified service in violation of law, he shall certify such fact to the Auditor General and to the disbursing officer through whom the payment of salary or wages to such person is by law required to be made. If the Auditor General finds that a disbursing officer has paid or permitted to be paid salary or wages to any person illegally holding a classified position, the whole amount paid shall be disallowed and the disbursing officer shall not receive credit for the same unless the Auditor General shall find that the chief of the bureau or office is responsible, as above provided, for the payment of such person and that such payment is not due to the failure of the disbursing officer to obtain the evidence required in section six hundred and ninety hereof. In case the disbursing officer is not responsible for the illegal payment, he shall be directed to withhold from the salary of the chief of the Bureau or office responsible for the illegal employment an amount equal to that disallowed by the Auditor General.

SECTION 693.  Opinion of Commissioner of Civil Service on controverted questions related to service. — A disbursing officer, the head of any department, bureau, or office, or the Auditor General, may apply for, and the Commissioner of Civil Service shall render, a decision upon any question as to
whether a position is in the classified or in the unclassified civil service, or whether the appointment of any person to a classified position has been made in accordance with law, which decision, when rendered, shall be final unless reversed by the President of the Philippines on appeal.

[2657–728; C.A. 177–21(632).]

ARTICLE VI

Discipline of Persons in Civil Service

SECTION 694. Removal or suspension. — No officer or employee in the civil service shall be removed or suspended except for cause as provided by law.

The President of the Philippines may suspend any chief or assistant chief of a bureau or office, and in the absence of special provision, any other officer appointed by him, pending an investigation of charges against such officer or pending an investigation of his bureau or office. With the approval of the proper head of department, the chief of a bureau or office may likewise suspend any subordinate or employee in his bureau or under his authority pending an investigation, if the charge against such subordinate or employee involves dishonesty, oppression, or grave misconduct or neglect in the performance of duty.

[2657–729; C.A. 177–22(633).]

SECTION 695. Administrative discipline of subordinate officers and employees. — The Commissioner of Civil Service shall have exclusive jurisdiction over the removal, separation and suspension of subordinate officers and employees in the Civil Service and over all other matters relating to the conduct, discipline, and efficiency of such subordinate officers and employees, and shall have exclusive charge of all formal administrative investigations against them. He may, for neglect of duty or violation of reasonable office regulations, or in the interest of the public service, remove any subordinate officer or employee from the service, suspend him without pay for not more than two months, reduce his salary or compensation, or deduct therefrom any sum of not exceeding one month's pay. From any decision of the Commissioner of Civil Service on administrative investigations, an appeal may be taken by the officer or employee concerned to the Civil Service Board of Appeals within thirty days after receipt by him of the decision.

[2657–730; C.A. 177–23(634); C.A. 598–1(635).]

SECTION 696. Person in classified service or entitled to leave. — If the
person temporarily suspended or from whose pay a deduction is made is in the
classified service or being in the unclassified service is entitled to (accrued leave)
vacation and sick leave, the discipline imposed shall not take effect until the order
imposing the same receives the approval of the proper Department head, after
having been submitted to the (Director) Commissioner of Civil Service for
recommendation.

[2657–731.]

ARTICLE VII

Contract to be Executed by Civil Service Employee Coming from United States

SECTION 697. Contract to be executed by appointee coming from
United States. — A person residing in the United States, who contemplates
accepting an appointment in the Philippine civil service shall, before receiving
such appointment, execute contract, wherein he shall agree to remain in the service
of the Government of the Philippines for at least two years unless released by the
President of the Philippines or proper head of department.

Upon breach of such contract by the appointee or upon his removal for
cause, he shall be liable for any sum still due to the Government for expenses in
bringing him to the Philippines, and all salary and travel expenses then due or
accruing to him shall be withheld as forfeited, and he shall be thereafter debarred
from again entering any branch of the Philippine service.

[2657–732; C.A. 177–24(636).]

SECTION 698. Right of person dying or separated from position without
fault. — Where a regularly appointed employee of the permanent service dies or is
separated from the service on account of disability, lack of work, or the
abolishment of his position, and through no fault of his own, he or his estate shall
be allowed such accrued leave as he may have earned for the time served and the
travel expenses and half pay to which he would have been entitled had he served
two full years.

[2657–733.]

ARTICLE VIII

Allowance for Disability

SECTION 699. Allowances in case of injury, death, or sickness incurred
in performance of duty. — When a person in the Philippine civil service or in the
service of the Government of a municipality or municipal district is so injured in
the performance of duty as thereby to receive some actual physical hurt or wound,
the proper Head of Department may direct that absence during any period of
disability thereby occasioned shall be on full pay, though not for more than six
months, and in such case he may in his discretion also authorize the payment of the
medical attendance, necessary transportation, subsistence, and hospital fees of the
injured person. Absence in the case contemplated shall be charged first against
vacation leave, if any there be.

If a person in such service is killed or dies of injuries received or sickness
contracted in line of duty, the Department head may authorize the payment of
reasonable burial expenses and of three months' salary or wages to the widow or
dependent child or children of such deceased person, which shall be in accord with
his efficiency and service to the Government.

In case sickness follows as a direct and immediate consequence of the
performance of some act in the line of duty the Department head may in his
discretion authorize the payment of the necessary hospital fees.

For employees of the City of Manila the time allowance and disbursements
contemplated above shall not be granted except upon recommendation of the
Municipal Board of the city, with the prior approval of the Secretary of the
Interior; in the case of employees of a provincial government, upon the
recommendation of the provincial board; and in the case of employees of a
municipal or municipal district government, upon the recommendation of the
municipal council or municipal district (president) mayor, as the case may be.

[2657–734; C.A. 84–1(637).]

SECTION 700. **Priority of Government employee in admission to
hospitals.** — A person entitled under the rules of any Government hospital to
service in the free wards thereof, shall have a right of priority in admission to such
free wards, being a Government employee, or the wife, or minor child of such.

[2657–735.]

**CHAPTER 28**

*Bureau of Non-Christian Tribes*(638)

**SECTION 701.** [**Chief Official of Bureau of Non-Christian Tribes.** —
The Bureau of non-Christian Tribes shall have one chief to be known as the
Director of the Bureau of nonChristian Tribes.]
SECTION 702. [Government official designated as Director of Bureau of Non-Christian Tribes. — Whenever he shall deem it advisable, the Governor-General may, with the approval of the Philippine Senate, designate any civil officer in the service of the Government of the Philippine Islands to serve in the capacity of Director of the Bureau of non-Christian Tribes in addition to his other duties, but without additional pay.]

SECTION 703. [Under Secretary serving as Acting Director. — In case of the absence or temporary incapacity of the Director of the Bureau of non-Christian Tribes, the Under Secretary of the Interior shall discharge the duties of acting chief of said Bureau.]

SECTION 704. [Jurisdiction of Bureau of Non-Christian Tribes. — Through the Bureau of non-Christian Tribes shall be exercised the supervision and control of the Secretary of the Interior over the government of the provinces, municipalities, and other local political divisions of the Department of Mindanao and Sulu, the Mountain Province, and the Province of Nueva Vizcaya.]

SECTION 705. [Special duties and purposes of Bureau. — It shall be the duty of the Bureau of non-Christian Tribes to continue the work for advancement and liberty in favor of the regions inhabited by non-Christian Filipinos and to foster, by all adequate means and in a systematic, rapid, and complete manner the moral, material, economic, social, and political development of those regions, always having in view the aim of rendering permanent the mutual intelligence between and complete fusion of all the Christian and non-Christian elements populating the provinces of the Archipelago. ]

CHAPTER 29

Philippine General Hospital

ARTICLE I

Organization and Functions of Philippine General Hospital
SECTION 706(644). Chief officials of Philippine General Hospital. — The Philippine General Hospital shall have two chiefs, to be known as the Director of the Philippine General Hospital and the Assistant Director of the Philippine General Hospital. They shall be physicians of good repute and graduates from a medical college of recognized standing.

The Director of the Philippine General Hospital shall have all the powers conferred generally on Bureau chiefs.

[2657–925.]

SECTION 707. Functions of Philippine General Hospital. — It shall be incumbent upon the Philippine General Hospital to provide for the training of medical students of the University of the Philippines and for the accommodation and medical treatment of emergency patients in the City of Manila, to render free medical service to such persons entitled thereto as shall apply for the same, and so far as the facilities and means of the Hospital shall extend, to supply medical service and medical attendance gratuitously to poor persons in said city. When not incompatible with the interests of the Hospital suitable accommodations and attendance shall be supplied to pay patients upon terms to be fixed by regulation.

[2657–926.]

SECTION 708(645). Regulations of Philippine General Hospital. — The Director of the Philippine General Hospital shall have authority, with the approval of the Secretary of (the Interior) Public Instruction, to adopt and promulgate such regulations, not inconsistent with law, as may be necessary to secure the efficient administration of the Hospital and the proper enforcement of all laws relating thereto but such regulations shall in no way limit the free admission to the clinics, operating rooms and wards of the Hospital of the students and members of the faculty of the College of Medicine and Surgery of the University of the Philippines.

[2657–927.]

SECTION 709. Subsistence and quarters for employees. — With the approval of the Secretary of (the Interior) Public Instruction, the Director of the Philippine General Hospital may allow subsistence, quarters, and laundry service in kind to physicians, nurses, or other employees serving in the Hospital when such action seems advisable for the best interests of the public service; and upon the recommendation of the Director, the Secretary of (the Interior) Public Instruction may commute subsistence and quarters to persons entitled thereto at rates according to the following schedule: Employees receiving a salary of less than six
hundred pesos per annum, thirty pesos per month; those receiving a salary of six hundred pesos or more per annum, but less than one thousand eight hundred pesos, forty-five pesos per month; those receiving one thousand eight hundred pesos or more but less than two thousand four hundred pesos, sixty pesos per month; those receiving two thousand four hundred pesos or more but less than three thousand two hundred pesos, seventy-five pesos per month; those receiving three thousand two hundred pesos or more, one hundred pesos per month.

[2657–928.]

SECTION 710. Uniforms and commissary supplies. — Uniforms or the materials necessary therefor may be supplied free by the Director to employees of the hospital, the cost thereof being chargeable to the funds available for supplies and materials.

The Director of the Philippine General Hospital shall also have authority to sell commissary supplies at not less than cost to employees and patients in the Hospital. The proceeds of such sales shall be reimbursable to the item of supplies, becoming again available for the purposes thereof.

[2657–929.]

ARTICLE II

School of Nursing

SECTION 711. Philippine General Hospital School of Nursing. — There shall be maintained in the Philippine General Hospital a school for the training nurses, which shall be known as the Philippine General Hospital School of Nursing. Said school shall be under the administrative supervision of the Director of the Philippine General Hospital, subject to visitation of the Board of Regents of the University of the Philippines.

[2657–930.]

SECTION 712. Faculty and instruction. — The activities of the School of Nursing, except as regards instruction in midwifery, shall be in the immediate charge of a superintendent, who shall be a registered nurse of experience, appointed by the Director, with the approval of the Secretary of (the Interior) Public Instruction.

Except as provided in the next succeeding paragraph hereof, the faculty of instruction shall consist of the superintendent and such other instructors, appointed by the Director upon the recommendation of the superintendent as the proper
conduct of the school shall require.

The giving of instruction in midwifery shall be in charge of the obstetrical department of the College of Medicine and Surgery of the University of the Philippines.

[2657–931.]

SECTION 713. *Conferring of degrees by Board of Regents of the University of the Philippines.* — The Board of Regents of the University of the Philippines shall have authority to confer the degree of graduate nurse, or of graduate nurse and midwife, or of graduate midwife, or such other degree as they may establish upon students of the School of Nursing recommended for graduation by the Director of the Philippine General Hospital, provided their qualifications for entrance and graduation have been approved by the University council and the course of instruction accomplished by them have been approved by the Board of Regents.

[2657–932.]

SECTION 714. *Appointment of government students.* — To the end that the advantages of the School of Nursing may extend to all parts of the Philippine Archipelago, such number of students as shall be practicable under current appropriations shall be matriculated and maintained therein as government students, or pensioners, as hereinbelow provided.

These students shall be selected, in a manner to be prescribed by the Secretary of (the Interior) Public Instruction, with the concurrence of the Board of Regents of the University of the Philippines, and so far as practicable, and consistently with educational qualifications, the appointments shall be distributed equitably among all the provinces; but the number of students admitted from the specially organized provinces during any semester shall not exceed fifteen *per centum* of the total number.

[2657–933.]

SECTION 715. *Subsistence, quarters, and compensation.* — Government students admitted to the School of Nursing shall receive subsistence and quarters, in addition to such other allowances and compensation as may be provided by law.

With the approval of the Director of the Philippine General Hospital, the superintendent of the school may withhold a portion of the compensation of any student, not to exceed one-sixth thereof, and deposit the same in the Postal Savings
Bank to the credit of the student. Any student who has been separated from the school shall have absolute control of any unexpended balance to his credit in the account.

[2657–934.]

SECTION 716. Contract of government student. — Prior to matriculation in the School of Nursing, every government student shall be required to sign a contract agreeing to serve the Government for a period of at least one year after graduation, at an equitable compensation which shall be fixed by the Secretary of (the Interior) Public Instruction, with the concurrence of the Board of Regents of the University of the Philippines.

[2657–935.]

CHAPTER 30

Board of Pharmaceutical Examiners

PRELIMINARY ARTICLE

Title of Chapter

SECTION 717. Title of chapter. — This chapter shall be known as the Pharmacy Law.

ARTICLE I

Organization of Board of Pharmaceutical Examiners

SECTION 718(646). Board of Pharmaceutical Examiners. — The Board of Pharmaceutical Examiners shall consist of three members, to be appointed by the Department Head. They shall at the time of their appointment be registered first-class pharmacists in good standing, with five consecutive years of practical experience in compounding and dispensing physicians' prescriptions.

No pharmacist shall be eligible for appointment upon said Board who is a member of the faculty of any school, college, or university where any branch of pharmacy is taught, or who has any pecuniary interest in such an institution.

[597–1(647); 2382–1(648).]

SECTION 719(649). Functions and duties of Board. — The Board of Pharmaceutical Examiners is vested with authority, conformably with the provisions of this chapter, to issue and revoke certificates of registration for
practitioners of pharmacy. The Board shall study the conditions affecting the practice of pharmacy in all parts of the (Philippine Islands) Philippines and shall exercise the powers herein conferred upon them with a view to the maintenance of efficient ethical and technical standards in the pharmaceutical profession.

[2382–1(650).]

SECTION 720(651). Term of members of Board. — The members of the Board of Pharmaceutical Examiners shall hold office for three years after their appointment and until their successors are appointed and qualified. No member of said Board may be reappointed until three years shall have passed since the expiration of his last term. Interim vacancies shall be filled by appointment for the unexpired term only.

[2382–1(652).]

SECTION 721. Removal of member of Board. — The Department Head may remove any member of the Board of Pharmaceutical Examiners for continued neglect of duty or incompetency, or for unprofessional or dishonorable conduct.

[2382–1(653).]

SECTION 722(654). Annual election of officers. — At its annual meeting the Board shall elect from its members a president and a secretary-treasurer for the current year. The President shall be the chief executive officer of the Board.

[597–3(655); 2382–2(656).]

SECTION 723(657). Duties of secretary-treasurer. — The secretary-treasurer shall keep a record of the proceedings of the Board and a register of all persons to whom certificates of registration as pharmacist, second-class pharmacist, registered apprentice in pharmacy, or Chinese druggist have been granted, setting forth the name, age, sex, and place of business of each, his post-office address, the name of the pharmaceutical school, college, or university from which he graduated, or in which he has studied pharmacy, if any, and the date of such graduation or length and date of such term of study together with the time spent in the study of pharmacy elsewhere, if any, and the names and locations of all institutions which have granted to him degrees or certificates of lectures in pharmacy, and all other degrees granted to him from institutions of learning.

[597–2(658).]
SECTION 724(659). Compensation of members. — The members of the Board, except the secretary-treasurer, shall receive from (insular) national funds as compensation the sum of four pesos each for each candidate examined for registration as pharmacist. The secretary-treasurer shall receive from (insular) national funds compensation at the rate of three hundred pesos per year, one-half of which amount shall be paid on the thirtieth of June and one-half on the thirty-first of December of each year.

[597–2(660).]

SECTION 725. Annual report. — The Board shall make an annual report to the Department Head, giving an account of its proceedings during the year covered by the report and a statement of moneys received and expenses incurred by it during such period.

[597–6(661).]

SECTION 726. Regulations. — Regulations governing pharmaceutical examinations and determining the standards to be attained in them and generally such other regulations as may be necessary to carry the provisions of this chapter into effect shall be promulgated by the Board of Pharmaceutical Examiners, with the approval of the Department Head. Penal provisions may be included in said regulations the violation of which shall be punishable as prescribed in section two thousand six hundred and seventy-seven of this Code.

ARTICLE II

Examination and Registration of Pharmacists

SECTION 727. Inhibition against practice of pharmacy by uncertificated person. — Unless exempt from registration, no person shall practice pharmacy in the (Philippine Islands) Philippines without having previously obtained the proper certificate of registration from the Board of Pharmaceutical Examiners.

[597–7, 16(662); 2382–6(663).]

SECTION 728. Definition of practice of pharmacy. — A person shall be deemed to be practising pharmacy within the meaning of this chapter who shall, for a fee, salary, or other reward paid to himself or to another person, prepare, distribute, or sell any medicine, drug, or pharmaceutical preparation, or fill any prescription therefor.

This definition shall, however, be construed subject to the following
limitations:

(a) A person shall not be deemed to be practicing pharmacy by reason of being engaged in the selling of mineral medicinal waters.

(b) Registered physicians with legal practice shall not be deemed to be engaged in the practice of pharmacy in putting up their own prescriptions or dispensing medicines to their patients in their own offices, or if there is no pharmacy within a minimum radius of five kilometers from the residence of the patient who request medical treatment at his home, or in emergency cases and where medicines to be applied immediately are concerned.

(c) In a pharmacy or store where medicines are dispensed, prescriptions filled, or drugs and chemicals sold at retail, it shall be sufficient for the purposes of this section that the work of filling prescriptions and the preparation of medicinal compounds be effected in all cases by a registered pharmacist practicing in such pharmacy or store.

(d) In drug stores engaged exclusively in the manufacture or sale of simple drugs and chemical products in quantities greatly in excess of the therapeutic doses of each substance or in the sale of galenic prescriptions or medicinal preparations at wholesale, it shall be sufficient for the purposes of this section that such business be conducted under the immediate supervision of a registered pharmacist practicing only in such store.

(e) A person shall not be deemed to be practicing pharmacy by reason of being engaged in the selling of nonpoisonous household remedies in any store or place more than five kilometers from an established pharmacy; but the preparations which may be so dealt in must be specified in regulations promulgated pursuant to section seven hundred and twenty-six hereof, and the sale of such nonpoisonous household remedies by other persons than registered pharmacists is strictly prohibited in places that are not more than five kilometers distant from an established pharmacy.

[597–12, 23(664); 2236–1(665); 2382–7(666).]

SECTION 729. Persons exempt from registration. — A certificate of
registration shall not be required for any pharmacist in the service of the United States in the (Philippine Islands) Philippines.

SECTION 730. *Examination requirement.* — Except as allowed under the provisions of this chapter, all applicants for registration as pharmacists shall be subjected to examination: *Provided, however,* That no foreign pharmacist shall be admitted to examination unless the country of which he is a subject or citizen, permits Filipino pharmacists to practice within its territorial limits.

[597–16(667); 2382–6(668); 3680–1(669).]

SECTION 731. *Persons exempt from examination.* — No examination shall be required of any person who shall, with his application for registration, present to the Board of Pharmaceutical Examiners a proper diploma or other sufficient proof, as the case may require, showing either that:

(a) He had, prior to the ratification of the Treaty of Paris, been qualified under the Spanish law to practice pharmacy in the (Philippine Islands) Philippines; or that

(b) He had, prior to the ratification of the Treaty of Paris, received the degree of licentiate of pharmacy from the University of Santo Tomas in the City of Manila.

[597–9(670); 2382–3(671).]

SECTION 732. *Semiannual examinations.* — The Board of Pharmaceutical Examiners shall meet in the City of Manila for the purpose of examining candidates desiring to practice pharmacy in the (Philippine Islands) Philippines on the first Tuesdays of July and January of each year, after giving thirty days' written or printed notice of such meeting to each candidate who has filed his name and address with the secretary-treasurer of the Board, and after publishing such notice in Manila in one newspaper published in the English language and one newspaper published in the Spanish language, at least once per week for a like period.

[597–3(672); 2382–2(673).]

SECTION 733. *Prerequisite qualifications for examination.* — Any person applying for examination and for a certificate as pharmacist, shall prior to admission to examination, establish to the satisfaction of the Board:

(a) That he is of good moral character;
(b) That he is registered in the office of the secretary of the Board as an apprentice in pharmacy at least three years before applying for examination;

(c) That he has had at least three years' practical experience in a pharmacy where the prescriptions of physicians, dentists, or veterinarians are compounded and where drugs, medicines, and poisons are sold at retail;

(d) That he has been graduated from a legally chartered school, college, or university in which professional pharmacy is taught for a period not less than four years of nine months' course each: Provided, That this provision shall be in force from the date of the examination in pharmacy to take place in July of nineteen hundred and thirty-four; Provided, further, That any person admitted to examination before the Board prior to the examination in pharmacy of July, nineteen hundred and thirty-four, may hereafter take the examination without fulfilling the requisites provided for in this paragraph; and

(e) That he has satisfactorily completed the secondary course in a public high school or one duly recognized by the Government.

[597–3(674); 2236–1(675); 2382–6(676); 3536–1(677); 3704–1(678).]

SECTION 734. Pharmacists' examination. — The examination to be given to applicants for a pharmacist's certificate shall comprise the following subjects: General chemistry, inorganic chemistry and organic chemistry applied to pharmacy; botany, pharmacology, pharmacognosy; qualitative analytical chemistry and its special application to the analysis of medicines; quantitative analytical chemistry; toxicology; pharmaceutical practice; compounding of prescriptions; bacteriology and hygiene, and pharmaceutical legislation: Provided, however, That candidates having completed their studies of pharmacy in a duly recognized college prior to the approval of this Act, shall not be obliged to submit to examination in the three subjects last mentioned.

[597–16(679); 2382–6(680); 2967–1(681).]

SECTION 735. Programme of examination. — It shall be the duty of the Board to prepare a programme of subjects above mentioned in such manner that the same shall contain all of the knowledge that ought to be required from the candidate to show him capable of practicing pharmacy, which programme, after being approved by the Department Head, shall be published three months before
the date of the examinations when it is to be used.

Any alteration that the Board may later wish to introduce in said programme shall also be approved by the Department Head and published three months before the date of the examination.

[2382–6(682).]

SECTION 736. Report of rating. — The Board of Pharmaceutical Examiners shall immediately upon the completion of the examinations revise the work of the candidates and shall, within the term of two months after the date of the completion of the examinations, report the rating obtained by each examinee, for the information of the persons interested.

[597–3(683); 2382–2(684).]

SECTION 737. Reexamination of failed candidate. — A candidate who thrice fails to pass the pharmacist's examination shall not again be examined until at least one year has elapsed after his last examination.

[2236–1(685); 2382–6(686).]

SECTION 738. Forms of certificates — Authentication. — Certificates of registration issued by the Board of Pharmaceutical Examiners shall be of three grades, namely, pharmacist, apprentice in pharmacy, and Chinese druggist.

All certificates shall be signed by a majority of the members of the Board and shall be attested by its official seal.

[597–3(687); 2382–2(688); 2382–6(689).]

SECTION 739. Issuance of pharmacist's certificate. — An applicant who shall successfully pass the pharmacist's examination herein-above prescribed shall receive a certificate of registration as pharmacist: Provided, however, That if the applicant who has passed the examination has not completed the age of twenty-one years, a certificate of registration as pharmacist shall not be issued to him until he shall have completed said age of twenty-one years, and he shall in the meantime not be allowed to practise as pharmacist.

[2382–6(690); 3704–2(691).]

SECTION 740. Issuance of certificate to apprentice in pharmacy. — A certificate as apprentice in pharmacy shall be issued by the Board of Pharmaceutical Examiners to any person of good habits and moral character
reported by a registered pharmacist as having been taken into his employment as a student of pharmacy or an apprentice for the purpose of becoming a pharmacist.

[597–3(692); 2382–2(693).]

SECTION 741. Issuance of certificate to Chinese druggist. — A certificate as Chinese druggist shall be issued to any person twenty-one or more years of age and of good habits and moral character who shall submit to the Board of Pharmaceutical Examiners a certificate from the Chinese consul at Manila that he is competent and qualified to conduct a Chinese drug store in accordance with the laws and customs of the Chinese Republic, together with such other evidence as to his fitness to conduct such a store as the Board may require.

[597–3(694); 2382–2(695).]

SECTION 742. Limitation on business of Chinese druggist. — A person holding a certificate as Chinese druggist shall not engage in the general practice of pharmacy, and his sales of Chinese drugs and medicines shall be limited to persons of Chinese blood and their families.

[597–22(696).]

SECTION 743. Issuance of temporary certificate. — Subject to the conditions hereinbelow prescribed, any two members of the Board of Pharmaceutical Examiners may issue a temporary certificate of registration as pharmacist to any applicant upon presentation by such applicant of satisfactory evidence that he possesses the necessary qualifications to practise pharmacy, and that he has not failed to pass any examination before the board.

A temporary certificate shall not be granted when the regular semianual examination is pending or is to take place within thirty days, and such certificate shall not remain in force longer than sixty days after the examination next succeeding the date of its issuance. In no case shall a temporary certificate of registration be renewed or extended; nor shall two temporary certificates of registration be granted to any person.

Each applicant for temporary registration shall file with the secretary-treasurer of the Board an affidavit to the effect that it is his intention to appear at the next regular meeting of the Board and to submit to an examination with a view of obtaining a permanent certificate.

[2382–5(697).]

SECTION 743-A. Persons exempt from registration. — Pharmacists of
other countries called for consultation shall not be required to register.

\[3704-3(698).\]

SECTION 744. Fees for pharmacist's examination and issuance of certificate of registration as pharmacist. — Every applicant for examination as pharmacist shall pay to the secretary-treasurer a fee of twenty pesos.

When an applicant successfully passes the pharmacist's examination or when an applicant is registered without examination, he shall be required to pay twenty pesos for the issuance of the certificate of registration.

When a person to whom a temporary certificate has been issued passes a satisfactory examination at the next examination after the issuance of such temporary certificate, a permanent certificate shall be granted to him upon payment of a registration fee of twenty pesos.

\[597-5(699); 2236-1(700); 2382-5(701); 3272-1(702).\]

SECTION 745. Fee for other certificates. — For each certificate issued by the Board of Pharmaceutical Examiners for an apprentice in pharmacy a fee of two pesos shall be charged, and for each certificate for a Chinese druggist, a fee of twenty pesos.

\[597-5(703).\]

SECTION 746. Refusal of certificate for certain causes. — The Board of Pharmaceutical Examiners shall refuse to issue a certificate to any person convicted by a court of competent jurisdiction of any criminal offense, or to any person guilty of immoral or dishonest conduct, or to any person of unsound mind; and, in the event of such refusal, shall give to the applicant a written statement setting forth its reason for such action, which statement shall be incorporated in the record of the Board.

\[597-14(704).\]

SECTION 747. Revocation of certificate. — The Board may also revoke a certificate for any cause specified in the preceding section, or for unprofessional conduct, after due notice to the person interested, and a hearing subject to an appeal to the Department Head, whose decision shall be final.

It shall be sufficient ground for the revocation of a certificate issued to any pharmacist that he has failed to keep a true and correct record of opium, opium compounds, or other prohibited drugs received and dispensed or transferred by
him, as prescribed by law.

[597–14(705); 1761–11(706); see Act 4162–3(707).]

**ARTICLE III**

*Sundry Provisions Relative to Practice of Pharmacy*

**SECTION 748. Reservation in favor of pharmacists heretofore certificated.** — Pharmacists and second-class pharmacists who are holders of certificates lawfully issued since the twenty-sixth day of January, nineteen hundred and three, shall not be required to register anew under the provisions of this chapter; and no certificate of the grade of second-class pharmacist shall be issued in the future.

[597–11(708); 2382–4, 6(709).]

**SECTION 749. Status of second-class pharmacist.** — Except as provided in the second paragraph of the next succeeding section hereof, a second-class pharmacist shall in the conduct of his business, be subject to the same regulations and have the same responsibility as other pharmacists.

[597–23(710); 2382–7(711).]

**SECTION 750. Display of name and certificate of practicing pharmacist.** — Every practicing pharmacist shall display his certificate of registration in a conspicuous place within the house, office, or pharmacy, where he practices; and his practice shall be confined to such place. Where a pharmacy contains more than one practicing pharmacist therein the owner or manager shall cause the registration certificate of each of them to be displayed in the same manner.

Every second-class pharmacist shall display conspicuously upon the outside of his place of business a sign on which shall appear his name, followed by the words "second-class pharmacist."

[597–15, 21(712).]

**SECTION 751. Responsibility for quality of drugs.** — Every pharmacist shall be responsible for the quality of all drugs, chemicals, medicines, and poisons he may sell or keep for sale; and it shall be unlawful for any person whomsoever to manufacture, prepare, sell, or administer any prescription, drug, chemical, medicine, or poison under any fraudulent name, direction, pretense or to adulterate any drug, chemical, medicine, or poison so used, sold, or offered for sale. Any
drug, chemical, medicine, or poison shall be held to be adulterated or deteriorated within the meaning of this section if it differs from the standard of quality or purity given in the United States Pharmacopoeia.

[597–17(713); 1921–2(714).]

SECTION 752. *Label of medicines dispensed.* — Upon every box, bottle, or other package containing medicine sold or dispensed by a pharmacist there shall be pasted, affixed, or imprinted a seal or label bearing the name of the pharmacy and showing the character of the medicine and proper doses thereof. The label of medicines sold upon prescription shall also show the name of the prescriber and the number of the prescription.

[597–18(715).]

SECTION 753. *Record of prescriptions.* — All prescriptions dispensed shall be numbered and the original or a copy thereof shall be preserved in a book or file kept for such purpose.

[597–18(716).]

SECTION 754. *Inhibition against use of cipher or unusual terms in prescription.* — It shall be unlawful to prescribe, compound, or dispense prescriptions, recipes or formulas which are written in cipher, or secret keys, or in which there are employed unusual names of drugs which differ from the names ordinarily used for such drugs in standard pharmacopoeias or formularies.

[1921–2(717).]

SECTION 755. *Provisions relative to dispensing of violent poisons.* — Every person who dispenses, sell, or delivers any of the following violent poisons, to wit, arsenic, arsenical solutions, phosphorus, corrosive sublimate, cyanide of potassium or other cyanide, atropine, cocaine, morphine, strychnine, or any of their salts, and all other poisonous vegetable alkaloids or any of their salts, hydrocyanic acid, prussic acid, oil of bitter almonds containing hydrocyanic or prussic acid, oil of mirbane, (nitro-benzene), opium and its preparations, except paregoric and such others as contain less than four hundred and fifty milligrams of opium per one hundred cubic centimeters (two grains to the ounce), shall make or cause to be made in a book kept for the purpose of recording the sale of such poisons an entry stating the date of each sale and the name and address of the purchaser, the name and quantity of the poison sold, and the purpose for which it was claimed to be purchased, before delivering it to the purchaser. He shall not deliver any such poison to any person without satisfying himself that such person is aware of its
poisonous character, and that the poison is to be used for a legitimate purpose, and he shall affix to every box, bottle, or other package containing any dangerous or poisonous drug, a label of red paper upon which shall be printed in large black letters the word "poison," and a vignette representing a skull and bones, before delivering it to any person. Books kept for the purpose of recording the sale of poisons shall be open at all times to the inspection of the Board of Pharmaceutical Examiners, and of health officers or officers of the law, and every such book shall be preserved for at least five years after the last entry in it has been made.

[597–19(718).]

SECTION 756. Provisions relative to dispensing of less violent poisons. — Every person who dispenses, sells, or delivers any aconite, belladonna, cantharides, colchicum, conium, cotton root, digitalis, ergot, hellebore, henbane, phytolaca, strophanthus, oil of tansy, veratrum viride, or their pharmaceutical preparations, carbolic acid (Phenol), chloral hydrate, chloroform, creosote, cotton oil, mineral acids, oxalic acid, paris green, salts of lead, salts of zinc, tartar emetic, white hellebore, or any drug, chemical, or preparation which according to standard works of medicine or materia medica is liable to be destructive to human adult life in quantities of four grams (sixty grains) or less, without the prescription of a physician, shall label the receptacles containing them as is above provided for violent poisons, but shall not be required to register the same.

Nothing in this section shall be construed as applying to the dispensing of medicines, drugs, or poisons on physicians' prescriptions, but no prescription the prescribed dose of which contains a dangerous quantity of poison shall be filled without first consulting the prescribing physician and verifying the prescription.

[597–20(719).]

SECTION 757. Receptacle for poisonous drugs. — The poisonous drugs specified in the two next preceding sections shall be kept in a cabinet to be provided in every pharmacy carrying such drugs in stock for the retail trade; and the same shall be kept securely locked when not in use.

[597–18(720).]

CHAPTER 31
Board of Medical Examiners

PRELIMINARY ARTICLE
Title of Chapter

SECTION 758. **Title of chapter.** — This chapter shall be known as the Medical Law.

**ARTICLE I**

Organization of Board of Medical Examiners

SECTION 759(721). **Board of Medical Examiners.** — The Board of Medical Examiners shall consist of five members to be appointed by the Secretary of the Department, who shall have the following qualifications: (1) Be a citizen of the (Philippine Islands) Philippines or of the United States of America; (2) hold the degree of M.D., L.M., or M.B., or another equivalent degree conferred by a medical school or college, legally chartered and of good standing; (3) be legally qualified to practice medicine in the (Philippine Islands) Philippines; (4) have been in practice for at least three years; and (5) have no pecuniary interest in any school, college, or university where branch of medicine is taught: Provided, however, That of the five members to be appointed, not more than two shall be graduates of the same institution.

[310–1(722); 2493–1(723); 3111–1(724).]

SECTION 760. **Functions and duties of the Board.** — The Board shall study the conditions affecting the practice of medicine in all parts of the (Philippine Islands) Philippines and shall exercise the powers conferred upon it by this chapter, with a view to the maintenance of ethical and professional standards among members of the medical profession and midwives in the (Philippine Islands) Philippines. A majority of the Board shall constitute a quorum. The Board is authorized to establish and maintain an office in the City of Manila for the transaction of business.

The Board of Medical Examiners is vested with authority, conformably with the provisions of this chapter, to issue, suspend, and revoke certificates of registration for medical practitioners and midwives, to administer oaths and to *subpoena*, and to *subpoena daces tecum* witnesses, for all purposes required in the discharge of its duties and adopt a seal to be affixed to all of its official documents.

[3111–2(725).]

SECTION 761(726). **Term of members of the Board.** — The members of the present Board of Medical Examiners shall continue to hold office during the time for which they were appointed. Two other members shall be appointed, one
for three years and one for four years, and thereafter all appointments shall be for five years or until their successors qualify. Interim appointments to fill vacancies occurring through death, resignation or otherwise, shall be for the unexpired term only. Each member of the Board shall qualify by taking the proper oath of office prior to entering upon the performance of his duties.

[2493–1(727); 3111–3(728).]

SECTION 762. Removal of a member of the Board. — The Department Head may remove any member of the Board for neglect of duty, incompetency, unprofessional or dishonorable conduct, after having given the member concerned an opportunity to defend himself in the proper administrative investigation.

[2493–1(729); 3111–4(730).]

SECTION 763(731). Annual election of officers. — At its annual meeting the Board shall elect from its members a president and a secretary-treasurer for the current year. The president shall be the chief executive officer of the Board.

[310–2(732); 2493–2(733).]

SECTION 764. Duties of secretary-treasurer. — The secretary-treasurer of the Board shall keep a record of the proceedings of the Board and a register of all persons to whom certificates of registration have been granted, setting forth the name, age, sex, and place of birth of each, his place of business, his post-office address, the name of the medical college or university from which he graduated or in which he has studied, if any, and the date of such graduation or term of study, together with the time spent in the study of the profession elsewhere, the names of the countries where the institutions are located which have granted to him degrees or certificates of attendance upon clinic or lectures in medicine and surgery, and all other degrees granted to him from institutions of learning.

[310–2(734); 2493–3(735).]

SECTION 765(736). Compensation of members. — The members of the Board shall receive from the (insular) national funds as compensation, the sum of ten pesos for each candidate examined for registration as physician and two pesos for each candidate examined in midwifery: Provided, That, in the case of candidates for preliminary examination, the members of the Board shall receive from the (Insular) National funds as compensation, the sum of five pesos for each candidate examined, and when the same candidates take the final examination for registration as physician, the members of the Board shall receive another five
pesos each. Any physician in the Government service appointed as member of the Board may receive the compensation herein provided in addition to his salary.

[2493–2(737); 3111–5(738); 3224–1(739).]

SECTION 766. Annual report. — The Board shall make an annual report to the Department Head, giving an account of its proceedings during the year covered by the report and a statement of moneys received and expenses incurred by it during such period.

SECTION 767(740). Rules and regulations. — The Board shall, with the approval of the Department Head, adopt such rules and regulations as it may deem necessary for the performance of its duties, in harmony with the provisions of this Act, as regards the practice of medicine and midwifery in the (Philippine Islands) Philippines, and shall also promulgate rules and regulations governing examinations and the standards to be attained in them, which shall not be changed within sixty days of any examination. Such rules shall be printed in pamphlet form for the information of candidates.

[2493–9(741); 3111–6(742).]

ARTICLE II

Examination and Registration of Medical Practitioners

SECTION 768(743). Grades of certificates. — Certificates of registration issued by the Board of Medical Examiners shall be of two grades; namely, (1) physician and (2) midwife.

[310–3(744); 2493–6(745).]

SECTION 769. Authentication of certificates. — All certificates shall be signed by a majority of the members of the Board and shall be attested by its official seal.

[2493–5(746).]

SECTION 770. Inhibition against practicing medicine by uncertificated persons. — No person shall practice medicine in the (Philippine Islands) Philippines without having previously obtained the proper certificate of registration issued by the Board of Medical Examiners as herein constituted, or the lawful Board which was its predecessor, except as hereinafter stated in this section and in the next following section of this Act.
A person shall be considered to practice medicine within the meaning of this section, who shall, for compensation or reward or even without the same, diagnose, treat, operate, prescribe remedies for any human disease, injury, deformity, physical or mental condition or any ailment, real or supposed, regardless of the nature of the remedy or treatment used or recommended, or who shall, by means of signs, cards, advertisements, or in any other way either offer or undertake by any means or method to diagnose, treat, manipulate, adjust, operate, or prescribe for any human disease, pain, injury, deformity, physical or mental condition.

This section shall not be construed to affect commissioned medical officers serving in the United States Army, Navy, or Public Health Service while so commissioned; or any one serving without professional fees as intern on the resident staff of any legally incorporated hospital; or the furnishing of medicine by authorized Government employees in Government free dispensaries; or any legally registered dentist exclusively engaged in practicing dentistry; or the application of massage whenever advised by duly registered physicians or limited to hygienic or aesthetic purposes; or any person who mechanically fits or sells lenses, artificial eyes; limbs or other apparatus or appliances, or is engaged in the mechanical examination of eyes, for the purpose of constructing or adjusting spectacles, eyeglasses, and lenses; or the furnishing of medical assistance gratuitously in case of emergency or in places where the services of a duly qualified physician, midwife, or nurse are not available; or the administration of family remedies; or the practice of chiropody.

[310–5, 6(747); 2493–6, 12(748); 3111–7(749).]

SECTION 771. Persons exempt from registration. — Registration shall not be required of the following classes of persons:

(a) Physicians and surgeons from other countries called in consultation.

(b) Medical students who are practicing medicine under the direct supervision of a duly registered physician.

(c) Medical officers of the United States Army, the United States Navy, or the United States Public Health Service.

(d) Foreigners employed as technical officers or professors in such special branches of medicine or surgery as may, in the judgment of the Secretary of (the Interior) Public Instruction, be necessary
and indispensable in the (Philippine Islands) Philippines.

(e) In cases of epidemics or in municipalities where there is no legally qualified practicing physician, or when the circumstances require it, in the interest of the public health, the Director of Health may issue special authorizations which shall not be valid for more than three months, to all medical students who have completed the first three years of their studies, or to persons who have qualified in medicine, and to graduate or registered nurses, who may request it.

[2493–5, 12(750).]

SECTION 772(751). Examination requirement — Foreign physicians. — Except as otherwise specially provided all applicants for registration under the provisions of this chapter shall be subjected to examination as hereinafter provided: Provided, however, That no foreign physician or medical man shall be admitted to examination unless the country of which he is a subject or citizen permits Filipino physicians to practice within its territorial limits.

[2493–5(752); 3609–1(753); 4163–1(754).]

SECTION 773. Persons exempt from examination. — Certificates of registration may be issued without examination to doctors and licentiates of medicine who, not being as yet lawfully registered and having practiced in the (Philippine Islands) Philippines before the promulgation of Act Numbered Three hundred and ten, have interrupted the same for some time, and who present to the Board their diplomas issued by a duly recognized medical school or college.

[2493–5(755).]

SECTION 774. Time of examination. — The Board shall meet in the City of Manila for the purpose of examining candidates desiring to practice medicine or surgery and midwifery in the (Philippine Islands) Philippines, on the second Tuesday of February, May, August, and November of each year, after giving thirty days' written notice of such meeting to each candidate who has filed his name and address with the Secretary-Treasurer of the Board.

[2493–4(756); 3111–8(757).]

SECTION 775. Prerequisite qualifications for examination. — Every person desiring a physician's certificate of registration, and applying for examination under the provisions of this chapter shall furnish to the Board satisfactory evidence that he or she is more than twenty-one years of age, of good
moral character, and has received a diploma conferring the degree of M.D., L.M., M.B., or other degree of equivalent standard from a reputable medical school of good standing.

The term "reputable medical school" as used in this chapter, is hereby declared to mean such medical schools or colleges as are legally chartered and recognized, which were in good standing at the time of graduation of the applicant, and which five years after the approval of this Act and thereafter, maintain proper standards of medical education, as specified below, and which require as a minimum for admission, two years after the approval of this Act and thereafter, the preliminary education specified below.

Only such medical schools or colleges will be considered reputable and in good standing, within the meaning of this section, which have a faculty of reasonable size to give proper laboratory and clinical instruction to their students in the various branches of the medical curriculum; which have sufficient laboratory equipment and hospital facilities comprising at least a minimum of one hundred teaching ward beds for giving the necessary laboratory and clinical instruction; require for graduation the satisfactory completion of not less than four courses or sessions of not less than eight months each, in four different calendar years, with not less than thirty-five hours of instruction each week plus nine months of hospital internship or clinical work in a hospital; which require attendance upon at least eighty per cent of each course of instruction, and which fulfill their published promises concerning entrance requirement, courses of instruction given, and advantages which may be offered to students in regard to facilities for laboratory and clinical teaching.

Within the meaning of this section, a reputable medical school or college, and in good standing, shall require for the admission of students, the satisfactory completion of not less than two years, of sixty semester hours, in an approved college of liberal arts and science, after the completion of a standard four-year high-school course, representing fourteen high-school units, or its equivalent, as shown by examination.

The sixty semester hours of premedical college work, two years after the approval of this Act and thereafter, must include not less than eight semester hours in general inorganic chemistry four of which must be in laboratory work, four semester hours of organic chemistry two of which must be in laboratory work, six or eight semester hours of physics at least two of which be in laboratory work, and eight semester hours of biology or zoology four of which must be in laboratory work.

Each medical school or college shall keep on permanent file the certificates
of preliminary education issued by the college or university previously attended and accepted for the admission of students.

Two years after the approval of this Act and thereafter, students shall present at the time of the first matriculation, the medical students' entrance certificate, to be issued by the secretary of the Board of Medical Examiners, upon the payment of a registration fee of one peso and the submission of satisfactory credentials acceptable to the Board, as evidence of the fulfillment of the requirements concerning preliminary education.

[310–3(758); 2493–5(759); 3111–9(760).]

SECTION 776. **Scope of examination for physicians.** — The subjects for the examination of a person applying for a physician's certificate shall be anatomy, histology, physiology, biochemistry, bacteriology, pathology, hygiene, symptomatology and general diagnosis, surgery, obstetrics, tropical medicine, gynecology, pediatrics, diseases of the nervous system, diseases of the eye, ear, nose, and throat as related to the practice of medicine in general, and legal medicine.

The examination shall be conducted in writing, in English or Spanish. The Board may, at its discretion, hold practical laboratory or bed-side examination, or both written and practical examinations. The examinations shall be practical and fundamental in character, so that the questions may be understood and answered by the candidates.

The questions asked in the written examinations shall be submitted to the entire Board and approved by that body before the examination is held, and, in the same way, the rating or grading by individual examiners shall be submitted to, and approved by a majority of the Board.

Examinations conducted in writing shall be made uniform to all applicants examined at any one time, and the applicants shall be known only by numbers, so that no member of the Board shall be able to identify the papers of any applicant until the same have been graded and passed by the majority of the Board.

Any answer paper bearing a candidate's name, or any other designation which would or could reveal the candidate's identity, must be forwarded to the secretary of the Board for rating, making sure that no evidence as to the identity of the candidate remains on the answer paper.

All questions and answers, as rated, passed upon, and marked with their respective average, shall be properly preserved for three years.
The papers shall be graded upon a scale of one hundred per cent, and a general average of not less than seventy per cent, with not less than fifty per cent in any subject shall be required for a certificate of registration.

Any applicant who presents satisfactory evidence that he or she is at least nineteen years of age, of good moral character and has had a satisfactory preliminary education, as specified in this Act, and who presents proper credentials signed by the dean and bearing the seal of a legally incorporated and reputable medical school or college, under the provisions of this Act, to show that he or she has successfully completed at least two of the required four graded courses or sessions in said school, of not less than thirty-two weeks each, of not less than thirty-five hours each week, in two different calendar years, may be examined by the Board, at its discretion, in anatomy, histology, biochemistry, physiology, and bacteriology; and if such an applicant is found to be proficient in these subjects, he or she shall be exempt from further examinations in these subjects at the time of the final examinations.

In case of failure in any subject at any preliminary examinations given in accordance with the next preceding paragraph, the candidate shall not then be reexamined in such subject in which he may have failed, until the completion of the required four courses of medical study and nine months of internship provided for in this Act when such candidate shall be admitted to the final examinations.

[The results of all examinations, including the average and grades obtained by each applicant, shall be submitted for confirmation to the Department Head and made known to the respective candidates within one month after the date of the examination.]

[2493–10(761); 3111–10(762); 3224–2(763).]

SECTION 777. Scope of examination for midwife. — The examination of a person applying for a midwife's certificate shall embrace the following subjects: Elementary anatomy of the female genital organs, the methods of controlling uterine hemorrhage, the methods of preventing infection of the female genital tract during parturition, the treatment of the cord, and the care of the new-born infant, and such other subjects as the Board may deem necessary to determine the fitness of the applicant to practice midwifery.

SECTION 778(764). Fees to be collected. — The Secretary-Treasurer of the Board shall collect a fee of fifty pesos from each candidate for the examination for the certificate of registration as physician. Those applicants who take the preliminary examinations after two years in a medical school shall pay twenty-five pesos prior to the final examination. No additional fee shall be charged
for the certificate of the registration to those who pass the examination successfully.

The Secretary-Treasurer shall collect a fee of twenty pesos for each certificate issued to a midwife.

[2493–6(765); 3111–11(766).]

SECTION 779. Refusal of certificates for certain causes. — The Board may refuse to issue any of the certificates hereinabove provided for to any individual convicted by a court of competent jurisdiction of any offense involving immoral or dishonorable conduct. In case of such refusal, the reason therefor shall be stated to the applicant in writing.

[2493–11(767).]

SECTION 780. Revocation of certificates and procedure. — The Board may also suspend or revoke, any certificate of registration issued by it, or by the lawful Board which was its predecessor, through error or fraud, or for the cause stated in the preceding section, or for unprofessional conduct.

The words "unprofessional, immoral, or dishonorable conduct," as used in this chapter, shall be construed to include the following acts: (1) Procuring, aiding, or abetting a criminal abortion; (2) advertising, either in his own name or in the name of another person, firm, association, or corporation, in any written or printed paper, or document, of medical business in which untruthful or improbable promises are made, or being employed by, or in the service of any person, firm, association or corporation so advertising, or advertising in any obscene manner or in a manner derogatory to good morals; (3) habitual intemperance or addiction to the use of morphine, opium, cocaine, or other drugs having a similar effect; (4) conviction of a crime or misdemeanor involving dishonorable conduct; and (5) willfully betraying a professional secret.

Proceedings for revocation of a certificate or registration shall be begun by filing a written charge or charges against the accused. These charges may be preferred by any person or persons, firm or corporation, or the Board of Medical Examiners itself may direct its executive officer to prepare said charges. Said charges shall be filed with the executive officer of the Board of Medical Examiners and a copy thereof, together with written notice of the time and place when they will be heard and determined, shall be served upon the accused or his counsel, at least two weeks before the date actually fixed for said hearing.

The Board shall give the accused a hearing, at which he shall have the right
to appear personally or by counsel to cross-examine witnesses, and to procure witnesses in his defense. The Board shall have authority to *subpoena* witnesses.

The Board shall make a written report of its findings, signed by at least three members of the Board, to the Head of the Department and shall furnish the accused a copy of the same. The accused shall have the right to appeal to the Department Head, whose decision shall be final.

If the Board shall find that the charges are sustained, the Board may, at its discretion, by a majority vote of all the members of the Board, suspend or revoke the certificate of registration, and shall thereupon transmit to the registrar of deeds in the province or city in which said accused person is registered as physician, a certificate under its seal, certifying to the action taken by the Board and giving notice that registration has been annulled. Said registrar of deeds shall upon the receipt of said certificate, file the same and forthwith mark said registration annulled.

Any person who shall practice medicine after his certificate of registration has been suspended or revoked by the Board and after his registration has been annulled in the office of the registrar of deeds in the city or province in which it was registered, shall be deemed to have practiced medicine without registration. Where the certificate of registration has been revoked as herein provided, the Board may, after the expiration of one year, entertain an application for a new certificate of registration, in the same manner that new ones are issued, and in doing so may in their discretion, exempt the applicant from the necessity of undergoing any examination.

[2493–11(768); 3111–12(769).]

**ARTICLE III**

*Sundry Provisions Relative to Practice of Medicine*

**SECTION 781. Reservation in favor of certain practitioners.** — Foreign physicians lawfully engaged in the practice of medicine in the (Philippine Islands) Philippines prior to the fifth day of February, nineteen hundred and fifteen, and generally all medical practitioners who are holders of certificates lawfully issued since the fourth day of December, nineteen hundred and one, shall not be required to register anew under the provisions of this chapter.

A person who has heretofore received a certificate authorizing him to engage in the practice of medicine in the capacity of *cirujano ministrante* may continue to practice in the community where he has heretofore become lawfully
established or in any other community where the service of a registered physician is not available; and no certificate of this character shall be issued to applicants in the future.

[2493–5, 6(770).]

SECTION 782(771). [Registration of certificate in office of register of deeds.] — (Repealed)

[2493–6(772); 3111–13(773).]

SECTION 783. False representation as doctor prohibited. — No person shall in any way advertise as a physician or surgeon or a doctor able to cure, treat, adjust or alleviate any human ailment as a specialist in any of the branches of medicine and surgery or prefix or append the letters M.D., M.B., or L.M., or any other words or letters or designation, with intention to convey the belief that he or she is engaged in the practice of the medical profession or any branch or specialty of the same, who does not possess the certificate of registration issued by the Board of Medical Examiners, or who has not had duly conferred upon him or her by diploma or degree, from some college or school of medicine legally empowered to confer the same, the right to assume said title; nor shall any person assume any title or prefix or append any letters to his name with the intent to represent falsely that he has received a degree in any branch of medicine or surgery.

[2493–14(774); 3111–14(775).]

CHAPTER 32

Board of Dental Examiners

PRELIMINARY ARTICLE

Title of Chapter

SECTION 784. Title of chapter. — This chapter shall be known as the Dental Law.

ARTICLE I

Organization of Board of Dental Examiners

SECTION 785(776). Board of Dental Examiners. — The Board of Dental Examiners shall consist of three members, to be appointed by the Department Head. They shall be reputable dentists, practicing in the (Philippine Islands) Philippines at the time of their appointment and graduates of some
reputable dental college or institution constituted and recognized as such by the Government.

No dentist shall be eligible for appointment upon said Board who is member of the faculty of any school, college, or university where any branch of odontology is taught, or who has any pecuniary interest in such an institution.

[2462–1(777); 2602–1(778).]

SECTION 786(779). Functions and duties of Board. — The Board of Dental Examiners is vested with authority, conformably with the provisions of this chapter, to issue and revoke certificates of registration for practitioners of dentistry. The Board shall study the conditions affecting the practice of dentistry in all parts of the (Philippine Islands) Philippines and shall exercise the powers herein conferred upon them with a view to the maintenance of efficient ethical and technical standards in the dental profession.

SECTION 787. Term of members of Board. — Each member of the Board shall hold office for a term of three years from the date of his appointment, the terms of the first appointees having been so adjusted that one expires upon the thirty-first day of December of each year. Interim vacancies shall be filled by appointment for the unexpired term only.

[2602–1(780).]

SECTION 788. Removal of member of Board. — The Department Head may remove any member of said Board for neglect of duty, or incompetency, or for unprofessional or dishonorable conduct, or for any other just cause.

SECTION 789(781). Annual election of officers. — At its annual meeting to be held on each second Tuesday of January the Board shall elect from its members a president and a secretary-treasurer for the current year. The president shall be the chief executive officer of the Board.

[2462–2(782).]

SECTION 790(783). Duties of secretary-treasurer. — The secretary-treasurer shall keep a record of the proceedings of the Board, and a register of all persons to whom certificates of registration have been granted, setting forth the name, age, place where established, post-office address, the name of the dental institution from which he graduated or in which he has studied, the date of such graduation or upon which he finished his studies, together with the time spent by him in the study of dentistry, and the names and locations of all other institutions which have granted to him degrees or certificates of attendance, clinic,
or lectures in medicine or dentistry.

[2462–2(784).]

SECTION 791(785). Compensation of members. — The secretary-treasurer shall receive from (insular) national funds annual compensation at the rate of three hundred pesos per annum, and the other members of the Board shall likewise receive from (insular) national funds the sum of five pesos for each candidate examined for registration as a dentist. The compensation of the secretary-treasurer shall be paid one-half on the thirtieth of June and the other half on the thirty-first of December of each year.

[2462–2(786).]

SECTION 792. Annual report. — The Board shall make an annual report to the Department Head, giving an account of its proceedings during the year covered by the report and a statement of moneys received and expenses incurred by it during such period.

[2462–2(787); 2602–2(788).]

SECTION 793(789). Regulations. — Regulations governing examinations and determining the standards to be attained in them and generally such other regulations as may be necessary to carry the provisions of this chapter into effect shall be promulgated by the Board of Dental Examiners, with the approval of the Department Head.

[2602–2(790).]

ARTICLE II

Examination and Registration of Dentists

SECTION 794. Inhibition against practice of dentistry by uncertificated person. — Except as otherwise specially provided, no person shall practice dentistry in the (Philippine Islands) Philippines without having previously obtained a certificate of registration as dentist from the Board of Dental Examiners.

Any person shall be regarded as practicing dentistry, within the meaning of this section, who shall for a fee, salary, or other reward, paid to himself or to another person, perform any operation or part of an operation upon the human teeth or jaws, or who shall treat diseases or lesions or correct malpositions of the teeth; but this provision shall not apply to artisans engaged in the mechanical construction of artificial dentures or other oral devices, or to students of dentistry.
practicing in any legally chartered dental college or establishment on patients under the direction of a professor in such college or of a dental surgeon of such establishment; nor shall this section be construed to interfere with the legitimate practice of physicians and surgeons conducted in conformity with the provisions of the Medical Law.

[593–7(791); 2462–8(792).]

SECTION 795. Persons exempt from registration. — Registration shall not be required of dental surgeons of the United States Army or Navy in the (Philippine Islands) Philippines while on duty as such for the members of said Army and Navy, and of dental surgeons from other countries called for consultation.

[2462–8(793); 3681–1(794).]

SECTION 796. Examination requirement. — All applicants for registration under the provisions of this chapter shall be subjected to examination as hereinafter provided: Provided, however, That no foreign dentist shall be admitted to examination unless the country of which he is a subject or citizen, permits Filipino dentists to practice within its territorial limits.

[3680–2(795).]

SECTION 797. Semi-annual examinations. — The Board of Dental Examiners shall meet in the City of Manila for the purpose of examining candidates desiring to practice dentistry in the (Philippine Islands) Philippines on the second Tuesday of June and December of each year.

[2462–3(796).]

SECTION 798. Prerequisite qualifications for examinations. — Every person applying for examination under the provisions of this chapter shall furnish to the Board satisfactory proof:

(a) That he is of good moral character;

(b) That before he began the study of Dentistry he had finished a four-year high-school course as prescribed by the Department of Public Instruction of the (Philippine Islands) Philippines or its equivalent; and

(c) That he has received a diploma as either doctor of dental medicine or doctor of dental surgery from an institution duly
accredited and legally constituted, in which the following branches are taught during four years in regular nine-month courses: anatomy, histology, physiology, bacteriology, chemistry, metallurgy, materia medica and therapeutics, anaesthesia, toxicology, physical diagnosis, radiography, general pathology, oral pathology, oral surgery, operative technic, operative clinic, prosthetic technic, prosthetic clinic, crown and bridge work, dental anatomy, comparative dental anatomy, orthodontia, dental protozoology, dental ceramic, hygiene and sanitation, dental jurisprudence, dental economics and ethics.

The term "school" as herein used includes colleges and universities or other institutions of learning.

In order for a school to be considered duly accredited and legally constituted, within the meaning of this section, it must be incorporated in the (Philippine Islands) Philippines in accordance with the Corporation Law, must follow the four-year course as herein provided for and, after due inspection thereof, it is authorized in writing by the Secretary of Public Instruction to confer the degree of "Doctor of Dental Surgery" or "Doctor of Dental Medicine" and issue the corresponding diplomas or if not having adopted the equivalent courses of studies as above specified it is recognized as reputable by the proper authorities of the country wherein it is established; and

(d) That he has duly covered and attended all the courses offered by the Dental School whence he has graduated, as shown by the schedule of classes which must be submitted every semester by every Dental School one week after the classes have begun, to the Board of Dental Examiners and to the Office of the (Commissioner) Director of Private Education.

[2462–3, 6(797); 2602–3(798); 3538–1(799); 3681–2(800).]

SECTION 799. Scope of examination. — The examination shall comprise all of the subjects of dental surgery and other auxiliary subjects, in accordance with the teaching plan of the principal and best dental institutions having the best reputation for the excellency of their teaching.

[2462–3(801).]
SECTION 800. Issuance of certificate of registration. — Every candidate who accomplishes the aforesaid examination in a satisfactory manner shall receive a certificate of registration as dentist: Provided, That no such certificate shall be issued to any candidate who has not attained the age of twenty-one years.

All certificates shall be signed by a majority of the members of the Board and shall be attested by its official seal.

[593–3(803); 2462–3(804); 3681–3(805).]

SECTION 801. Temporary certificates of registration. — Any two members of the Board may issue a temporary certificate of registration to practice dentistry to the applicant upon presentation by such applicant of satisfactory evidence that his moral, educational, and professional qualifications conform to the standards prescribed in this chapter for the practice of dentistry.

Such certificate shall be valid only until the next regular meeting of the Board, at which time the person to whom it has been issued shall report for examination. Temporary certificates of registration shall be issued only when the Board is not in session and will not meet within thirty days. In no case shall a temporary certificate of registration be renewed or extended, nor shall a second temporary certificate of registration be granted to any person. The applicant shall also file in said office an affidavit to the effect that it is his intention to appear at the next regular meeting of the Board and to submit to an examination with a view to obtaining a permanent certificate. Should he appear and pass a satisfactory examination, a permanent certificate shall be granted to him without additional charge; but should he fail to appear or pass a satisfactory examination, the money deposited by him shall not be returned to him.

[2462–9(806).]

SECTION 802. Fees to be collected. — The secretary-treasurer of the Board of Dental Examiners shall charge the following fees:

For admission to examination, twenty pesos.

For each certificate of registration as dentist, or temporary certificate, thirty pesos.

[2462–4(808).]

SECTION 803. Refusal of Certificate for certain causes. — The Board of Dental Examiners shall refuse to issue a certificate of registration to any person
convicted by a court of competent jurisdiction of any criminal offense involving moral turpitude, and to any person guilty of immoral or dishonorable conduct, or of unsound mind, and in the event of such refusal shall give to the applicant a written statement setting forth the reason for its action, which statement shall be incorporated in the record of the Board.

[2462–10(809).]

SECTION 804. Revocation of certificate. — The Board may also revoke a certificate for like cause, or for unprofessional conduct, malpractice, incompetency or serious ignorance or malicious negligence in the practice of dentistry, willful destruction or mutilation of a natural tooth of a person with the deliberate purpose of substituting same by an unnecessary or unessential artificial tooth; for making use of fraud, deceit, or false statements to obtain a certificate of registration; habitual use of intoxicating liquors or medicines causing him to become incompetent to practice dentistry; the employment of persons who are not duly authorized to do the work that under this chapter can be done only by persons who have certificates of registration to practice dentistry in the (Philippine Islands) Philippines; the employment of deceit or any other fraud with the public in general or some client in particular, for the end or purpose of extending his clientele; making false advertisements, publishing or circulating fraudulent or deceitful allegations regarding his professional attainments, skill, or knowledge, or the methods of treatment employed by him.

[2462–10(810).]

SECTION 805. Appeal to Department Head. — The revocation of a certificate of registration made by the Board, after having duly notified and heard the party concerned, shall be subject to appeal to the Department Head, whose decision shall be final in all cases.

[2462–10(811).]

ARTICLE III

Sundry Provisions Relative to Practice of Dentistry

SECTION 806. Reservation in favor of dentists heretofore certificated. — Dentists and undergraduate dentists who are holders of certificates lawfully issued since the tenth day of January, nineteen hundred and three, shall not be required to register anew under the provisions of this chapter; and no certificate of the grade of undergraduate dentist shall be issued in the future.
SECTION 807. Display of name and certificate of registration. — Every practitioner of dentistry shall display in a conspicuous place upon the house or office where he practices his name and surname and he shall further display his certificate of registration in his office in plain sight of patients occupying his dental chair. Any owner or proprietor of a dental office or establishment is also under obligation of displaying in conspicuous places upon the office or establishment the names and surnames of each and every one of the persons practicing dentistry in said office or establishment and of displaying the certificates of registration of each and every one of such persons in the same manner as hereinbefore provided.

SECTION 808. Illegal use of diplomas or titles. — No person shall in any way advertise as a bachelor of dental surgery, doctor of dental surgery, master of dental surgery, licenciate of dental surgery, doctor of dental medicine, or dental surgeon, or append the letters B.D.S., D.D.S., M.D.S., L.D.S., or D.M.D. to his name, who has not had duly conferred upon him by diploma from some school, college, university, or board of examiners qualified to confer the same, the right to assume said title, nor shall any person assume any title or prefix or append any letters to his name to represent falsely that he has received a dental degree or certificate of registration.

CHAPTER 33

Board of Optical Examiners

SECTION 809(815). Board of Examiners; appointment of members and substitution thereof. — The Secretary of (the Interior) Public Instruction shall appoint a Board of Optical Examiners consisting of three reputable opticians practicing the optical profession in the (Philippine Islands) Philippines at the time of their appointment and graduates of any reputable university, academy, college, school, or institution legally constituted and recognized as such by the Government or the State in which established. They shall hold office for three years after their appointment, and until their successors are duly appointed and qualified.

The Secretary of (the Interior) Public Instruction shall fill any vacancy that may occur in the Board of Examiners, designating a duly qualified optician, and the person so appointed to fill a vacancy shall hold office only for the unexpired term of the member whose place he is appointed to fill. The Secretary of (the
Interior) Public Instruction may remove any member of said Board for neglect of duty, or incompetency, or for unprofessional or dishonorable conduct, or for any other just cause.

[2708–1(816); 2813–1(817).]

SECTION 810. Organization of the Board of Examiners; duties and compensations. — The Board of Examiners shall be under the Secretary of (the Interior) Public Instruction. It shall organize immediately after the appointment of its members by electing from its members a president and a secretary-treasurer thereof; it shall hold an annual election on each second Tuesday of January; and it shall keep a seal with which to attest its official acts. The secretary-treasurer shall receive as annual compensation an amount not to exceed three hundred pesos per annum, and the other members of the Board shall receive as compensation the sum of five pesos for each candidate examined for registration as an optician: Provided, however, That said compensations and all other expenses of the Board shall be paid out of the receipts thereof, and no expenditure incurred by the Board nor the compensation of its members shall under any circumstances be paid out of any funds in the (Insular) National Treasury other than those deposited by the Board of Optical Examiners. The compensation of the secretary-treasurer shall be paid one-half on the thirtieth of June and the other half on the thirty-first of December of each year.

All receipts of the Board from whatever source shall be deposited in the (Insular) National Treasury and all expenditures of the Board shall be paid by the (Insular) Treasurer of the Philippines, out of the funds derived from said receipts, upon presentation of the proper vouchers signed by the officers of the Board of Optical Examiners. The secretary-treasurer shall execute a bond for five hundred pesos, with good and sufficient sureties, which shall be approved by the (Insular) Treasurer of the Philippines, conditioned upon the payment of all moneys which he may receive as secretary-treasurer and upon the faithful performance of the duties of his office. He shall keep a record of the proceedings of the Board, and a register of all persons to whom certificates of registration have been granted, setting forth the name, age, place where established; post-office, address, the name of the institution from which he graduated and in which he has studied, the date of such graduation or upon which he finished his studies, together with the time spent by him in the study of optics, and the names and locations of all other institutions which have granted to him degrees and the certificates concerning his practice.

[2708–2(818).]

SECTION 811. Meetings, examinations. — The Board of Optical Examiners shall meet in the City of Manila for the purpose of examining
candidates desiring to practice the optical profession in the (Philippine Islands) Philippines on the fourth Tuesday of April and October of each year, upon at least thirty days notice published in the most widely read newspapers of the locality.

[2708–3(819); 2813–2(820).]

SECTION 812(821). Certificates. — The Board of Examiners shall issue certificates of registration as opticians to any person twenty-one years of age and over, of good habits and morals, who has an optician's diploma issued by a duly constituted, accredited, and reputable university, academy; college, school, or institution, recognized as such by the Government or the State in which established, and who passes a satisfactory examination before the Board: Provided, That any person who, upon the eleventh day of March, nineteen hundred and seventeen, had been practising the optical profession for a period of not less than one year, with an establishment lawfully opened, but who lacked the proper diploma, may within one year from said date, secure a certificate as optician upon passing a practical examination by means of the trial case.

[2708–4(822).]

SECTION 813. Rules and reports of the Board of Examiners requirements as to optical colleges or schools. — The Board of Optical Examiners shall, on the thirty-first of December of each year, make a detailed report to the Secretary of (the Interior) Public Instruction of all its work during the year, and of all money received and disbursed by it.

With the approval of the Secretary of (the Interior) Public Instruction, the Board may approve such rules and regulations not in conflict with the provisions of this chapter as may be necessary to carry said provisions into effect. The Board, with the approval of the Secretary of (the Interior) Public Instruction, shall prescribe rules and regulations for the purpose of establishing a uniform plan of teaching to be observed by optical schools or colleges or universities, and said Board shall determine the standing of such schools, colleges, or universities according to the degree to which the same comply with the prescribed rules and regulations.

[2708–5(823).]

SECTION 814. Fees. — The Board of Examiners shall charge for each application for examination the sum of twenty pesos and for each certificate of registration thirty pesos. No certificate shall be issued except upon payment of the fees herein prescribed.
SECTION 815. Reasons for not granting and for revoking certificates of registration. — The Board of Optical Examiners shall not issue the certificates provided for by this chapter to any person convicted by a court of competent jurisdiction of any criminal offense involving moral turpitude, to any person guilty of immoral, dishonorable conduct or mentally incapacitated, and in such cases shall give to the applicant a written statement setting forth the reason for its action, which statement shall be incorporated in the record of the Board. The Board may also revoke a certificate for like cause, or for unprofessional conduct, malpractice, incompetency or serious ignorance, or malicious negligence in the practice of the optical profession; or for making use of fraud, deceit, or false statements to obtain a certificate of registration; or habitual use of intoxicating liquors or medicines causing him to become incompetent to practice the optical profession; or the employment of persons who are not duly authorized to do the work that under this chapter can be done only by persons who have certificates of registration to practice the optical profession in the (Philippine Islands) Philippines; or the employment of deceit or any other fraud with the public in general or some client in particular, for the end or purpose of extending his clientele; or making false advertisements, publishing or circulating exaggerated, fraudulent, or deceitful allegations regarding his professional attainments, skill, or knowledge. The revocation of a certificate of registration shall be made by the Board after having duly notified and heard the party concerned, and such revocation shall be subject to appeal before the Secretary of (the Interior) Public Instruction, whose decision shall be final in all cases.

SECTION 816. Display of name and certificate of registration. — Every practitioner of the optical profession shall display in a conspicuous place upon the house or office where he practices his name and surname and he shall further display his certificate of registration in his office in plain sight of the persons requesting his services.

SECTION 817. Prohibition. — It shall be unlawful for any person to advertise or practice as optician without having the certificate prescribed in this chapter. However, the provisions of this chapter shall not be construed to apply to any person selling as merchandise ready-made eyeglasses, spectacles or any other optical instrument, unless such person make use of the trial case or of practical and objective mechanical devices for the determination of the state of refraction and
the accommodation of the vision; nor shall they be construed to be applicable to registered physicians and surgeons in the legitimate practice of their profession.

[2708–9(827); 2813–3(828).]

SECTION 818. Who are opticians. — For the purposes of this chapter, an optician shall be any person making use of any means other than drugs for examining the vision or adapting lenses to aid the same, or who, selling spectacles, eyeglasses, or other optical articles, uses for the examination of the vision lenses, other than those kept for sale by him.

[2708–11(829); 2813–4(830).]

CHAPTER 34
Executive Bureau

ARTICLE I

General Organization of Bureau(831)

SECTION 819(832). Chief officials of Executive Bureau. — [The Executive Bureau shall have one chief and one assistant chief, to be known respectively as the Chief of the Executive Bureau and the Assistant Chief of the Executive Bureau.]

[2657–600.]

SECTION 820(833). Functions of Executive Bureau. — [Through the Executive Bureau shall be exercised, conformably with law, the administrative supervision and control of the Secretary of the Interior over provinces, municipalities, chartered cities, and other local political divisions, not being in the territory under the administrative supervision of the Bureau of Non-Christian Tribes.]

[In the Executive Bureau shall be recorded the official correspondence of the heads of the various Departments.]

[2657–601; 2666–3(834).]

SECTION 821. Supervision of Chief of the Executive Bureau over provincial treasurers. — [The Chief of the Executive Bureau shall exercise a general administrative supervision over the offices of all provincial treasurers, and he shall, with the approval of the Department Head, prepare and promulgate such regulations as may be necessary for the proper administration of their offices,
without prejudice to the jurisdiction vested in the Bureau of Audits over all matters of accounts and accounting.]

[2657–602.]

SECTION 822. Authority to administer oaths and take testimony. — [The Chief and Assistant Chief of the Executive Bureau shall have authority to administer oaths and to take testimony in any investigation, proceeding, or matter within the jurisdiction of the Executive Bureau.]

[2657–603.]

ARTICLE II

Translating Division

SECTION 823. Translating division of Executive Bureau. — [There shall be a division of the Executive Bureau to be known as the translating division, in which shall be translated into English or Spanish, or into native dialects, such laws, orders, regulations, and other important papers, documents, and communications as are necessary to the public service. Special translators shall be employed for court work.]

[2657–604.]

CHAPTER 35

Philippine Constabulary

PRELIMINARY ARTICLE

Title of Chapter

SECTION 824. Title of chapter. — This chapter shall be known as the Constabulary Law.

[2657–1038.]

NOTE. — See Commonwealth Act No. 1 (National Defense Law); Commonwealth Act No. 343, repealing Commonwealth Act No. 88 re State Police, and reorganizing the Philippine Constabulary into a national police force; Executive Order No. 153 (1938) reorganizing the Philippine Constabulary pursuant to Commonwealth Act No. 343; Executive Order No. 175 (1938) revising the rules and regulations relative to the administration and supervision of local police forces; and Executive Order No. 182 (1939) designating the Secretary of the
Interior to exercise supervision over the Philippine Constabulary.

**ARTICLE I**

*Philippine Constabulary*

SECTION 825. *Constitution of Philippine Constabulary.* — For the preservation of peace, law, and order in the (Philippine Islands) Philippines there shall be maintained as herein provided an organized and disciplined body to be known as the Philippine Constabulary.

[2657–1039; see par. 2, sec. 18, C.A. No. 1; see par. 2, Ex. Or. No. 153 (1938).]

SECTION 826. *Authority of (Governor-General) President of the Philippines over Philippine Constabulary.* — In the exercise of its power to maintain peace, law, and order, the Philippine Constabulary shall be subject to the command and general supervision of the (Governor-General) President of the Philippines.

[2657–1040; see Ex. Or. No. 182 (1939), designating the Secretary of the Interior to exercise supervision over the Philippine Constabulary.]

SECTION 827. *Chief and Assistant Chiefs of Philippine Constabulary.* — The Philippine Constabulary shall have one Chief and such number of Assistant Chiefs as may from time to time be available under current appropriations.

[2657–1041; see sec. 2, Ex. Or. 153 (1938).]

SECTION 828. *Succession of Assistant to position of Acting Chief of Constabulary.* — During the absence or disability of the Chief of Constabulary one of the Assistant Chiefs, to be designated by the (Governor-General) President of the Philippines, shall serve as Acting Chief.

[2657–1042.]

SECTION 829. *Chief of Constabulary clothed with powers of Bureau chiefs.* — For administrative purposes the Philippine Constabulary shall be deemed to be a Bureau, and the Chief of Constabulary shall have all the powers conferred generally on Bureau chiefs.

[2657–1043; see Ex. Or. 153 (1938).]

SECTION 830. *Cadet Academy.* — The Chief of Constabulary shall have control and supervision of an academy, to be known as the Academy for
Officers of the Philippine Constabulary, which shall be maintained at Baguio, in the Subprovince of Benguet, for the instruction and training of officers in the Constabulary service and of cadets destined for such service.

[2657–1044.]

SECTION 831. General authority of Chief of Constabulary as regards maintenance of law and order. — The Chief of Constabulary shall have general control and command of the Constabulary, and it shall be his duty by means thereof, and for the maintenance of law and order throughout the (Islands) Philippines, to suppress insurrection, riots, brigandage, unlawful assemblies, and breaches of the peace and to see that the perpetrators of such offenses are brought to justice.

[2657–1046; see sec. 2, C.A. 343(835).]

SECTION 832. Cooperation of Constabulary with Provincial Governor. — It shall be the duty of all members of the Constabulary stationed in any province to cooperate in every way possible with the Provincial Governor in the maintenance of law and order and the suppression of brigandage, lawless violence, and crime.

[2657–1047; see par. 7, Ex. 175 (1938).]

SECTION 833. Duty of Provincial Governor to report misbehavior of members of Constabulary. — It shall be the duty of the Provincial Governor, when any officer or other member of the Constabulary is, in his judgment, guilty of any official oppression, extortion, or other violation of duty, to make immediate report of the same to the Head of Department, with all the particulars thereof.

[2657–1048.]

SECTION 834. Inspection of local police. — It shall be the duty of each (senior inspector of Constabulary) provincial inspector to make inspections of the various bodies of local police within his province and to make due report to the Chief of Constabulary as to their equipment and efficiency and generally as to the conditions of the province as regards peace and the observance of law and order.

To this end he may require reports from the chiefs of police and (presidents) mayors relative to the number, equipment, and state of discipline of their police forces or other information deemed desirable with respect to the operations of such police and the conditions prevailing in their respective jurisdictions.

[2657–1049; see sec. 9, Ex. Or. 175 (1938).]
SECTION 835.  *Suspension of police by municipal (president) mayor.* — When the Provincial (Commander) Inspector of the Constabulary finds that the officers or men of any body of municipal police are inefficient, dishonest, disloyal to the United States or the Philippine Government; or guilty of misconduct or any violation of law or duty, he shall at once file a complaint under oath with the (president) mayor of the municipality, who shall have the power to suspend the accused pending investigation of the case under the provisions of section twenty-two hundred and seventy-two of the Administrative Code.

[2657–1050; 3206–1(836); see par. 19, Ex. Or. 175 (1938).]

SECTION 836.  *Special authority for placing municipal police under control of Constabulary officer.* — The (Governor-General) President of the Philippines, or the Provincial Governor with the approval of the (Governor-General) President of the Philippines, may, when in his judgment the public interest will be subserved thereby, place any body of local police under the control of the (senior inspector of Constabulary) Provincial Inspector on duty in the province at the time. The (senior inspector) Provincial Inspector in such case is authorized and empowered, under the general supervision of the Provincial Governor, to control and direct the movements of said police.

[2657–1051.]

SECTION 837.  *Discipline of local police when in charge of Constabulary officer.* — It shall be the duty of the (senior inspector) Provincial Inspector to see that the police thus placed in his charge are properly uniformed, drilled, and disciplined and that all lawful orders of the Provincial Governor, (president) Mayor, and others in authority are executed as well as that all proper arrests are made for violations of law or municipal ordinances; and in case of emergencies he is authorized, under the general supervision of the Provincial Governor, to unite the forces of the various municipalities or municipal districts in suppressing ladronism or brigandage or other grave violations of the law which threaten the peace of the entire community. To the same end he may unite the Constabulary forces under his command with the local police.

[2657–1052.]

SECTION 838.  *Duty of Constabulary to assist local police.* — When a (president) mayor is unable to preserve the peace in his jurisdiction with the police force under his control, he shall report such fact to the (senior) provincial inspector of Constabulary, whose duty it shall be to render such assistance in the maintenance or restoration of peace and order as may be requisite to that end. In such case the (senior) provincial inspector may temporarily take command of and
direct the operations of the local police force in conjunction with the Constabulary under his command until peaceful conditions are restored.

[2657–1053.]

SECTION 839. Disarming of local police. — Upon the order either of the (Governor-General) President of the Philippines or of the Provincial Governor of any province, the officer in charge of the Constabulary in such province shall cause any body of police therein to be disarmed. It shall be the duty of the Provincial Governor to make such order whenever he thinks there is danger that the arms in their custody will be lost or stolen.

[2657–1054.]

SECTION 840. Duty of municipal officers and members of police to give notice of presence of outlaws. — It shall be the duty of all officers of municipalities or municipal districts and of the officers and members of all local police forces to give notice immediately, both to the Provincial Governor and the nearest Constabulary officer or station in the province, provided that said officer or station is within fifteen kilometers of such officer or member of the police force, of the presence of any bands of outlaws or other persons threatening the peace of the community within their jurisdiction, or any act of robbery or theft by such bands, when the offenders or any of the members of such bands are at large.

[2657–1055.]

ARTICLE II

Constabulary Service

SECTION 841. Words and phrases defined. — "Commissioned service" as used in this chapter, includes officers having the rank of brigadier-general, colonel, lieutenant-colonel, major, captain, first lieutenant, second lieutenant, and third lieutenant.

"Enlisted service" comprises all noncommissioned officers and privates.

[2657–1056.]

SECTION 842. Duty of Chief as regards discipline and equipment of Constabulary. — The Chief of Constabulary shall be charged with the instruction and discipline of the Constabulary and with its interior economy and administration. To this end he shall see that the members of the Constabulary are properly selected; that the body is properly organized, governed, and disciplined;
that it is supplied with arms, uniforms, and equipment prescribed by himself; and that it is in all respects maintained as an effective instrument for the performance of its duties.

[2657–1057.]

SECTION 843. Manual of rules and discipline. — The Chief of Constabulary is empowered, with the approval of the (Governor-General) President of the Philippines to prepare manuals of rules and discipline defining the lawful powers and duties of members of the Constabulary and of the members of the municipal police.

[2657–1058.]

SECTION 844. Qualifications of members of Constabulary. — No person shall be appointed as an officer in the Constabulary service or enlisted therein unless he is a citizen of the United States or (Philippine Islands) Philippines; nor shall any person be so appointed or enlisted until he shall have taken an oath such as is required in section twenty-three of this Code.

[2657–1059.]

SECTION 845. Rank of new appointees in Constabulary service. — No officer appointed by the Chief of Constabulary may receive upon entering the service a higher rank than that of second lieutenant.

[2657–1060.]

SECTION 846. Quarters in kind — Additional pay of officers. — Officers of the Philippine Constabulary shall be entitled to quarters in kind. In addition to the pay provided by law for the officers of the Philippine Constabulary, there shall be allowed and paid to each of such officers an increase of ten per centum of his current annual pay for each term of five years of faithful and efficient service: Provided, That the total amount of such increase shall not exceed fifty per centum of the yearly pay of the grade as provided by law. In computing length of service for the purposes of the compensation, commissioned officers who have served as enlisted men in the Philippine Constabulary shall be credited with the time so served.

[2657–1061; 2936–1(837); 3620–1(838).]

SECTION 847. Term of enlistment — Additional pay for reenlistment. — The term of enlistment in the Philippine Constabulary shall be three years; and each enlisted man who shall reenlist within two months after his discharge by
reason of expiration of term of enlistment shall receive two pesos per month additional pay for his second enlistment and one peso per month additional pay for each enlistment subsequent to his second enlistment. Upon discharge enlisted men shall be entitled to transportation to the place of their enlistment.

[2657–1062.]

SECTION 848(839). Authority of members of Constabulary as peace officers. — Members of the Constabulary are peace officers and are authorized and empowered to prevent and suppress brigandage, unlawful assemblies, riots, insurrections, and other breaches of the peace and violations of the law. They are empowered and required to execute any lawful warrant or order of arrest issued against any person or persons for any violation of law, and to make arrests upon reasonable suspicion without warrant for breaches of the peace or other violations of law.

The Philippine Constabulary shall not, however, be charged with the duty of enforcing the ordinances of any municipality, and shall not make arrests for violations of the same, unless the Department Head or the Provincial Governor shall, in writing, request the senior Constabulary officer of the province to direct his subordinates to enforce the ordinances, or any particular ordinance or ordinances, of any or all the municipalities of the province.

Persons arrested by members of the Constabulary shall in all cases, if reasonably practicable, be brought, within twenty-four hours, before a judge or justice of the peace, to be dealt with according to law.

[2657–1063.]

SECTION 849. Discipline of members of Constabulary service. — For inefficiency, misconduct, or disloyalty to the United States, the Chief of Constabulary may, with the prior approval of the Department Head, suspend and, after due hearing, remove any member of the Constabulary service appointed by him or under his authority, or reduce him in rank, as the case may require.

For neglect of duty, violation of regulations, or any minor offense against good order and discipline for which no specific penalty is provided, the Chief of Constabulary may, in the interest of the public service, reduce the salary or compensation of any member of the Constabulary, deduct from his pay a sum not exceeding one month's pay, or as a punishment suspend him without pay for a period not exceeding two months.

When a member of the Constabulary has been convicted and sentenced by a
court of competent jurisdiction, other than a Constabulary summary court, the Chief of Constabulary may order his discharge and the forfeiture of all pay and allowances due or to become due.

[2657–1064.]

SECTION 850. Provisions of Civil Service Law not applicable to Constabulary service. — The examination, appointment, promotion, and removal of members of the commissioned and enlisted service of the Philippine Constabulary, the filling of vacancies therein, and the general discipline of persons in said service shall not be governed by the Civil Service Law.

[2657–1065.]

SECTION 851. Arrest and confinement of subordinate officers and enlisted men. — The Chief or any Assistant Chief of Constabulary, the (senior inspector) Provincial Inspector of a province, or other superior officer may arrest and confine in his quarters any subordinate officer of his command charged with crime or with conduct unbecoming a gentleman, or to the prejudice of good order and discipline, for not exceeding ten days pending investigation of the charge and action thereon. An enlisted man of the Constabulary charged with crime or with being guilty of any offense under this chapter may be arrested and confined by any superior authority in the Constabulary until delivered to the proper provincial or judicial official where the offense is cognizable by the Courts of First Instance, or until tried, where the offense is punishable by Constabulary summary court, or until released by proper authority. Such arrest and confinement shall be without warrant.

[2657–1066.]

SECTION 852. Confinement of noncommissioned officers. — No noncommissioned officer shall be confined, awaiting trial, with prisoners who are not also noncommissioned officers, nor at all unless such confinement be necessary as a measure of restraint; and no noncommissioned officer shall be sentenced to confinement except when he is also sentenced to reduction to the grade of private.

[2657–1067.]

SECTION 853. Advancement of noncommissioned officer after reduction to grade of private. — No noncommissioned officer reduced to the grade of private by sentence of the summary court shall be again advanced within six months from the date of such sentence.
SECTION 854. *Deduction of forfeitures by monthly installments.* — Where an accused is sentenced to a forfeiture of pay, the sentence may provide for the deduction of the amount of the forfeiture in equal monthly installments, during a period of not exceeding six months after the date of the sentence.

SECTION 855. *Constitution of summary court.* — The Chief of Constabulary is authorized to designate an officer in each Constabulary post or command as summary court before whom offenders triable before a summary court shall be brought to trial. Such officer shall have authority to administer oaths and to hear and determine such cases, and when satisfied of the guilt of the accused shall adjudge the punishment to be inflicted.

SECTION 856. *Sundry offenses against good order and discipline.* — Any enlisted man who willfully or through neglect, wastes, loses, or spoils his horse, arms, ammunition, clothing, or accouterments; or behaves himself with disrespect toward his superior officers; or lies out of his quarters or camp, or otherwise absents himself therefrom, or from his guard or other command, without leave from his superior officer; or fails, except when prevented by sickness or other necessity, to repair, at the fixed time, to the place of parade, exercise, or other rendezvous appointed by his superior officers; or goes from the same before he is dismissed or relieved; or is found one mile from his quarters or camp without leave in writing from his superior officers; or fails to retire to his quarters or tent at retreat; or hires another to do his duty for him; or is found drunk on his guard, party, or other duty; or is guilty of any offense, disorder, or neglect to the prejudice of good order and discipline, not hereinbefore mentioned, shall be punished as a Constabulary summary court shall direct, subject to the provisions and limitations hereinafter contained.

Persons triable before a summary court shall, if in confinement, be brought to trial within twenty-four hours of the time or their arrest, or as soon thereafter as practicable.

SECTION 857. *Record to be kept by summary court.* — Each summary court shall keep a record in which shall be entered all cases heard and determined and the action taken thereon.
SECTION 858. Approval of sentence imposed by summary court. — No sentence adjudged by a summary court shall take effect until it has been approved by the Chief of Constabulary or an Assistant Chief of Constabulary or by the (senior inspector) Provincial Inspector of the province. Where a (senior inspector) Provincial Inspector is acting as the summary court the sentence shall be approved by the Chief or by an Assistant Chief.

SECTION 859. Punishment imposable by summary court. — The punishment imposed by a summary court shall not exceed confinement at labor for one month and forfeiture of one month's pay for the first conviction, or confinement at labor for two months and forfeiture of two month's pay for the second conviction within six months.

Where the accused is a noncommissioned officer, he may be sentenced to reduction to the grade of private in addition thereto, and where the accused has been convicted by summary court three times within a year he may be sentenced to be discharged and to forfeit all pay and allowances due or to become due, in addition to the other penalties.

SECTION 860. Penalties for specific offenses. — Sentences imposed by the summary court for a first offense shall not in any case exceed the limits fixed for the respective offense in the table below; and for the purposes thereof an offense shall be deemed to be a first offense if the accused has not been guilty of the same or other offense mentioned in the same table within the six months next preceding the offense which is the subject of punishment:

<table>
<thead>
<tr>
<th></th>
<th>Losing or spoiling accouterments or clothing through neglect.</th>
<th>Twenty days' confinement at labor and forfeiture of six pesos; for noncommissioned officer, reduction in addition thereto.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Absence without leave:</td>
<td>One hour or less</td>
<td>Forfeiture of one peso; corporal, two pesos; sergeant, three pesos; first sergeant or noncommissioned officer of higher grade, four pesos.</td>
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<td></td>
<td>For more than one to six hours, inclusive.</td>
<td>Forfeiture of two pesos; corporal, three pesos; sergeant, four pesos;</td>
</tr>
<tr>
<td>For more than six to twelve hours, inclusive.</td>
<td>first sergeant or noncommissioned officer of higher grade, five pesos.</td>
<td></td>
</tr>
<tr>
<td>For more than twelve to twenty-four hours inclusive.</td>
<td>Forfeiture of three pesos; corporal, four pesos; sergeant, six pesos; first sergeant or noncommissioned officer of higher, seven pesos.</td>
<td></td>
</tr>
<tr>
<td>For more than twenty-four to forty-eight hours, inclusive.</td>
<td>Forfeiture of five pesos; corporal, six pesos; sergeant, seven pesos; first sergeant or noncommissioned officer of higher grade, ten pesos.</td>
<td></td>
</tr>
<tr>
<td>For more than two to ten days, inclusive.</td>
<td>Forfeiture of six pesos and five days' confinement at labor; for corporal, forfeiture of eight pesos; sergeant, ten pesos; first sergeant or noncommissioned officer of higher grade; twelve pesos; or for all noncommissioned officers, reduction.</td>
<td></td>
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<tr>
<td>For more than ten to thirty days, inclusive.</td>
<td>Forfeiture of ten pesos and ten days' confinement at labor; for noncommissioned officer, reduction in addition thereto.</td>
<td></td>
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<tr>
<td>Failure to repair at the time fixed to the place appointed, etc.:</td>
<td>For reveille or retreat roll call and inspection. &amp; Forfeiture of one peso; corporal, two pesos; sergeant, three pesos; first sergeant, four pesos.</td>
<td></td>
</tr>
<tr>
<td>For assembly of guard detail.</td>
<td>For guard mounting (by musician detailed for guard). &amp; Forfeiture of five pesos; corporal, eight pesos; sergeant ten pesos.</td>
<td></td>
</tr>
<tr>
<td>For guard mounting (by musician not detailed</td>
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for guard).
For assembly of fatigue
detail.
For dress parade.
For inspection and muster,
weekly or monthly inspection.
For target practice.
For drill.
For stable duty.
For athletic exercises.

Forfeiture of two pesos; corporal,
three pesos; sergeant, five pesos.

Found drunk:
On extra or special duty.
At formation of company for
drill or on drill.
At target practice.
At formation of company for
dress parade or on dress parade.
At reveille or retreat roll call.
At inspection and muster weekly
or monthly inspection.
At inspection of company guard
detail or at guard mounting.
At stable duty.

Forfeiture of twelve pesos; for
noncommissioned officer, reduction
and forfeiture of twenty pesos.

On fatigue.

Using threatening or insulting
language or behaving in an
insubordinate manner to a
noncommissioned officer
while in the execution of his
office.

One month's confinement at labor
and forfeiture of ten pesos; for
noncommissioned officer, reduction
in addition thereto.

Absence from fatigue duty.

Forfeiture of four pesos; corporal,
five pesos; sergeant, six pesos

Absence from extra or
special duty.

Forfeiture of four pesos; corporal,
five pesos; sergeant, six pesos.

Absence from duty as company,
general mess or hospital head cook.

Forfeiture of ten pesos.

Drunkenness at post or in
quarters.

Forfeiture of three pesos; for
noncommissioned officer, reduction
and forfeiture of five pesos.
Noisy or disorderly conduct in quarters. Forfeiture of four pesos; corporal, seven pesos; sergeant, ten pesos.

Drunk and disorderly in post or quarters. Forfeiture of seven pesos; for noncommissioned officer, reduction and forfeiture of ten pesos.

Noncommissioned officer encouraging gambling. Reduction and forfeiture of five pesos.

Noncommissioned officer making false report. Reduction, forfeiture of eight pesos, and ten days' confinement at labor.

Breach of arrest in quarters. One month's confinement at labor forfeiture of ten pesos; for noncommissioned officer, reduction in addition thereto.

[2657–1075.]

SECTION 861(840). Disposition of moneys accruing from fines and forfeitures. — All fines and forfeitures imposed or adjudged by summary court shall be deposited with the (Insular) Treasurer of the Philippines and shall constitute a part of the pension and retirement fund hereinafter created.

[2657–1076.]

SECTION 862. Manual for courts-martial. — The Manual for Courts-Martial in use in the United States Army shall, so far as the same may not be inconsistent with the provisions of this Law, be followed by Constabulary summary courts in so far as it relates to procedure, forms of charges, previous convictions, records, reports, sentences, and the approvals thereof.

[2657–1077.]

SECTION 863. Arrest of members of Constabulary upon legal process. — Members of the Constabulary shall ordinarily be liable to arrest by the civil authorities upon the same grounds and to the same extent as other persons; but when the Chief of Constabulary shall report to the (Governor-General) President of the Philippines that in any province the efficiency of the Constabulary of the province is being interfered with by frivolous arrests and unfounded prosecutions leading to the imprisonment of members of the Constabulary and their unnecessary detention from duty, it shall be in the power of the (Governor-General) President of the Philippines, if he finds the report to be well founded, by executive order to
make the next succeeding section applicable to the method of arrests in such province.

[2657–1078.]

SECTION 864. Mode of arrest in exceptional situation. — When in respect to any province the (Governor-General) President of the Philippines shall issue the executive order described in the next preceding section, and any officer or member of the Philippine Constabulary shall in such province be charged with the violation of any criminal law or ordinance and a warrant is issued for the arrest of the alleged offender, such warrant shall be placed in the hands of a Constabulary officer on duty in the province for execution; and it shall be the duty of said officer to arrest such person and bring him before the justice of the peace, or officer issuing such warrant, to be dealt with as the law directs. No officer or member of the police of a municipality in such province shall have authority to arrest an officer or member of the Constabulary upon any criminal charge, save for a criminal offense committed in his presence, and when such offense is committed in his presence it shall be the duty of the municipal officer making the arrest to deliver the prisoner to the nearest Constabulary officer on duty in the province with a statement of the case of the arrest of the offender and the names of the witnesses to the offense; and it shall be the duty of the Constabulary officer receiving the prisoner, as soon as practicable, to bring him before a justice of the peace, or the Court of First Instance of the province, to be dealt with according to law.

In case a justice of the peace shall bind over any such officer or member of the Constabulary to answer a criminal charge and such officer or member shall fail to give bail, the offense being bailable, the person so in custody shall be delivered to the ranking Constabulary officer on duty in the province for safe-keeping. It shall thereupon be the duty of such officer safely to keep and produce the prisoner in due course before the proper court, there to be dealt with according to law. If necessary for the safe-keeping of the prisoner in any such case he may be committed to the provincial jail by the officer aforesaid.

[2657–1079.]

SECTION 865. Supplies and equipment for members of Constabulary. — An officer of the Constabulary may be furnished forage in kind and shoeing for one private animal owned by him, on his certificate, approved by the (senior inspector) Provincial Inspector and district chief; and forage may be sold at cost price to any officer of the Constabulary stationed outside of Manila on his certificate that it is for his personal use.

Articles of clothing, equipage, and equipment may be sold to officers and
enlisted men of the Constabulary for their personal use, at cost price, under such restrictions as the Chief of Constabulary, with the approval of the Department Head, shall prescribe.

[2657–1090.]

SECTION 866. Reimbursement for subsistence lost. — When the subsistence of enlisted men of the Constabulary is lost through unavoidable causes, the Department Head may authorize, upon proper evidence being submitted, reimbursement to the company sustaining such loss.

[2657–1081.]

SECTION 867. Control of company commanders and medical officers over subsistence and supplies. — The company commanders of the Constabulary and the medical officers in charge of hospitals shall be charged with the duty of making requisition for, disbursing, and accounting for subsistence funds and subsistence supplies for their respective commands.

[2657–1082.]

SECTION 868. Hospital fees for medical treatment in United States military hospital. — When an officer or enlisted man of the Philippine Constabulary entitled to medical treatment is received at a military hospital under the control of the United States military authorities, the regular schedule of fees for subsistence and attendance at such hospital shall be paid and no more.

The hospital charges of officers shall only be allowed when incurred by reason of injury or disability received in line of duty.

[2657–1083.]

SECTION 869. Medical treatment for members of Constabulary. — Where Constabulary hospital facilities are not adequate or available, officers and enlisted men of the Philippine Constabulary shall receive free medical treatment and medicines at any Government hospital. When a Constabulary surgeon is not available they will be given treatment by any physician or surgeon in the employment of the Government.

SECTION 870. Expenses incident to transportation of prisoners and escort duty in general. — The Philippine Constabulary shall pay the cost of transportation of prisoners from the place of arrest to the place where they are turned over to the province or to a court official for trial, and thereafter, and until turned over to the Bureau of Prisons, all necessary transportation shall be paid by
the province concerned.

The subsistence and travel expense of officers and the travel expense of enlisted men on escort duty shall likewise be borne by the Philippine Constabulary, and not by the Bureau or province for which the service is rendered.

[2657–1084.]

ARTICLE III

Pension and Retirement Fund

SECTION 871(841). Pension and retirement fund of the Philippine Constabulary. — There shall be maintained in the (Insular) National Treasury a special fund to be known as the pension and retirement fund of the Philippine Constabulary. Moneys accruing to this fund shall be deposited with the (Insular) Treasurer of the Philippines and shall be used for no other purpose than those hereinafter specified.

[2657–1085.]

SECTION 872. Sources of pension and retirement fund. — To this fund shall accrue all fines and forfeitures imposed by summary courts, all fines imposed upon commissioned officers under the authority of this chapter, and all sums accruing from vacancies in the authorized strength of officers and enlisted men, together with all other savings from positions the occupants whereof are or shall be entitled to the benefits of this chapter, and four per centum of the pay of every officer and enlisted man of the Constabulary, which shall be deducted from said pay monthly.

All such sums accruing from fines, forfeitures, deductions, retentions, vacancies, and savings shall be noted and retained on the pay roll and deposited with the (Insular) Treasurer of the Philippines to the credit of the Constabulary pension and retirement fund.

[2657–1086; 3157–1(842); 3205–1(843); 3591–1(844).]

SECTION 873. Application of pension and retirement fund. — Moneys pertaining to the pension and retirement fund may, upon recommendation of the Chief of Constabulary, with the approval of the (Governor-General) President of the Philippines, be expended or applied, subject to such regulations as the (Governor-General) President of the Philippines may prescribe, for the benefit of —
(a) The widows and orphans of members of the Constabulary losing their lives in line of duty; and

(b) Members of the Constabulary who may be incapacitated to gain a livelihood by reason of wounds or other causes due to the service.

Sums applied to the foregoing uses shall constitute a preferred charge on the entire fund and future accretions thereto and shall be paid in preference to any other claim.

[2657–1087.]

SECTION 874. *Life pension.* — Any officer or enlisted man of the Philippine Constabulary who has had twenty or more years of actual and satisfactory service and has attained to the age of fifty-five years or who, without having reached said age, is on account of his physical or mental condition prevented from continuing in active service, may take advantage of the benefits of this Act and retire from active service, upon approval by the (Governor-General) President of the Philippines, and when so retired he shall receive until his death from the fund above specified an annual pension equal to two and one-half *per centum*, for each year of active service rendered by him up to date, of the total pay received annually by him on the date of his retirement; but in no case more than seventy-five *per centum* of such total current pay: *Provided,* That service rendered by an officer as enlisted man shall be taken into account for the purposes of the retirement provided for in this section: *Provided, further,* That with the exception of the Chief of Constabulary, no officer shall be retained in active service after having attained the age of sixty-four years: *And provided, finally,* That officers and enlisted men of the Constabulary who have completed twenty or more years of actual satisfactory service previous to the approval of Act Numbered Thirty-one hundred and fifty-seven, shall be entitled to retirement on the same terms and subject to the same condition as originally set forth in section eight hundred and seventy-four of the Administrative Code previous to its amendment by Act Numbered Thirty-one hundred and fifty-seven.

Subject to the same conditions and in accordance with the same rules and limitations, an enlisted man shall be entitled to retirement and to a similar annual compensation from the same fund, based on the total current pay and allowances received annually by him at the time he is retired, but in no case to exceed seventy-five *per centum* of such current pay and allowances for each year.

Upon the death of an officer or enlisted man who has either been retired or would, at the time when he died, have been entitled by reason of length of service
to the retirement provided for in the two preceding paragraphs, the surviving legitimate or acknowledged children of such officer or enlisted man or his widow, or only the latter in case he left no children or after his surviving minor child has reached the age of eighteen years, shall be entitled to receive in equal shares and with the right of accretion, fifty per centum of the pension to which such officer or enlisted man would have been entitled if he had not died: Provided, That no payment shall be made as pension to children after they have attained to the age of eighteen years or have married, nor to the widow if she remarries: And provided, further, That no pension whatever shall be paid to the widow if the marriage was contracted after the retirement of the deceased officer or enlisted man. For the purposes of this Act, all officers and enlisted men still residing in the (Philippine Islands) Philippines who are at present in the enjoyment of a life pension and who lack five years or more, from and after the date of the approval of this Act, before completion of the fifty-fifth year of life, and who are still physically and mentally fit for active service, may be called into active service if such officers or enlisted men agree, as vacancies in the positions left by them occur, and shall take their place on the roster, if officers, as if they had been in active service during the time of their retirement.

[2657–1088; 3157–2(845); 3205–2(846).]

SECTION 875. Requirement of active service from retired officers and men. — All officers and enlisted men of the Constabulary drawing pensions or retirement pay and residing in the (Philippine Islands) Philippines may at any time be called by the (Governor-General) President of the Philippines for active service, during the period of which service they shall be entitled to receive the full pay of their rank or grade. Refusal on the part of any officer or enlisted man to perform such duty shall terminate his right to further participation in the benefit of this fund, provided he is physically fit for service, such fitness to be determined under regulations to be prescribed by the Department Head.

[2567–1089.]

SECTION 876. Investment of pension and retirement fund. — The investment of this fund shall be in charge of the Postal Savings Bank investment board, subject in all respects to the conditions and restrictions which prevail in regard to the investment of postal Savings Bank funds.

[2567–1090.]

ARTICLE IV

Keeping of Firearms
SECTION 877(847).  "Firearm" defined. — "Firearm," or "arm," as herein used, includes rifles, muskets, carbines, shotguns, revolvers, pistols, and all other deadly weapons from which a bullet, ball, shot, shell, or other missile may be discharged by means of gunpowder or other explosive. The term also includes air rifles except such as being of small caliber and limited range are used as toys. The barrel of any firearm shall be considered a complete firearm for all the purposes hereof.

[2657–1091.]

SECTION 878. Unlawful manufacture, dealing in, acquisition, disposition, or possession of firearms, parts of firearms, or ammunition therefor, or instruments or implements used or intended to be used in the manufacture of firearms or ammunition. — Save as allowable under this article it shall be unlawful for any person to import, manufacture, deal in, receive, acquire, buy, sell, dispose of, or possess any firearm, detached parts of firearms or ammunition therefor, or any instrument or implement used or intended to be used in the manufacture of firearms, parts of firearms, or ammunition.

[2657–1092; C.A. 56–1(848).]

SECTION 879. Exception as to firearms and ammunition used by military and naval forces or by peace officers. — This article shall not apply to firearms and ammunition regularly and lawfully issued to officers, soldiers, sailors, or marines of the United States Army and Navy, the Philippine Constabulary, guards in the employment of the Bureau of Prisons, municipal police, provincial governors, lieutenant governors, provincial treasurers, municipal treasurers, municipal (presidents) mayors, and guards of provincial prisoners and jails, when such firearms are in possession of such officials and public servants for use in the performance of their official duties.

[2657–1093; 3016–1(849).]

SECTION 880. Authority of (Governor-General) President of the Philippines to permit transfer of arms and ammunition. — The (Governor-General) President of the Philippines may, in his discretion, authorize the sale or transfer of firearms and ammunition by the Bureau of Constabulary to provincial and municipal authorities upon such terms and conditions as may be prescribed by him.

[2657–1094.]

SECTION 881. Special permit for possession of arms by civil employees.
— The chief of any Bureau of the (Insular) National Government may apply to the (Governor-General) President of the Philippines for a special permit for any subordinate official or employee of the Bureau to possess firearms and ammunition for personal protection in the performance of his duties as such official or employee, and the (Governor-General) President of the Philippines may issue, or cause to be issued, such special permission under such terms and conditions as he may deem proper.

[2657–1095.]

NOTE. — See Executive Order No. 186 (1939) re rules and regulations governing loss of firearms held under the provision of this section.

SECTION 882. Issuance of special hunting permits. — The Department Head may authorize the Chief of Constabulary to issue special hunting permits to persons temporarily visiting the (Philippine Islands) Philippines, without requiring a bond or deposit as a guarantee of security for their arms and ammunition. Such special hunting permit shall be valid only during the temporary sojourn of the holder in the (Islands) Philippines, shall be nontransferable, and shall be revocable at the pleasure of the Department Head.

[2657–1096.]

SECTION 883(850). License required for manufacturer or dealer in firearms. — Any person desiring to manufacture or deal in firearms, parts of firearms or ammunition therefor, or instruments or implements used or intended to be used in the manufacture of firearms, parts of firearms, or ammunition, shall make application to the President of the Philippines for a license, stating therein the facts regarding the amount of business in the manufacture or purchase and sale of said articles intended to be transacted by such applicant, and the classes of arms, ammunition, or implements which the applicant intends to manufacture or purchase and sell under the license applied for, and such additional information as may be especially requested by the President before passing upon the application. The President may approve or disapprove such application and, in the event of approval, shall state therein the amount of the bond to be executed by the applicant before the issuance of the license, and the time during which the license shall be effective, unless sooner revoked by his authority.

[2657–1097; C.A. 56–2(851).]

SECTION 884. Issuance of license by Chief of Constabulary — Dealer's bond. — Upon approval of the application by the (Governor-General) President of the Philippines it shall be transmitted to the Chief of Constabulary, who shall issue
the license in accordance with the terms of the approval of the (Governor-General) President of the Philippines, upon the execution and delivery by the licensee of a bond, to be approved by the Chief, in the amount fixed by the (Governor-General) President of the Philippines and conditioned for the faithful compliance on the part of the licensee with the laws and regulations relative to the business licensed.

[2657–1098.]

SECTION 885. Additional license to keep firearms in excess of amount permitted under original license. — If any person, having a dealer's license, shall for purposes of sale, desire to import, buy, or otherwise acquire, dispose of, possess, or have the custody of any firearms or ammunition in greater amount than is named or described in his license he must apply for and secure a new license.

[2657–1099.]

SECTION 886. Record to be kept by persons doing business under dealer's license. — Every dealer in firearms or ammunition shall keep complete and accurate records and accounts of importations and sale of firearms and ammunition, with the name, age, residence, occupation, and post-office address of each and every purchaser of any firearms or firearms and ammunition, and the number and date of the license of each purchaser for the possession of each firearm purchased by him and the number of the firearm purchased, together with the amount and character of the ammunition purchased for each firearm; and each dealer in firearms shall, when requested by the Chief of Constabulary, permit the examination of such records and accounts of the purchases and sales of firearms and the counting and verification of all arms and ammunition remaining on hand; and any refusal upon the part of any such dealer to comply with the provisions of this section shall be a breach of the condition of the bond executed and delivered by such dealer.

[2657–1100.]

SECTION 887. License required for individual keeping arms for personal use — Security to be given. — Any person desiring to possess one or more firearms for personal protection or for use in hunting or other lawful purposes only, and ammunition thereof, shall make application for a license to possess such firearm or firearms or ammunition as hereinafter provided. Upon making such application, and before receiving the license, the applicant shall, for the purpose of security, deposit a United States or Philippine Government bond, or make a cash deposit in the Postal Savings Bank in the sum of forty pesos for each firearm for which the license is to be issued, and shall indorse the certificate of deposit therefor to the Philippine Treasurer, such deposit to bear no interest, or
shall give a personal or property bond signed by two persons or by a surety company, in such form as the President may prescribe, payable to the Government of the Philippines, in the sum of one hundred pesos for each such firearm: Provided, however, That the existing bonds upon the approval of this Act shall continue as they are or, at the option of the interested party, the same can be renewed in accordance with the provisions hereof: Provided, further, That bona fide and active members of duly organized gun clubs and accredited by the Chief of Staff of the Philippine Army shall not be required to make the deposit or give the bond prescribed in this section.

[2657–1101; C.A. 195–1(852).]

NOTE. — Commonwealth Act No. 195 has been repealed in its entirety by C.A. 466–369(a)(853).

SECTION 888. Mode of making application and acting upon the same. — An application for a personal license to possess firearms and ammunition, as herein provided, made by a resident of the City of Manila, shall be directed to the Mayor of said city, whose duty it shall be to forward the application to the (Governor-General) President of the Philippines, with his recommendation. Applications made by residents of a province shall be directed to the governor of the same, who shall make his recommendation thereon and forward them to the (Governor-General) President of the Philippines, who may approve or disapprove any such application.

The (Governor-General) President of the Philippines, upon receiving and approving the bond or receiving the certificate of deposit duly indorsed to the order of the (Insular) Treasurer of the Philippines, shall issue the license and transmit the license direct to the applicant, and shall notify the chief of police of the City of Manila if the applicant resides in Manila, otherwise the (senior inspector) Provincial Inspector of Constabulary of the province in which the applicant resides. The Chief of Constabulary shall file the certificate of deposit in his office. It shall be the duty of all officers through whom applications for licenses to possess firearms are transmitted to expedite the same.

[2657–1102; 2774–2(854).]

SECTION 889. Duration of personal license. — A personal firearms license shall continue in force until the death or legal disability of the licensee, unless, prior thereto, the license shall be surrendered by him or revoked by authority of the (Governor-General) President of the Philippines.

[2657–1103.]
SECTION 890. Change of domicile by licensee. — When a person holding a valid license for the possession or any firearm or firearms and the ammunition therefor shall change his domicile from the City of Manila to a province or from a province to the City of Manila, or from one province to another, he shall, within ten days thereafter, notify the Chief of Constabulary of such change by registered mail, or he shall notify the (senior inspector) Provincial Inspector of the province in which he takes up his new domicile, or the chief of police of the City of Manila, as the case may be, and the said (senior inspector) Provincial Inspector or chief of police, as the case may be, shall transmit such information to the Chief of Constabulary.

[2657–1104.]

SECTION 891. Deposit of firearms by person holding dealer's license. — With the permission of the Department Head any person holding a dealer's license may store firearms and ammunition in the custody of the Philippine Constabulary, subject to his call. Upon the making of any such deposit the Chief of Constabulary shall give a receipt containing a description of the materials stored and upon surrendering the same shall require that the same receipt be returned or similar receipt given by the party receiving the article or articles returned.

For such storage the Chief of Constabulary may make reasonable charges to be fixed by him, with the approval of the Department Head.

[2657–1105.]

SECTION 892. Deposit of firearms by person arriving from abroad. — A person arriving in the (Philippine Islands) Philippines, having in his possession any firearms or ammunition for which he has no license, shall deposit the same, upon written receipt, with the collector of customs for delivery to the Chief of Constabulary for safe-keeping.

If the party in question desires to obtain a firearms license, the Chief of Constabulary shall communicate such fact to the (Governor-General) President of the Philippines, and if the importation is allowed, a license may be issued as in other cases. If no license be desired, or leave to import be not granted, the article or articles in question shall remain in the custody of the Chief of Constabulary until taken from the (Islands) Philippines or otherwise disposed of according to law.

[2657–1106.]

SECTION 893. Surrender of arms upon termination of license. — Upon the revocation of any license or the termination thereof for any cause all arms and
ammunition in the possession of the licensee and covered by such license shall be placed in the custody of the Philippine Constabulary.

[2657–1107.]

SECTION 894. **Surrender of firearms upon death or disability of the licensee.** — Upon the death or legal disability of the holder of a firearms license, it shall be the duty of the nearest relative, legal representative, or other person who shall knowingly come into possession of such firearms or ammunition, forthwith to deliver the same to the (senior inspector) Provincial Inspector of Constabulary in the province or to the Chief of Constabulary in Manila, and such firearms and ammunition shall be retained by the officer pending the issuance of a license therefor in accordance with law.

[2657–1108.]

SECTION 895. **Return of firearms to owner upon departure from (Islands) Philippines.** — Upon the departure from (Philippine Islands) Philippines of any person whose arms or ammunition may be in the custody of the Philippine Constabulary, the same shall, upon timely request, be delivered to him through the Insular Collector of Customs, aboard the steamer on which he is to sail.

[2657–1109.]

SECTION 896. **Abandoned arms and ammunition.** — Any firearm or ammunition deposited in the custody of the Philippine Constabulary pursuant to any provision of this article except section eight hundred and ninety-one shall be deemed to have been abandoned to the Government by the owner unless he or his representative shall reclaim the same within one year from the time of his departure from the (Islands) Philippines or within five years in the case of any person remaining in the (Islands) Philippines or failing to advise the Chief of Constabulary of the disposition to be made thereof; and it shall in no case be incumbent upon the Philippine Constabulary to retain custody longer than five years, except under such regulations as shall be prescribed with reference thereto. Abandoned arms and ammunition shall be disposed of in such manner as shall be prescribed by the Department Head.

SECTION 897. **Annual inspection of firearms held under license.** — The Chief of Constabulary, once each year, shall issue directions to the (senior inspector) Provincial Inspector of Constabulary of the various provinces to verify all arms in the possession of persons holding licenses and to make due report of such verification to the Chief of Constabulary of any violation of the terms of the license or of the laws, rules, or regulations relating to the possession of firearms or
ammunition, and they shall indorse on each license that they have made such verification, with the date thereof. The chief of police in the City of Manila shall make a similar verification and report to the Chief of Constabulary, noting on each license the date of the verification by him.

[2657–1110.]

SECTION 898. Duty of holder to exhibit license. — It shall be the duty of any person holding a license to possess firearms or ammunition to exhibit such license whenever called upon to do so by a provincial governor, by a provincial officer acting under written order of the provincial governor, by an officer of the Constabulary, by a member of the Constabulary acting under orders or pursuant to regulation, by the chief of police of the City of Manila, or by a peace officer acting under a written order of the chief of police.

[2657–1111.]

SECTION 899. Revocation of firearms license by (Governor-General) President of the Philippines. — Any firearms license may be revoked at any time by order of the (Governor-General) President of the Philippines.

[2657–1112.]

SECTION 900. Enforcement of liability upon bond. — In the event of the loss or disappearance of any firearms or ammunition from any cause, except in the case of ammunition lawfully expended, it shall be the duty of the provincial fiscal, or, in the City of Manila, of the fiscal of the city, forthwith to institute proper action in a court of competent jurisdiction for the recovery of the amount specified in the bond of the licensee.

[2657–1113.]

SECTION 901. Forfeiture of certificate of deposit. — Where a certificate of deposit has been used as security and the licensee fails to comply with any provision of this article or of the regulations pursuant thereto, or with the terms of his license, or fails to have forthcoming upon proper demand the firearm covered by his license, whether lost through accident or otherwise, the (Governor-General) President of the Philippines shall, upon satisfactory proof of such fact, order that the certificate of deposit be forwarded to the (Insular) Treasurer of the Philippines for collection. The amount thereof when collected shall be deposited to the credit of general funds.

[2657–1114.]
SECTION 902. Refund upon recovery of lost firearm. — When a lost firearm is recovered by the owner reimbursement shall be made for any sum collected upon his bond or enforced by forfeiture of his deposit.

[2657–1115.]

SECTION 903. Remission of liability for loss of firearms. — The (Governor-General) President of the Philippines, in his discretion, may relieve from liability on his bond or postal savings bank deposit any person losing a firearm for which he had a proper license, upon the presentation of satisfactory proof showing that said firearm was destroyed or lost beyond reasonable chance of recovery by any person, and through no fault or negligence on the part of the person holding the license.

[2657–1116.]

SECTION 904. Surrender of bond or certificate of deposit. — When a firearms license expires or is revoked or surrendered, and all the arms or ammunition held thereunder are accounted for and disposed of according to law, the licensee's bond or his certificate of deposit shall be surrendered by order of the (Governor-General) President of the Philippines upon satisfactory proof of compliance with the laws and regulations relative to the use of firearms.

[2657–1117.]

SECTION 905. Forms and regulations to be prescribed by (Governor-General) President of the Philippines. — The (Governor-General) President of the Philippines shall prescribe such forms and promulgate such regulations as he shall deem necessary for the proper enforcement of this law.

[2657–1118.]

SECTION 906. Suspension of firearms law in Department of Mindanao and Sulu. — The Governor-General may at any time, in his discretion, by executive order, suspend the operation of this article in the Department of Mindanao and Sulu and subsequently restore the same therein to full effect.

[2657–1119.]

CHAPTER 36

Bureau of Education

PRELIMINARY ARTICLE
SECTION 907. *Title of chapter.* — This chapter shall be known as the School Law.

ARTICLE I

Organization of Bureau

SECTION 908. *Chief officials of Bureau of Education.* — The Bureau of Education shall have one chief and two assistant chiefs, to be known respectively as the Director of Education, the Assistant Director of Education, and the Second Assistant Director of Education.

[2657–1802.]

SECTION 909. *Functions of Bureau of Education.* — To the Bureau of Education is committed the administration of the public-school system and the supervision of the general school interests in the (Philippine Islands) Philippines, so far as the same may be authorized by law. Except as otherwise provided, the Bureau of Education is charged with the conduct and management of all special schools supported from (insular) national funds and with the administration of the School Law and such other laws as may be within the jurisdiction of said Bureau.

[2657–1803.]

SECTION 910. *Powers and duties of Director of Education.* — The Director of Education shall have the following powers and be subject to the following duties:

(a) He shall establish primary schools in every town in the (Islands) Philippines where practicable.

(b) He shall have authority to establish night schools.

(c) He shall fix the salaries of teachers within the limits established by law.

(d) He shall fix the curricula for all public schools under his jurisdiction.

(e) He shall prescribe the authority to be exercised by the principal teacher of each school over the other teachers, if any, and his duties as teacher actually engaged in the work of instruction and
in caring for the schoolhouse and school property.

(f) He shall approve plans for the construction of schoolhouses to be built by the municipalities or provinces, and shall fix the amount of land required in each case.

(g) He shall prescribe rules of hygiene to be observed in connection with the school of the (Islands) Philippines.

(h) He shall have power to determine the towns in which teachers, to be paid out of the (Insular) National Treasury, shall teach; and he may exercise this discretion in favor of those towns which shall construct and maintain suitable schoolhouses, by local taxation or contributions.

(i) He shall maintain, in Manila or elsewhere in the (Philippine Islands) Philippines, classes to furnish superior instruction to teachers, as may be by law allowed or required.

[2657–1804.]

SECTION 911. Authority of Director of Education to assign teachers to special duties. — The Director of Education, with the approval of the Secretary of Public Instruction, may detail or assign any superintendent or teacher to perform such duties in any division or branch of the Bureau of Education as the exigencies of the service may require. Teachers thus designated for continuous duty throughout school vacation shall be upon the same footing as regards leave as employees in the civil service generally.

[2657–1805.]

SECTION 912. Regulations for special schools. — The regulations of the Bureau of Education shall contain provisions for the administration and governance of the Philippine Normal School, the Philippine School of Arts and Trades, the Philippine Nautical School, and other special (insular) national schools from time to time established by law. Such regulations shall contain provisions prescribing the qualifications of students entering or graduating from such institutions, so far as the same are not fixed by law.

[2657–1806.]

SECTION 913. Philippine Nautical School. — Applicants for the course in the Philippine Nautical School must be between sixteen and twenty-one years of age, must have completed at least the intermediate course of the public schools or
its equivalent, must be able to pass a physical examination, must signify their intention to follow the sea after finishing their course, and must furnish a recommendation from the division superintendent of schools or other person of good reputation certifying to the good character and ability of the candidate for admission.

The curriculum of the Nautical School shall include the practice of navigation on a vessel of the Government, if there be one, and in default thereof on a merchant vessel, for the period of at least one and one-half years, prior to the issuance of the graduation diploma.

A diploma of graduation from the Nautical School shall qualify the holder to be licensed as third navigating officer without further examination.

[2657–1807.]

ARTICLE II

School Divisions

SECTION 914. School divisions. — With the approval of the Secretary of Public Instruction, the Director of Education shall establish such number of school divisions in the (Philippine Islands) Philippines as may be required. So far as practicable the territorial limits of provincial school divisions shall correspond with the limits of the respective provinces; but where the public interest so requires more than one province or parts of different provinces may be combined into one.

The City of Manila shall constitute one school division.

[2657–1808.]

SECTION 915. Superintendents. — To each school division there shall be assigned a superintendent of schools. Superintendents shall also be assigned to such special (insular) national schools as may require the supervision of such an officer. The Superintendent assigned to the City of Manila shall be known as the superintendent of city schools.

[2657–1809.]

SECTION 916. Permanent station of division superintendent. — Unless fixed in some other place by the Director of Education, the permanent station of a superintendent in charge of a provincial division shall be in the town where the provincial school is established, and he shall there maintain his residence and keep
his office.

[2657-1810.]

SECTION 917. Authority and duties of division superintendents. — Conformably with the regulations of the Bureau of Education, the superintendent of a school division shall, among other things, exercise the following powers and be subject to the following duties:

(a) He shall exercise a general superintendence over the schools and school interests in his division.

(b) He shall examine the schoolhouses occupied for public instruction within his division with a view to determining their suitableness and hygienic condition.

(c) He shall appoint municipal school-teachers to serve in the schools within his division and shall fix their salaries from year to year, within the limits of the fund appropriated by the municipal council.

(d) He shall make himself familiar with the supplies and textbooks needed in each school in his division and shall make report of the same at as early a date as possible to the Director of Education, who may furnish the supplies needed.

(e) He shall see to it by personal visits and by requiring reports from the principal teacher of each school that the curriculum for primary and secondary schools prescribed by the Director of Education is complied with.

(f) He shall have control over the uses of the provincial and municipal school buildings; and their use for other purposes than such as are incident to the conduct of the public schools shall be subject to his approval or the approval of his representative.

The superintendent of the city schools of Manila shall exercise similar powers and be subject to similar duties as regards the city schools.

[2657–1811.]

SECTION 918. Condemnation of unsuitable or dangerous schoolhouse. — Should the schoolhouse in which any school is conducted appear to the division
superintendent to be unsuitable and dangerous to the health of the children, and should no other schoolhouse be available, he shall have power, subject to the approval of the Director of Education, to discontinue such school, and it shall be unlawful thereafter to use such schoolhouse for public-school purposes.

[2657–1812.]

ARTICLE III

Local School Districts

SECTION 919. Local school districts. — Every municipality, township, or other form of organized local government shall constitute a school district; and it shall be the duty of the municipal council or other local legislative authority therein to make as ample provision as possible by local taxation for the support of all the schools established within its jurisdiction.

In exceptional cases, where the topography of the country or the difficulty of communication makes such arrangement desirable the division superintendent may attach a part of one school district to another and in such case he shall fix the amount which it will be just for the former to contribute to the annual school expense of the latter.

[2657–1813.]

SECTION 920. Local school board. — In every municipality there shall be a local school board, consisting of four or six members, as the division superintendent may determine, in addition to the (president) mayor of the municipality, who shall be a member ex officio. One-half of the members, except the member ex officio, shall be elected by the municipal council, and the remaining half shall be appointed by the division superintendent, and the term of office of all members, holding by appointment or election, shall be two years and until their successors shall have been duly elected or appointed. One of the elective and one of the appointive members shall be women, so that two of the members of the local school board shall be women, and it shall be discretionary with the division superintendent of school to increase the appointments, and with the municipal council to increase the elections, of women, provided that the total number of members shall not exceed four or six, as hereinbefore provided.

A division superintendent may temporarily suspend any appointed or elected member of the local school board pending investigation; and with the approval of the Director of Education he may, after due notice and hearing, remove such officer.
SECTION 921. Powers and duties of local school board. — It shall be the power and duty of the local school board:

(a) To visit from time to time the schools of the town and to report bimonthly to the division superintendent their condition and the attendance of pupils.

(b) To recommend sites and plans to the municipal council for schoolhouses to be erected.

(c) Where there are two or more schools in the town, to adopt rules, subject to the supervision of the division superintendent, for assigning the pupils of the town to the several schools.

(d) To report annually to the municipal council the amount of money which should be raised for the current year by local taxation for school purposes.

(e) To report, whenever it shall deem necessary, directly to the Director of Education as to the condition of the schools of the town and to make suggestions in respect thereto as may seem to it expedient.

ARTICLE IV

Public Instruction in General

SECTION 922. Language to be used. — The English language shall, as soon as practicable, be made the basis of all public-school instruction.

SECTION 923. Courses to be given. — Public-school instruction shall consist of primary, intermediate, and secondary courses. The primary and intermediate courses shall cover all elementary instruction, while the secondary courses shall include high-school instruction and other instruction above the elementary.

SECTION 924. Free primary instruction. — All primary instruction in
schools established or maintained under this chapter shall be free.

[2657–1818.]

SECTION 925. School year and school holidays. — The public-school year shall consist of not less than forty weeks. The opening date shall be fixed by the Secretary of Public Instruction. The long school vacation period shall likewise be fixed by the Secretary of Public Instruction, taking into consideration the convenience of the pupils and their parents and the special atmospheric conditions prevailing during said period: Provided, That the months established for the school vacations shall not be changed oftener than once every five years.

In addition to the legal holidays, the Secretary of Public Instruction may authorize the observance by the public schools of other special school holidays to be designated by him.

[2657–1819; 3945–1(855).]

SECTION 926. Hours of daily sessions of public school. — The hours for the regular daily sessions of the public schools shall be fixed by the Director of Education, with the approval of the Secretary of Public Instruction; but teachers shall be required to devote, during the school year, not less than five hours per day to school work for five days in the week, exclusive of holidays.

[2657–1820.]

SECTION 927. Discussion of religious doctrines to be eschewed. — No teacher or other person engaged in any public school, whether maintained from (insular) national, provincial, or municipal funds, shall teach or criticize the doctrines of any church, religious sect, or denomination, or shall attempt to influence the pupils for or against any church or religious sect. If any teacher shall intentionally violate this section he or she shall, after due hearing, be dismissed from the public service.

[2657–1821.]

SECTION 928. Provision for religious instruction by local priest or minister. — It shall be lawful, however, for the priest or minister of any church to establish in the town where a public school is situated, either in person or by a designated teacher of religion, to teach religion for one-half hour three times a week, in the school building, to those public-school pupils whose parents or guardians desire it and express their desire therefor in writing filed with the principal teacher of the school, to be forwarded to the division superintendent, who shall fix the hours and rooms for such teaching. But no public-school teachers shall
either conduct religious exercise or teach religion or act as a designated religious teacher in the school building under the foregoing authority, and no pupils shall be required by any public-school teacher to attend and receive the religious instruction herein permitted. Should the opportunity thus given to teach religion be used by the priest, minister, or religious teacher for the purpose of arousing disloyalty to the United States, or of discouraging the attendance of pupils at such public school, or creating a disturbance of public order, or of interfering with the discipline of the school, the division superintendent, subject to the approval of the Director of Education, may, after due investigation and hearing, forbid such offending priest, minister, or religious teacher from entering the public-school building thereafter.

[2657–1822.]

SECTION 929. Government employees serving as teachers of public schools. — Officers and employees in the Government service may be employed as evening or night teachers in the public school, and compensation may be paid to them for such service in addition to their usual salaries.

[2657–1823.]

SECTION 930. Condition under which classes in night schools may be maintained. — No night-school class shall be maintained at the expense of the City of Manila or the (Insular) National Government in which the average nightly attendance in each school month under each teacher is not at least fifteen pupils over the age of fourteen years. If it is found at the end of any month that the average nightly attendance of any class has been less than fifteen, such class shall be discontinued. The teacher of such class shall, however, be entitled to pay for each night of actual teaching during the month even if the average attendance has been less than fifteen; but a class discontinued for lack of the required attendance shall not again be organized except with the consent of the division superintendent and unless at least twenty-five pupils shall have been enrolled and shall have signified their intention of becoming regular members of the class. Teachers of night-school classes shall be paid only for nights of actual teaching.

[2657-1824.]

SECTION 931. Employment of (insular) national students in work to be done outside of school hours. — Subject to the approval of the Secretary of Public Instruction, regular students in (insular) national industrial and agricultural schools may be employed outside of regular school hours upon productive work with compensation at rates recommended by the division superintendent of schools not exceeding thirty centavos per hour, payment of such compensation to be made.
from the appropriation for contingent expenses of the Bureau of Education.

[2657–1825.]

SECTION 932. Employment of provincial students upon work to be done outside of school hours. — With the previous approval of the provincial board, regular students in any provincial industrial or agricultural school may be employed outside of regular school hours and upon productive work with compensation, at rates recommended by the division superintendent of schools, not exceeding thirty centavos per hour, payment of such compensation to be made from the funds of the province in which said school is located. All moneys collected as the result of any such work shall be deposited in the provincial treasury, and to maintain the work provided for by this section the (Insular) Auditor General shall establish a reimbursable fund to an amount to be fixed by the provincial board, with the approval of the (Governor-General) President of the Philippines. Any collections in excess of this amount shall be deposited in the provincial treasury as miscellaneous receipts of the province.

[2657–1826.]

ARTICLE V

Special Scholarships for Teachers

SECTION 933. Scholarship for teachers receiving instruction in special classes. — The Director of Education shall maintain in the City of Manila or elsewhere in the (Philippine Islands) Philippines special classes to give superior instruction to teachers; and from time to time as the means therefor shall be made available by appropriation, he shall, subject to conditions prescribed by the Secretary of Public Instruction, appoint deserving teachers from the public schools to receive the benefit of instruction therein.

Appointments hereunder shall be equitably distributed among the provinces, account being taken of the number of pupils in their respective public schools during the term next preceding that during which the selection is made, but so far as practicable at least one scholarship shall be assigned to each province.

The division superintendents of schools of the provinces from which the appointments are to be made shall select, from among the teachers in their provinces who have served for a period of not less than one year, those who possess the best qualifications to receive the instruction in question and shall recommend them to the Director of Education for appointment accordingly.
SECTION 934. Contract to be entered into by appointees. — All teachers appointed hereunder shall sign a contract by which they shall bind themselves to serve, upon the completion of the special and proper course or courses of study, as municipal or (insular) national teachers in any of the municipalities of the province of their origin and faithfully to discharge the duties of the office for the salary which may be fixed by competent authority during a period of time equal to that employed by them in study under the privileges hereof; but with the approval of the Director of Education the performance of such service may be postponed, in the case of a teacher who desires to complete his education at his own expense, during the period requisite for such purpose.

SECTION 935. Travel expenses, subsistence en route, and monthly stipend. — Teachers selected shall be entitled to travel and subsistence expenses from their place of residence to Manila and vice versa, and shall receive during the trip and their stay in Manila for attendance at said special classes, as compensation of all expenses, an amount to be determined from time to time by the Director of Education, with the approval of the Secretary of Public Instruction: Provided, however, That when so fixed, the total expense of all pensionados shall not exceed the amount appropriated by the (Legislature) National Assembly for that purpose.

CHAPTER 37

Philippine Health Service Bureau of Health

PRELIMINARY ARTICLE

Contents of Chapter

SECTION 936. Contents of chapter. — Articles numbered from one to sixteen, inclusive, of this chapter constitute the Public Health Law. The seventeenth article contains the Food and Drugs Act.
SECTION 937. **Chief officer(s) of (Philippine Health Service) Bureau of Health.** — The (Philippine Health Service) Bureau of Health shall have one chief (and one assistant chief), designated (respectively) as the Director of Health (and the Assistant Director of Health). Each of these officers shall be a physician of good repute and a graduate from a medical college of recognized standing. The Director of Health shall be a person possessed of special knowledge regarding hygiene and tropical medicine, and his term of service shall be four years and until the qualification of a successor.

Consistently with the provisions of this chapter, the Director of Health shall possess the powers conferred generally on Bureau chiefs.

[2657–746.]

SECTION 938. **Functions of (Philippine Health Service) Bureau of Health.** — The (Philippine Health Service) Bureau of Health is charge with the protection of the health of the people of the (Philippine Islands) Philippines and the maintenance of sanitary conditions therein. Its general powers and duties shall extend to and comprehend, among other things:

(a) The conduct and management of Government hospitals and sanitaria.

(b) The control and supervision of all hospitals for dangerous communicable diseases, the detection and detention of persons suffering from such diseases, and the making of provision for their isolation until they shall cease to be a source of infection.

(c) The control over the sanitation of schoolhouses and school premises and over prisons, penal settlements, jails, and other places for the detention of arrested persons, convicts, or offenders of any sort.

(d) The effectuation and maintenance of internal quarantine in times of epidemic or threatened spread of any dangerous communicable disease.

(e) The sanitary disposal of the dead and the control over the sanitation of cemeteries.

(f) The effectuation, at regular intervals or from time to time as conditions may require, of systematic inoculations of the people
of the country by the use of virus, serums or prophylactics.

(g) The dissemination of hygienic information among the people and especially the inculcation of knowledge as to the proper care of infants and the methods of preventing and combating dangerous communicable diseases.

(h) The making, from time to time, of adequate inspections of all health organizations or offices, taking account of their equipment and facilities and the character of their work.

(i) The making of investigations in the following matters and the collection of statistical data or other information relative thereto, to wit: the general vital statistics of the (Philippine Islands) Philippines; the causes, pathology, and means of preventing diseases, especially those of an epidemic or communicable character; the sources of mortality in the (Philippine Islands) Philippines and the effects of localities, employments, conditions, habits, foods, beverages, and medicines on the health of the people; the conditions affecting children and child life among all classes of people and the means of providing for their social, physical, and sanitary welfare and the preservation of their lives and health; and the chemical composition and medical properties of the minero-medicinal waters of the (Islands) Philippines.

[2657–747.]

SECTION 939. Scope of internal quarantine. — "Internal quarantine," as used in subsection (d) of the preceding section, is restricted to human beings and such things as might convey infection. It includes all public-health quarantine except that maintained under the port-quarantine regulations of the (Philippine Health Service) Bureau of Health and that effected under authority of the United States.

[2657–748.]

SECTION 940. Quarantine regulations for coastwise ports and inland places. — Provision shall be made in the regulations of the (Philippine Health Service) Bureau of Health for the effectuation and maintenance, as occasion therefor may arise, of port quarantine for the governance of vessels entering coastwise ports in the (Philippine Islands) Philippines.
SECTION 941. Regulations for prevention and suppression of dangerous communicable diseases. — The regulations of the (Philippine Health Service) Bureau of Health may, among other things, contain provisions prescribing the methods to be followed and the special means to be used for the prevention and suppression of dangerous communicable diseases generally, the abatement of nuisances endangering the public health, and the removal of the cause of any special disease or mortality.

When it shall appear to the Director of Health that rabies exists among dogs or other animals in any community in such a degree as to constitute a grave menace to the public health, he shall, with the approval of the Department Head, give publicity to such fact by publication of a notice in a local newspaper, if any there be, and also by posting the same in one or more prominent places in the community. Such notice shall describe the locality of infection and shall admonish owners, or persons having control or possession of dogs and other animals liable to contract or convey the disease, effectually to muzzle or otherwise restrain said animals, under the penalty of law, for such period of time as shall be defined in said notice. Notice so published shall have the same effect as other lawful regulations of the (Philippine Health Service) Bureau of Health.

SECTION 942. Final action of (Governor-General) President the Philippines upon health regulations. — In case the Director of Prisons shall question the propriety of any sanitary rule, regulation, or order promulgated by the (Philippine Health Service) Bureau of Health with respect to the sanitation of any (Insular) National prison or other (insular) national penal institution or for the sanitary protection of the inmates of any such institution, and in case the Director of Education shall question the propriety of any similar rule, regulation, or order with respect to the sanitation of any school, the matter shall be submitted to the (Governor-General) President of the Philippines, whose decision thereon shall be final.

SECTION 943(858). (Philippine Health Service) Bureau of Health as local board for Manila. — [The functions of a local board of health for the City of Manila shall be performed by the (Philippine Health Service) Bureau of Health, its powers in this behalf being exercised immediately by the Director of Health in the manner and to the extent prescribed in article ten of this chapter or as otherwise by
SECTION 944. Drafting and recommendation of sanitary laws. — The Director of Health may draft, or cause to be drafted, and through the Department Head may recommend to the (Legislature) National Assembly for passage, sanitary laws for the (Philippine Islands) Philippines and laws for the extension of the service of the (Philippine Health Service) Bureau of Health into all parts thereof. Among such projects shall be included laws governing the following professions and occupations: (a) medicine and surgery; (b) pharmacy; (c) dentistry; (d) midwifery; (e) nursing; (f) embalming and undertaking; (g) plumbing; and (h) sanitary engineering. In the same manner laws may be prepared and proposed regulating or controlling offensive and dangerous industries or occupation.

SECTION 945. Recommendatory authority of Director of Health as to local ordinances. — As occasion requires the Director of Health may recommend, for enactment by the proper local authorities, in the form of ordinances or otherwise, regulations for cities, municipalities, and populous places relative to the procurance and sanitary conservation of an adequate supply of pure water; the sanitary protection and conservation of foods and foodstuffs; the cleansing of sewers, streets, walks, roads, alleys, public squares, and parks; the collection and disposition of garbage, dead animals, night soil, and contents of cesspools; and the safeguarding of the sanitary conditions of buildings, premises, resorts, and other places of public or private character; or other matters requiring sanitary regulation.

SECTION 946. Power over local ordinances and orders. — The Director of Health, with the approval of the Department Head, may suspend, modify, or annul any ordinance, regulation, or order enacted or promulgated by a local board of health or municipal council or by any local or municipal official in the exercise of authority over matters of sanitation when in the opinion of said Director such ordinance, regulation, or order is detrimental to the interests of the public health.

SECTION 947. Authority by the President of the Philippines to invest Director of Health with special powers in certain cases. — When it shall be shown to the satisfaction of the President of the Philippines that the City of Manila or any
part of the Philippines is threatened with or suffering from epidemic of dangerous communicable disease, he may issue an executive order declaring that the place or portion in question is so threatened with or suffering from an epidemic and he may, in such order, invest the Director of Health with emergency powers, to be defined in said order, with authority to prescribe, subject to the approval of the Department Head, such emergency health regulations as may be deemed necessary to prevent or suppress the occurrence or spread of the epidemic in question. Such regulations shall, from issuance, have the same force and effect and shall be enforced in the same manner as if enacted by legislative authority, throughout the city, district, or part thereof specified in such regulations.

When it is shown to the satisfaction of the President of the Philippines that the danger of an epidemic has passed, he shall so declare by executive order, and upon publication of such executive order the emergency health regulations shall become null and void, unless in such executive order it is specially declared that one or more of the emergency regulations shall remain in effect for a further period to be prescribed.

When, for the protection of the health of the personnel of the Philippine Army and the trainees undergoing instruction in military training camps, it shall be shown to the satisfaction of the President of the Philippines that necessity exists therefor, he may invest the Director of Health with similar authority to prescribe, subject to the approval of the Department Head, such special health regulations as may be deemed necessary to prevent or suppress epidemic or endemic diseases within a circular area or zone having a radius of five or more kilometers from an army post as a center, this area to be designated as "Philippine Army Extra Cantonment Zone." All such special health regulations to be known as "Extra Cantonment Sanitary Regulations" shall have full force and effect within the designated zone and any provisions of local laws, regulations, or ordinances inconsistent or repugnant therewith, shall be suspended during such periods of time as may be determined by the President: Provided, That the Director of Health may, upon request of the Chief of Staff of the Philippine Army, designate a medical officer of an army post as his special representative to enforce such health regulations as may be prescribed within the limits of the "Extra Cantonment Zone."

[2657–756; C.A. 163–1(859).]

SECTION 948. Inspection work in general. — Consistently with law and the regulations of the (Philippine Health Service) Bureau of Health, the Director of Health shall make, or cause to be made, regular inspection of the cleansing of sewers, streets, walks, alleys, public squares and parks; of the collection and disposition of garbage, dead animals, night soil, and contents of cesspools; and of
the sanitation of houses, factories, mills, schools, prisons, dairies, markets, meat shops, bakeries, public water supplies, public bath houses, wells, cisterns, cemeteries, undertaking establishments asylums, jails, barracks, barrooms; theaters, and all public institutions and places of public resort.

SECTION 949. **Power of entry.** — When necessary to the due administration of laws, regulations, and ordinances within the jurisdiction of the (Philippine Health Service) Bureau of Health, the Director of Health or other proper health officer or inspector may in a lawful manner and at reasonable hours make entry into grounds, inclosures, and buildings.

SECTION 950. **Authority of Director of Health to require reports and information.** — The Director of Health shall have the power to require reports and information concerning any matter or matters with respect to which he may need information for the discharge of his official duties from all public dispensaries, asylums, hospitals, infirmaries, prisons, penitentiaries, schools, and from the managers, principals, or officers thereof, and from all other public institutions, their officers or managers, and from the proprietors, managers, lessees, and occupants of all places of public resort throughout the (Islands) Philippines, and from common carriers, as well as from physicians, pharmacists, dentists, nurses, *cirujanos ministrantes*, and midwives engaged in the practice of their profession, and other persons who may be able to furnish information of public value.

It shall be the duty of any person upon whom requisition is made for report or information under this section to supply the same within such reasonable time as may be required.

SECTION 951. **Command of services of medical employees in general.** — Subject to the approval of the proper head of Department, the Director of Health may require the services, without additional compensation, of any medical officer or employee in the Government service.

SECTION 952. **Authority of officials to administer oaths and take testimony.** — The Director of Health, (the Assistant Director of Health,) the president of the council of hygiene, the Secretary of the council of hygiene, the chiefs of divisions, and district health officers shall have authority to administer
oaths in the transaction of official business. The same officials, and any other
person thereunto especially deputed by the Director of Health, shall have further
authority to take testimony in any matter within the jurisdiction of the (Service)
Bureau or in any special investigation into its affairs conducted by or upon the
order of the Director of Health or the Department Head.

[2657–761.]

ARTICLE II

Council of Hygiene

SECTION 953(860). Administration of (Philippine Health Service)
Bureau of Health. — The (Philippine Health Service) Bureau of Health shall be
administered by the Director of Health, under the supervision of the Department
Head, and with the advice and assistance of the council of hygiene as in this article
provided.

[2657–761.]

SECTION 954(861). Council of Hygiene — Appointment and
qualification of members. — The council of hygiene shall be composed of a
professor of the College of Medicine and Surgery of the University of the
Philippines, a professor of the medical faculty of the University of Santo Tomas, a
member of the Colegio Medico-Farmaceutico, a member of the Philippine Islands
Medical Association, a senior officer of the (Philippine Health Service) Bureau of
Health, a reputable physician who is a graduate of a medical school of recognized
standing, an attorney-at-law, and one other person who shall be an owner of real
property in the (Philippines) Philippines, all to be appointed by the
(Governor-General) President of the Philippines on nomination of the Department
Head.

[2657–763; 3172–1(862).]

SECTION 955. President and secretary of council. — The president of
the council of hygiene shall be the chief executive officer thereof. He shall be a
physician and shall be appointed by the (Governor-General) President of the
Philippines on nomination of the Secretary of Public Instruction from among the
members of the council other than the officer of the (Philippine Health Service)
Bureau of Health detailed thereto, which latter officer in addition to his other
functions shall act as secretary of the council.

[2657–764.]
SECTION 956. Terms of office of appointive members. — The appointive members of the council of hygiene shall hold office for a period of five years to be defined in the appointment, the appointments being so adjusted as to require at least one appointment to be made each successive year. A person appointed to supply an interim vacancy shall hold only until the expiration of the term of the original appointee.

[2657–765.]

SECTION 957. Compensation and travel expense of members of council. — The president of the council of hygiene shall receive such compensation as shall be allowed by current appropriations. The other appointive members, not being Government employees, shall receive per diems at the rate of twenty pesos for each meeting attended by them, or for each day spent outside of Manila on official business, not to exceed in the case of any individual the sum of seven hundred and twenty pesos in any one year.

Members of the council shall be entitled to reimbursement of travel expense to the same extent as other Government officers.

[2657–766.]

SECTION 958. Meetings of council. — The council of hygiene shall hold regular meetings at least once a month on call of the president, and shall hold special sessions at any time when requested by the Director of Health or by a majority of the members.

A majority of the member of the council of hygiene shall constitute a quorum.

[2657–767.]

SECTION 959. Authority of council to conduct investigations and propose laws or regulations. — The council of hygiene shall have authority to conduct investigations into matters connected with hygiene and public health in the (Philippine Islands) Philippines, particularly those concerning vital statistics, puericulture, nutrition, potable waters, sanitary condition of dwellings, removal and disposal of refuse, public works for drainage purposes, prevention of contagious and epidemic diseases, school hygiene, industrial and professional hygiene, marine and harbor health matters, exploitation or sale of foods, drugs, and medicines, operation of provincial health inspection, health districts and municipal health districts, and the practice of medicine and surgery in all their branches, of odontology, optometry, pharmacy, nursing, midwifery and embalming, as well as
the practice of veterinary medicine in its bearing upon the public health. The results of all such investigations and labors shall be submitted as advisory to the Director of Health.

The council of hygiene may prepare drafts of measures for enactment into law upon subjects within the scope of the (Philippine Health Service) Bureau of Health. Such measures shall be submitted; through the Director of Health, to the Department Head, and if approved by him shall be proposed to the (Legislature) National Assembly.

It shall also have authority to propose to the Director of Health regulations relative to the sanitation of houses; restaurants, barber shops, factories, mills, schools, prisons, dairies, markets, meat shops, bakeries, public water supplies, public bathhouses, wells, cisterns, cemeteries, crematories, undertaking establishments, asylums, jail, barracks, barrooms, railroad, tramways, public vehicles and all public institutions and places of public resort, and in general any sanitary rules and regulations, or ordinances, designed to protect the public health or to make the administration of the laws relating thereto more efficacious or more uniform. It may thus propose regulations for the conduct or management of sanatoria, colonies, insane asylums, orphanages and invalid homes, and for any Government hospital except the Philippine General Hospital.

[2657–768.]

SECTION 960. General consultative and advisory functions of council. — It shall be the duty of the council of hygiene, as a consultative and advisory body, to investigate and consider any matter relative to the public health or connected with the administration of the (Philippine Health Service) Bureau of Health, or the discipline of its officers and employees, which may be placed before the council by the Director of Health; and its advice and assistance shall be at all times available to him.

The council of hygiene may aid in the preparation of estimates for appropriations for the (Philippine Health Service) Bureau of Health and may prepare literature on matters of health and sanitation, to be disseminated for the instruction of the public.

[2657–769.]

SECTION 961. Management of charitable institutions and distribution of charitable funds. — The council of hygiene shall have authority, with the approval of the Director of Health, to direct the management of orphanages and invalid homes of the Government and, subject to the like approval, to distribute
such charity funds as may be lawfully under control of the Director of Health in such dispensaries or health establishments as may, in its judgment, be qualified to render service beneficial to the public.

[2657–770.]

SECTION 962. Authority to require information. — For the effectual exercise of the powers conferred upon it, the council of hygiene may in its discretion require information concerning any matter related with the public health from the various branches, bureaus, and offices of the (insular) national, provincial, and municipal governments, from professionals or persons in charge of work related with the health service, and from the owners, managers, lessees, and occupants of public places.

[2657–771.]

ARTICLE III

Commissioned Service

SECTION 963.(864) [Commissioned service.] — (Repealed)

[2657–772.]

SECTION 964.(865) [Qualifications for appointment as commissioned officer.] — (Repealed)

[2657–773.]

SECTION 965.(866) (Repealed)

[Grade requisite for chief of division.] —

[2657–774.]

SECTION 966(867). (Repealed)

[Additional pay for officers on duty at Culion.] —

[2657–775.]

SECTION 967.(868) [Grade of original appointments.] — (Repealed)

[2657–777; 3079–1; 3394–1.)

SECTION 968.(869) [Promotions.] — (Repealed)
SECTION 969. (870) [Promotion of surgeons.] — (Repealed)

SECTION 970. (871) [Examination requirement.] — (Repealed)

SECTION 971. (872) [Disqualification for promotion.] — (Repealed)

SECTION 972. (873) [Special examination for specialist.] — (Repealed)

SECTION 973. (874) [Preparation and rating of examination.] — (Repealed)

SECTION 974. (875) [Discipline and removal.] — (Repealed)

SECTION 975. Discharge for physical unfitness. — Any health officer found on examination at anytime to be physically unfitted for the service by reason of his own misconduct or habits shall be discharged by the (Governor-General) President of the Philippines.

ARTICLE IV

Miscellaneous Provisions Relative to Service in General (876)

SECTION 976. (877) [Placing of officer on waiting orders.] — (Repealed)

SECTION 977. (878) [Status of assistant surgeon.] — (Repealed)
ARTICLE V

District Health Officers

SECTION 978. Division of (Philippine Islands) Philippines into health districts — District health officer. — With the approval of the Department Head, the Director of Health shall divide the (Philippine Islands) Philippines, into such number of health districts as shall from time to time be deemed advisable. The several health districts, shall, so far as practicable, be co-extensive with the respective provinces, but where the local conditions require, two or more provinces, or parts of provinces may be united into one health district.

To each health district there may be assigned by the Director of Health a district health officer who shall be the chief representative of the (Philippine Health Service) Bureau of Health within his district.

Upon emergency additional health officers may be assigned to a particular district, or the district health officer of another district may be assigned to temporary duty therein.

The Director of Health may also assign to any health district such other duly authorized sanitary officers or employees as he may deem necessary.

Unless the Director of Health shall otherwise order, additional district health officers and other sanitary officers and employees assigned to a health district as hereinabove provided shall be subject to the supervision and control of the proper district health officer of the district to which the assignment is made if such officer be there on duty.

SECTION 979. Local health officers designated to serve temporarily as district health officer. — During the temporary absence or disability of a district health officer or during a temporary vacancy caused by his death, the Director of Health may designate any local health officer temporarily to serve as acting district health officer. The person so designated shall, during the time he serves in such capacity, receive the salary of the health officer of the district in question, provided the same be not by law payable to the district health officer who is substituted, or his estate if he be dead. While a local health officer is so receiving the salary of a district health officer, he shall receive no salary in other official capacity.
SECTION 980. Supervisory and general powers of district health officer. — The district health officer, within his district, shall exercise general supervision and control over the health and sanitary work, and shall exercise general supervision and control over the municipal boards of health, or other health organizations, and over the local health officers within his district. He shall have the power to institute all proceedings necessary to abate nuisances, and he may cause to be prosecuted all violations of sanitary laws and ordinances and the lawful regulations applicable to the district; and he shall have the power to remove the cause of any special disease or mortality.

When it comes to the attention of a district health officer that any municipal ordinance relating to sanitation in any municipality of his district is being disregarded and the enforcement thereof neglected, he shall direct the attention of the municipal (president) mayor to the matter and the latter shall thereupon take such action as may be necessary to secure the proper enforcement of such ordinance and shall otherwise collaborate with the health authorities in securing the effectual administration of the health laws and regulations.

The district health officer may appoint provincial sanitary inspectors or other provincial sanitary employees when the provincial board or boards of the district shall make provision for the payment of their salaries.

SECTION 981. Authority in matter of sanitation of buildings. — District health officer shall have authority to require that owners, agents, or occupants of any buildings, premises, places, or any part thereof shall place and maintain them in a sanitary condition so far as the same relates to cleanliness.

SECTION 982. Visitation of jails and other Government institutions. — For purposes of inspection and for the rendering of medical service to inmates, district health officers shall make, or cause to be made by the local health officers under them, regular and adequate visitation of all provincial or municipal prisons, or jails, and other Government institutions within their respective jurisdictions.

In case any prisoner shall die in prison or jail without medical attendance, it shall be the duty of the district health officer to make or cause to be made an examination and to report to the provincial board or other proper authorities the cause of his death.
SECTION 983. Investigation into cause of death. — The district health officer, upon the request of any provincial fiscal of a province within his district, or of any judge of a Court of First Instance, or of any justice of the peace, shall conduct in person, when practicable, investigations in cases of death where there is suspicion that death was caused by the unlawful act or omission of any person, and shall make such other investigations or reports as may be required in the proper administration of justice.

SECTION 984. Person to make investigation. — When it is not practicable for the district health officer to conduct such investigation in person, he may require any local health officer or member of a municipal board of health who is a registered physician to perform such duty; and where the services of a registered physician in the Government service cannot be thus obtained he may require a cirujano ministrante who is a member of the board or a sanitary inspector to act in the matter.

SECTION 985. Travel expense. — The actual and necessary travel expense of any person employed as aforesaid, incurred by reason of such service, shall be paid by the province when the investigation must be made or testimony taken at a place some distance removed from the place of his residence.

SECTION 986. Procurence of service of physician not in Government service. — If a suitable person in the employment of the Government is not available for the purpose of making the investigation above indicated, the district health officer may arrange, when necessary, for the performance of said service by a commissioned medical officer in the service of the United States, or by any other reputable physician, in which case payment shall be made from funds of the province for which such services were performed by fees according to fixed schedule to be prescribed by the Director of Health.

SECTION 987. Clerical assistance for district health officer — Office room and supplies. — The provincial board of the province in which the district health officer has his permanent station shall provide the necessary clerical
assistance for the district health officer, and shall furnish suitable office room and
the necessary furniture, equipment, supplies, printing stationery, and blank forms
necessary to the proper conduct of the business of the office.

[2657–801.]

SECTION 988. Estimate to be submitted to provincial board by district
health officer. — The district health officer of each health district shall prepare for
each province of his district an estimate showing the probable expense of
conducting the work of his office in the said province for the period for which the
regular estimates of other provincial expenses are made, and shall seasonably
submit the same to the provincial boards, together with such additional information
as may be required as a basis for appropriation. The district health officer shall
furnish a copy of such estimates to the Director of Health.

[2657–802.]

SECTION 989. Reimbursement of salaries paid to officers and
employees assigned to health district. — The province or provinces comprised in a
health district shall reimburse the (Philippine Health Service) Bureau of Health for
the salaries paid to all officers and employees assigned by the Director of Health to
such district.

To this end a province comprising a health district shall deposit in the
(Insular) National Treasury, to the credit of the (Philippine Health Service) Bureau
of Health, on or before the thirty-first of January and July of each year, the sum so
expended for salaries during the six months next preceding the first of January and
July of the same year. Where a health district comprises more than one province
the proportion to be thus paid by each shall be determined by the (Insular) Auditor
General upon the basis of the populations of the provinces concerned.

When a district health officer is temporarily assigned to a district paying
less for the services of its district health officer than that regularly received by the
officer so assigned, he shall continue to receive during such temporary assignment
the salary of his regular position.

[2657–803.]

ARTICLE VI

Municipal Boards of Health

SECTION 990. Creation of municipal board of health. — There may be
a municipal board of health in each of the several municipalities of the (Philippine
Islands) Philippines, which board shall be organized at such time as the district health officer for the province in which the municipality is situated may direct, and the provincial board approve.

[2657–804.]

SECTION 991. Constitution of membership of municipal board of health. — Each municipal board of health shall consist of —

(a) A president, who shall be a registered physician or cirujano ministrante, or in case a civilian physician is not available, any Army surgeon, in the discretion of the (Governor-General) President of the Philippines.

(b) A member, who shall be chosen by majority vote of the municipal council.

(c) A school teacher of the municipality, who shall be appointed by the division superintendent of public instruction for the division in which the municipality is situated.

(d) The municipal secretary, ex officio.

(e) A pharmacist, if there be such available and resident within the municipality, who shall be appointed an honorary member by the municipal (president) mayor, without the right to vote.

These officers shall be removable only by the functionaries by whom they are respectively appointed.

[2657–805.]

SECTION 992. Appointment of president — Compensation. — The president of the municipal board of health shall be appointed by the Director of Health, upon the recommendation of the district health officer of the province in which the municipality is situated. When no person possessing the requisite legal qualifications is available for president of a municipal board of health the Director of Health may appoint any suitable person to such position.

The salary of the president shall be fixed by the municipal council, and shall not be less than the salary of the municipal secretary. The other members of the board shall serve without compensation.

[2657–806.]
SECTION 993. Secretary of board — Duties. — The municipal secretary shall be the secretary of the board. He shall keep its records, compile its statistics, and shall render such other clerical assistance in connection with the legitimate work of the board as it may direct.

[2657–807.]

SECTION 994. Meetings of board. — The municipal board of health shall hold regular meetings on the second and fourth Wednesdays of each month, and special meetings at the call of the president, or of a majority of the members.

[2657–808.]

SECTION 995. Powers and duties of municipal board of health. — Subject to the supervision and control of the district health officer, a municipal board of health shall have general supervision over the health and sanitary condition of the municipality and of its several barrios. It shall cause to be prosecuted all violations of sanitary laws or ordinances and shall enforce the regulations of the (Philippine Health Service) Bureau of Health. It shall have power and authority to abate nuisances endangering the public health, and to remove the cause of any special disease or mortality. It shall be the duty of a municipal board of health to draft and recommend to the municipal council for passage suitable ordinances or regulations for carrying into effect the powers conferred upon such body in matters of sanitation.

During epidemics of dangerous communicable diseases and at such other times as may be deemed necessary, the municipal board of health shall appoint such sanitary inspectors as the municipal council may authorize. It shall perform such other duties with reference to the health and sanitation of the municipality as the district health officer for the province in which the municipality is situated shall direct.

[2657–809.]

SECTION 996. Functions and duties of president of municipal board of health. — The president of the municipal board of health shall be its chief executive officer, and shall exercise general supervision and control over the various branches of its work. Subject to the provisions of law with reference to public vaccinations, he shall conduct such vaccinations for the people of his municipality. In a case of emergency, when a quorum of the board cannot be obtained, he may exercise the powers conferred upon a municipal board of health by this chapter, but he shall report his action to the municipal board of health for ratification at the earliest practicable time. On or before the first day of January of
each year he shall prepare and submit to the municipal council an estimate showing
the probable expense of properly conducting the work of the board during such
year. He shall make such reports and discharge such other duties with reference to
the health and sanitation of the municipality as the district health officer for the
province in which the municipality is situated or the Director of Health may
require.

When a municipal board of health has been established in a municipality
where a provincial jail is located, the president of such municipal board of health
shall act as physician to the prisoners confined in the provincial jail.

Presidents of municipal boards of health shall report to their respective
municipal boards of health all births that may come to their notice, giving in each
case the sex and race of the child, the name of its parents, and the date of its birth.

[2657–810; see Commonwealth Act No. 373, approved August 23, 1938, re
change of fiscal year.]

SECTION 997. Assignment of president of board to duty in other
municipality. — The Director of Health may in the exercise of discretion assign
presidents of municipal boards of health to temporary duty outside the
municipalities in which they are regularly located. The travel expenses and
subsistence of presidents of municipal boards of health so assigned shall be paid
during such assignment from the (Insular) National Treasury.

[2657–811.]

ARTICLE VII

Municipal Health District

SECTION 998. Creation of municipal health district. — With the
approval of the respective municipal councils and the approval of the Director of
Health, the district health officer may organize any two or more neighboring
municipalities into a municipal health district, and such municipalities composing a
district may employ jointly a president of the municipal health district thus
constituted who shall also act as president of the municipal board of health of each
municipality comprised in the said municipal health district.

Upon the forming of a municipal health district, the local health
organizations of the respective municipalities shall not be affected except as herein
expressly provided.

[2657–812.]
SECTION 999.  Duties and powers of president — Mode of appointment.  — Presidents of municipal health districts shall be subject to the same requirements and provisions of law as presidents of municipal boards of health, except as to restriction of salary, and shall be appointed in the same manner.

[2657–813.]

SECTION 1000.  Meetings of boards in municipalities comprised in district.  — In a municipality which is a component part of a municipal health district, meetings shall be held at the call of the president.

[2657–814.]

SECTION 1001.  Salary and travel expense of president.  — The president of a municipal health district shall receive such compensation as may be appropriated by the respective municipal councils and approved by the Director of Health and shall be reimbursed by the municipality for which travel is performed for traveling expenses necessarily incurred in the discharge of his official duties.

[2657–815.]

ARTICLE VIII

Municipal Sanitary Divisions

SECTION 1002.  Creation of sanitary divisions.  — When the district health officer shall so recommend, the provincial board shall organize the municipalities of the province into sanitary divisions conformably with the provisions of this article, unless the (Governor-General) President of the Philippines shall otherwise direct.

A sanitary division may comprise one or more municipalities, not exceeding four, and any such division shall be deemed to be created only when the resolution of the provincial board creating it shall have been approved by a majority of the municipal councils of the municipalities embraced therein.

When a municipality, whether previously a part of a health district or not, is incorporated in a sanitary division, its existing health organization and the offices pertaining thereto shall be deemed to be abolished.

[2657–816.]

SECTION 1003.  Dissolution of sanitary division.  — A sanitary division
may be dissolved, with the approval of the provincial board and Secretary of Public Instruction by the affirmative vote of a majority of the councils of the municipalities concerned.

[2657–817.]

SECTION 1004. President of sanitary division. — There shall be a president for each sanitary division who shall be appointed by the Director of Health.

[2657–818.]

SECTION 1005. Qualifications. — Such president shall be a duly qualified physician; but in emergency conditions, of the existence of which the Director of Health shall judge, persons with qualifications satisfying the Director of Health may be appointed to act temporarily as presidents of sanitary divisions.

[2657–819.]

SECTION 1006. Powers and duties of president. — The duties of the president of a sanitary division shall be performed under the immediate supervision of the district health officer. His powers and duties shall be as follows:

(a) He shall subject to the direction of the district health officer, exercise general supervision over the hygienic and sanitary conditions of the division, including public and private premises therein, shall enforce all sanitary laws and regulations applicable in his division, and shall cause all violations of the same to be duly prosecuted.

He shall have the power and authority to abate any nuisance endangering the public health and to remove the cause of any special disease or mortality, and to enforce any internal quarantine regulations applicable to the municipalities of his division.

(b) He shall provide himself with the necessary appliances and also the instruments for all emergency cases, medical, surgical, and obstetrical.

(c) He shall draft and recommend to the municipal councils of his division suitable ordinances or regulations for carrying into effect the powers conferred by law upon such bodies in respect to matters of sanitation.
(d) He shall inspect at least weekly, and as much oftener as may be necessary each of the municipalities in his division, and shall give free consultation to the indigent poor in each municipality for at least two hours weekly in the local municipal building or any other local available building found to be more suitable.

(e) He shall, when requested, attend personally and gratuitously all cases of dystocic labor among the poor and, when necessary, shall request the assistance of the president of the nearest sanitary division.

(f) He shall prepare and forward to the district health officer the quarterly report and other health reports of each municipality within his division.

(g) He shall keep such records and statistics as may be required by the district health officer.

(h) He shall supervise, and when so directed, he shall carry out the work of vaccination and disinfection of his division.

(i) He shall visit any house or place where any person is suffering or is dead of a dangerous, communicable disease and shall carry out the prescribed and other measures necessary to prevent the spread of such disease. He shall, whenever practicable, furnish free medicines to indigent patients, and when requested he shall render, free of charge, medical services to all Government officers and employees, to all persons in custody, and to other persons entitled to such service.

(j) In the case of accidents or serious injuries received by an indigent person whose condition is such as not to allow of removal to the municipal building, he shall when requested afford free treatment at the person's own house or elsewhere.

(k) He shall cooperate with the presidents of other sanitary divisions or other local health officers in the suppression of any epidemic.

(l) He shall, when deputed by the district health officer, examine the bodies of persons who die without medical attendance in his division, and shall issue the necessary certificate of death.
(m) He shall, once a year or more frequently if necessary, give in each of the barrios or other convenient areas of his sanitary division a public lecture in the local dialect, either directly or through an interpreter, on medical and sanitary subjects of local importance.

(n) He shall, whenever so directed by the district health officer, attend such conferences of presidents of sanitary divisions as the district health officer shall call.

[2657–820.]

SECTION 1007. Place of residence. — The president of a sanitary division shall reside in the place which, in the judgment of the district health officer, will afford the greatest facilities for proper discharge of his duties.

[2657–821.]

SECTION 1008. Sanitary inspectors. — Each municipality of a sanitary division shall have one or more sanitary inspectors, appointed by the municipal council concerned, on nomination by the district health officer: Provided, That in the selection of the health personnel, preference shall be given to persons who have taken the civil-service examination for sanitary inspector, to high school or at least intermediate school graduates, and to those who, in the judgment of said district health officer, have had sufficient experience in sanitation and hygiene. Appointments thus made shall be forwarded to the Director of Health and shall take effect immediately, until otherwise provided by said Director.

[2657–822; 3115–2; see C.A. 177(879).]

SECTION 1009. Duties and powers of inspectors — How defined. — The duties and powers of sanitary inspectors shall be determined by the district health officer of the province in conference with the presidents of the local sanitary divisions.

[2657–823.]

SECTION 1010. Removal of president or inspector — Hour effected. — Presidents of sanitary divisions and sanitary inspectors shall not be removed from office without an investigation made by the provincial board and the health officer of the district. In any such investigation the accused shall be given an opportunity to defend himself before final action is taken and he shall also have a right to appeal to the Director of Health, who may confirm, rescind, or vary the decision of
the provincial board.

[2657–824; see C.A. 177–22, 23(880).]

SECTION 1011. **Drugs and medical supplies to be kept by president.** — There shall be maintained in every municipality a suitable stock of drugs and medical supplies under the charge and responsibility of the president of the sanitary division. From any such stock articles may be sold at cost plus the necessary reasonable surcharge to cover cost of preparation and losses due to transportation, deterioration, or other causes. The permanent value of such stock at any dispensary shall not exceed two hundred and fifty pesos. The sale of medicines from the public stock shall cease when a pharmacy is opened by a pharmacist or other person legally authorized to sell medicines in the locality, and when such pharmacy is opened the municipal supplies shall be used exclusively for public service.

[2657–825.]

SECTION 1012. **Health fund — How created and maintained.** — Each municipality embraced in a sanitary division shall set aside each year an amount not less than five per centum from its general funds, and each provincial board shall likewise set aside a like amount from its general funds which, amount, added to that appropriated by the municipalities under its jurisdiction, shall constitute a special fund to be known as the health fund, which may not only be expended for purposes of sanitation, but also for provincial hospitals.

[2657–826; 3115–3(881).]

SECTION 1013. **How health fund to be used.** — The health fund thus created shall be deposited with the provincial treasurer and, except as provided in the next succeeding paragraph hereof, shall be used only for the purpose of paying the salaries and traveling expenses of presidents, subordinate officers and employees of the sanitary divisions of the province, and the travel expenses necessarily incurred by the same, from their place of residence, upon proceeding to their station to assume the office, upon appointment, and for the purchase of medicines, medical supplies, and disinfectants to be distributed among the municipalities concerned for sanitary and other medical purposes, and other incidental expenses for carrying out the purposes of section one thousand and two to one thousand and sixteen, inclusive, hereof.

The salaries of district health officers and other assistants, and expenses in connection with their duties, may be paid from this fund, with the prior approval of the Secretary of Public Instruction.
If at the close of the fiscal year there shall remain any balance in the health fund provincial boards are hereby authorized to accumulate such balances from year to year for the purpose of establishing hospitals, benevolent institutions in the province, or of carrying out other permanent sanitary improvements.

[2657–827.]

SECTION 1014. Municipality not contributing to health fund. — Municipalities included in a sanitary division whose general funds do not exceed three thousand pesos a year shall, upon application to the Director of Health, be relieved from liability to contribute to the health fund of the sanitary division, and in such case shall not be entitled to participate in the benefits of such fund.

[2657–828.]

SECTION 1015. Salaries of officials and employees pertaining to sanitary division. — The provincial boards shall in accordance with recommendation of the district health officer, when approved by the Director of Health, fix the salaries of the presidents of sanitary divisions and other sanitary employees of the province. The salaries of presidents of sanitary division shall not be less than one thousand two hundred pesos per annum or more than three thousand six hundred pesos per annum.

[2657–829.]

SECTION 1016. Travel expenses. — The travel expenses of presidents of sanitary divisions and other sanitary employees on official business shall be regulated by the district health officer of the province with the approval of the provincial board.

Whenever in the course of official service any president of a sanitary division travels to visit or attend any pay client or patient, he shall not be entitled to reimbursement for travel expenses incurred in this latter regard and shall state in a sworn voucher to accompany his claim for reimbursement that the claim does not include any such expense.

In case of illness, or authorized absence the president of a sanitary division may, with the approval of the district health officer, arrange with the president of another sanitary division to act in his stead, such service to be without additional salary; in such cases the president so acting shall recover the travel expenses and per diems to which the regular incumbent of the position is entitled. In the event of any officer refusing to render such service the district health officer shall designate for duty such president as he deems fit.
SECTION 1017. Vacation leave for employees of sanitary divisions. — Under such conditions as the provincial authorities and the district health officer may approve, presidents of sanitary divisions and other employees of divisions receiving an annual salary of less than two thousand pesos may be granted leave with pay not to exceed twenty-one days for each calendar year; and those receiving an annual salary of two thousand pesos or more may be granted leave with pay not to exceed twenty-eight days for each calendar year. All such leave shall be taken during the calendar year in which it accrues. During an epidemic no leave shall be granted without the approval of the Director of Health.

ARTICLE IX

Sanitary President in Community Possessing No Health Organization

SECTION 1018. Sanitary president in unorganized community. — In a municipality or other community where no regular health organization can be maintained, any suitable person may upon the recommendation of the district health officer, be designated as sanitary president by the provincial board, with power to perform, under the supervision of the district health officer and in accordance with the regulations of the (Philippine Health Service) Bureau of Health, such duties appropriate to a local health officer as may be required of him. The term "local health officer," as here used, includes presidents of sanitary divisions, presidents of municipal health districts, presidents of municipal boards of health, and sanitary inspectors.

Any person thus designated in a municipality shall, unless he be in the (insular) national or provincial service, be paid in the same manner as other municipal officers, and when a salaried municipal officer is so designated the compensation may be paid in addition to other salary.

ARTICLE X

Enactment of Health Ordinances for Manila

SECTION 1019. Health ordinances for Manila — How drafted and made effective. — Subject to the approval of the Department Head, the Director of Health, in the exercise of the function of local board of health for the City of
Manila shall draft and forward, through the Department Head, to the Municipal Board of the City of Manila for enactment, health ordinances for that city. It shall be the duty of the Municipal Board to enact the ordinances so forwarded; but if it shall consider any such ordinance to be unduly prejudicial to private interests or objectionable for other reasons, it shall promptly return such ordinance through the Department Head to the Director of Health, together with such amendments as it may deem advisable. The Director of Health shall consider the amendments suggested, and shall make such changes in the ordinance, if any, as he may deem advisable, and shall return the same to the Municipal Board. In the event that the amendments, if any, adopted by the Director of Health and approved by the Department Head are not satisfactory to the Municipal Board, the Municipal Board may appeal to the (Governor-General) President of the Philippines, who shall decide the point or points at issue and prescribe the form which the ordinance shall take. His decision shall be final. If the Director of Health shall consider that the Municipal Board is unduly delaying action relative to any health ordinance duly transmitted to it for enactment, he may appeal, through the Department Head, to the (Governor-General) President of the Philippines who may direct the Municipal Board to act on such ordinance or may himself approve it with such modifications as are deemed advisable, and every ordinance so approved by the (Governor-General) President of the Philippines shall have the force and effect of law.

[2657–833; see C.A. No. 661(882).]

SECTION 1020. Subject matter of Manila health ordinances. — The ordinances drafted by the Director of Health for the City of Manila may provide for —

(a) Entry and inspection in a lawful manner and at reasonable hours of all buildings and premises by officers or employees of the (Philippine Health Service) Bureau of Health in the discharge of their duties, and by sanitary police when acting as sanitary inspectors.

(b) Cleansing, whitewashing, ventilation, and proper sanitary maintenance of all buildings and premises, the nature and thickness of materials to be used in covering the ground surfaces of all buildings or in covering open surfaces connected with cook houses, latrines, or other places where slops or foul liquids may be thrown or deposited; the conditions under which it shall be lawful to live in, occupy or use, let, sublet, or suffer or permit to be used for habitation or occupation any building or
part thereof which is in an insanitary condition and the cleansing of buildings and forbidding their occupancy until such time as they have been placed in satisfactory sanitary condition; prohibition of erection of insanitary buildings and of the erection of buildings on unhealthful sites.

(c) Fixing the maximum number of persons who may be permitted to occupy a dwelling or other building or any part thereof, and the number of lower animals that may be permitted to occupy any stable, corral, pen, pound, or other place or premises.

(d) Installation and maintenance of adequate and proper drainage of buildings and premises, including the materials to be used in and the construction of plumbing systems, drains, trappings, water-closets, vaults, latrines, urinals, cesspools, and sanitary fixtures and appliances.

(e) Proper sanitary maintenance, scavenging, collection and disposal of refuse, garbage, and manure, the removal and disposal of night soil, and the proper construction of receptacles for such substances.

(f) Maintaining in a proper sanitary condition, hotels, restaurants, saloons, tenements, lodging houses, emigration or immigration houses, factories, workshops, jails, prisons, theaters, convents, schools, or other places of public assembly or resort; markets, bakeries, confectioneries, dairies, manufactories of aerated waters or of bottled or other drinks or of ice; food-preserving establishments and other places where foods or drinks are prepared or offered for sale; securing the healthfulness and purity of foods or drinks sold or offered for sale in any such building, establishment, or place, and the sanitary conveyance of the same thereto and therefrom; and for such other purposes relative to their sanitary condition as the Director of Health may deem advisable.

(g) Sanitary regulation of the business and fixing the location of tanneries, renderies, tallow chandleries, bone factories, soap factories, and other offensive or unwholesome establishments, business, or occupations which are dangerous to the public health, or the removal of the same when already established, if necessary to secure proper sanitation; sanitary maintenance of butcher shops and slaughterhouses; sanitary regulation of the
(h) Sanitary control and maintenance of public stables, baths, and laundries.

(i) Protection from infection of all public and private water supplies and sources, and prohibition of the use of water of dangerous character for domestic purposes.

(j) Prevention and suppression of dangerous communicable diseases; compulsory reporting of such diseases, compulsory inoculation of persons in order to prevent the occurrence of spread of any such diseases; cleansing and disinfection of buildings or premises where any such disease has occurred, and disinfection or destruction of bedding, clothing, or other articles contained therein; compulsory vacation, repair, removal, or destruction of any such building; quarantining of any building, premises, or place declared by the Director of Health to be infected with a dangerous communicable disease; regulation of the movements of persons or animals into or from any such infected building, premises, or place, and the removal of the dead or of carcasses, fodder, litter, dung, clothing, utensils, or any other thing into, within, or from any such quarantined building, premises, or place; establishment of detention camps and dangerous communicable disease hospitals; isolation or removal to hospitals or places of detention of persons affected by or who have been exposed to any dangerous communicable disease, and their detention in their homes, in hospitals, or elsewhere until danger of their developing or communicating such diseases has passed; maintenance in a sanitary condition of all livestock pens, stables, corrals, and other places of detention or maintenance of animals; condemning, killing, and disposal of animals sick of any dangerous communicable diseases; and disposal of the bodies of animals dying from any such disease.

(k) Cleansing and preservation in a sanitary condition of vessels
and boats in the harbor of Manila or within the city limits not within or subject to the jurisdiction of the quarantine service.

(l) Cleansing and preservation in a sanitary condition of the harbor of Manila, and of rivers, esteros, canals, or other waterways and their shores included within the city limits.

(m) Destruction of rats, mice, insects or vermin capable of carrying or communicating any dangerous communicable disease, and prescribing the means and precautions to be employed on land or in vessels in port at Manila, to minimize their number and prevent their spreading infection.

(n) Human care of all persons confined or placed in public or private institutions or places of detention within the city because of sickness, deformity, imbecility, poverty, insanity, or other affliction, and provision of sanitary accommodations for persons so confined or placed.

(o) Reporting and registration of marriages, births, deaths, and other matters deemed by the Director of Health to be of sanitary or statistical importance.

(p) Registration and maintenance in a sanitary condition of morgues, undertaking establishments, receiving vaults, and places for embalming or burial of the dead.

(q) Shipment, exhuming, burial, or disposal of the dead.

(r) Definition, declaration, and prohibition of nuisances dangerous to the public health; location and use of public drains, sewers, latrines, and cesspools, and construction and use of private drains, sewers, latrines and cesspools.

(s) Cleansing drainage, or filling in of low lands where such lands are in an insanitary condition and in the opinion of the Director of Health constitute a serious menace to the public health. But no order for the cleansing, drainage, or filling in of such land involving a cost of more than three hundred pesos, shall be effective without the approval of the Secretary of the Interior.

[2657–834.]

SECTION 1021. **Territorial force of ordinances for protection of water**
supply. — Ordinances enacted for the purpose of protecting the purity of the water supply of Manila shall apply to and be enforced over all territory within the drainage area of such water supply or within one hundred meters of any reservoir, conduit, canal, aqueduct, or pumping station used in connection with the city water service.

[2657–835.]

SECTION 1022. Publication of ordinances. — All health ordinances of Manila shall be published in English and Spanish, and in the discretion of the Municipal Board in other languages. A copy of any such ordinance shall be furnished free to any applicant who is an adult resident of Manila and in such language as may be desired, where publication has been made in such language.

[2657–836.]

SECTION 1023. Sanitary inspection — How to be made and supervised. — Sanitary inspections in Manila shall be made under the general supervision and control of the Director of Health by district medical inspectors of the (Philippine Health Service) Bureau of Health, by such members of the police force of the City of Manila as shall be designated as sanitary police by the chief of police, and by such sanitary inspectors as may be authorized by law. Sanitary police and sanitary inspectors shall make sanitary inspections under the immediate direction of district medical inspectors, to whom they shall report the results of such inspections.

[2657–837.]

SECTION 1024. Dangerous accumulations of refuse — How to be dealt with. — Should the Director of Health find that excreta, garbage, refuse, the contents of closets, vaults, cesspools, or any other unhealthful or dangerous substance is being collected, disposed of, or allowed to accumulate by the city authorities in such a manner as to endanger the public health, he shall make complaint through his Department Head to the Municipal Board, and should the Municipal Board fail to take reasonable and suitable measures to remedy the evil, the Director of Health shall make complaint through his Department Head to the (Governor-General) President of the Philippines, who shall issue to the Municipal Board such instructions as he may deem necessary in the interest of the public health.

[2657–838.]

SECTION 1025. Inspection of buildings and drainage system in Manila. — The Director of Health shall inspect or cause to be inspected building,
plumbing, waterworks, drainage and sewer systems, streams, and esteros within the limits of the City of Manila, and shall cause to be prepared plans for and estimates of the cost of remediating insanitary conditions discovered by him. He shall further cause to be prepared plans and estimates of the cost of improving the general sanitary condition of unhealthful districts in Manila.

[2657–839.]

SECTION 1026. Manila health fund. — When the (Governor-General) President of the Philippines shall so direct, the Municipal Board of the City of Manila shall set aside annually an amount equivalent to a certain fixed per centum, to be specified by the (Governor-General) President of the Philippines, of its general funds. This allotment shall be known as the Manila health funds and shall be used under the supervision of the Director of Health, to supplement the (insular) national appropriations for the health service in said city.

[2657–840.]

ARTICLE XI

Hospital and Medical Attendance

SECTION 1027. Jurisdiction of (Philippine Health Service) Bureau of Health over hospitals and charitable institutions. — Except as otherwise specially provided, the (Philippine Health Service) Bureau of Health shall have the control and management of all hospitals, sanitaria, detention camps, and charitable institutions supported in whole or in part by (insular) national funds for the treatment or care of sick, infirm, or disabled persons.

There is also vested in the (Philippine Health Service) Bureau of Health a power of visitation and inspection over all hospitals and institutions for the treatment or care of sick, infirm, indigent, or disabled persons, to be exercised so far as may be necessary to secure the proper treatment and sanitary protection of their inmates.

The (Philippine Health Service) Bureau of Health shall also exercise a general supervisory authority over institutions and persons in whom the Director of Health may by contract confide the treatment or care of those who should be maintained or assisted from funds appropriated for the (Philippine Health Service) Bureau of Health, so far as such provision may be necessary for the enforcement of any such contract and the protection of the persons so confided to them.

[2657–841.]
SECTION 1028. Subsistence and quarters of employees in hospital service. — Upon direction of the Director of Health, medical officers and employees rendering services in hospitals controlled by the (Philippine Health Service) Bureau of Health shall be furnished subsistence, quarters, and laundry in kind at the expense of the hospital or other institution where said medical officer or employee may be assigned to duty.

[2657–842.]

SECTION 1029. Ministration to indigent poor. — It shall be incumbent upon the (Philippine Health Service) Bureau of Health, as funds may be available therefor, to provide for the proper care and medical treatment of poor people in clinics, hospitals, or otherwise.

[2657–843.]

SECTION 1030. Free medical service — How rendered. — District health officers shall, when practicable, render, or cause to be rendered by the local health officers of the respective municipalities of their several districts, such medical service as may be required for (Insular) national, provincial, and municipal prisoners or other persons entitled to free medical service therein.

In the City of Manila and other places accessible to the Philippine General Hospital or hospitals or clinics supported by the (Philippine Health Service) Bureau of Health the free medical service may be rendered through such agencies or through other agencies provided for by law or regulation.

[2657–844.]

SECTION 1031. Duty of medical officer of other Bureaus to render medical service. — Where a physician of the (Philippine Health Service) Bureau of Health or other health officers is not available to perform medical service for a Government employee or other person entitled thereto, such service shall be rendered by any accessible medical officer of the Philippine Constabulary or other Bureau.

[2657–845.]

SECTION 1032. Medical attendance for Government employee sick at point remote from hospital. — When an officer or employee of the (Insular) National Government or of a provincial government is ill at a point remote from a hospital under the control of the (insular) national or of a provincial government, and it appears that medical attendance is necessary to preserve his life, the Director
of Health at the direction of the (Governor-General) President of the Philippines, shall order a medical officer or nurse to attend such ill person and, if necessary, conduct him to the nearest hospital for treatment.

[2657–846.]

SECTION 1033. Payment of expenses. — The actual and necessary travel/expenses of such physician or nurse shall be a proper charge against the Bureau or Office with which the patient is connected, and, if the patient is an employee of a provincial government, such travel expenses may be made a proper charge against the provincial treasury.

In such case the travel expenses and subsistence of such ill employee to or from a hospital shall be a personal charge to be borne by himself.

[2657–847.]

SECTION 1034. Medical supplies for use in provinces and municipalities. — Medicines and supplies used by a district health officer in attending persons entitled to free medical service shall, if such service is not rendered through a (insular) national hospital, be furnished by the province; and such supplies used by a local health officer for the same purpose shall be furnished by the municipality, unless the expense is chargeable to the health fund of a sanitary division.

Medicine for the treatment of the indigent poor may be furnished by the (Philippine Health Service) Bureau of Health whenever it shall be shown to the satisfaction of the Director of Health that the province or municipality in which the medicines are to be used is financially unable to supply the same.

[2657–848.]

SECTION 1035. Inhibition against receiving pay for free service. — In no case shall an officer or physician whose duty it is to render free medical service receive any payment therefor, either directly or indirectly.

[2657–849.]

ARTICLE XII

Registration of Nurses

SECTION 1036. Registration of nurses. — Every person desiring to practice as registered nurse in the (Philippine Islands) Philippines shall apply to the Director of Health for a certificate of registration as registered nurse.
SECTION 1037. Qualifications requisite for registration as nurse. — Applicants for such certificate shall be at least twenty years of age and shall submit evidence of good physical health and good moral character. They shall have been graduates of a recognized school of nursing, which has entrance requirements equal to graduates from the intermediate grades of the public school and which gives a two years and a half course of instruction in a hospital having at least thirty beds and a free dispensary, and active working departments in surgery, obstetrics, medicine, housekeeping, dietetics, pediatrics, and diseases of the eye, ear, nose, and throat. The applicant shall have had dormitory residence during the period of undergraduate instruction.

SECTION 1038. Inhibition against practice of nursing by uncertificated person. — It shall be unlawful for any person to practice as a professional nurse in the (Philippine Islands) Philippines until the proper certificate of registration has been obtained.

ARTICLE XIII

Government Hospitals for Insane

SECTION 1039. Words and phrases defined. — "Government hospital for the insane," as used in this chapter, includes any place for insane persons under Government control or any private institution or person receiving insane patients under contract with the Director of Health.

"Insane person," as herein used, is a person afflicted with insanity, which, in the intendment of this law, is a manifestation in language or conduct, of disease or defect of the brain, or a more or less permanently diseased or disordered condition of the mentality, functional or organic, and characterized by perversion, inhibition, or disordered function of the sensory or of the intellective faculties, or by impaired or disordered volition.

SECTION 1040. Authority of Director of Health as regards supervision over insane persons. — The Director of Health shall have authority to inquire into the history and mental condition of all insane or alleged insane persons and require information relating to such persons; to make such regulations as may be necessary
for the sanitary erection, maintenance, and repair of buildings in which the insane
are quartered, and to prescribe such rules and regulations as may be necessary for
the public safety and for the general welfare and proper protection of all persons
under treatment for insanity, whether such persons be under the care of public or
private institutions or of their guardians or other persons in their homes.

[2657–851.]

SECTION 1041. Admission of insane persons to hospitals for insane. —
The Director of Health shall have authority to admit insane persons to any
Government hospital for the insane, upon such terms as the Department Head shall
approve.

[2657–852.]

SECTION 1042. Authority of Director of Health to make contracts for
care of insane. — When necessary or desirable for the adequate and proper
accommodation of insane persons, the Director of Health may make contracts,
subject to the approval of the Department Head, with private institutions or persons
for the care, custody, and treatment of persons coming within the provisions
hereof.

[2657–853.]

SECTION 1043. Judicial proceedings for commitment of insane person.
— The Director of Health, in all cases where in his opinion it is for the public
welfare or for the welfare of any person who in his judgment is insane, and when
such person or the person having charge of the patient is opposed to his being
taken to a hospital or other place for the insane, shall present, or cause to be
presented, a petition to the Court of First Instance of the district wherein the person
alleged to be insane is found, alleging that such person is insane, that it is for the
welfare of the public or of the patient that he be taken to a suitable place for
treatment, and praying the court to commit such person to a hospital or other place
for the insane.

If the judge shall find, after due hearing, that the person in question is
insane, and that his relatives are unable for any reason to take proper custody and
care of the patient, he shall order his commitment to such hospital or other place
for the insane as may be recommended by the Director of Health.

[2657–854.]

SECTION 1044. Authority of Director of Health to confine insane person
— Care of property. — In the case contemplated in the preceding section the
Director of Health may, upon emergency or if the court having jurisdiction is not in
session, confine the patient without detriment to his legal status; and if the
confinement of such person shall involve the care of property or money belonging
to or held in trust by him, the municipal (president) mayor at the request of the
provincial fiscal, or in the City of Manila the chief of police at the request of the
fiscal of the City of Manila, shall take charge of such property and money pending
the appointment of a guardian by the court; but the Director of Health shall cause
proceedings to be instituted within a reasonable time in order that the court may
determine the legal status of the patient.

[2657–855.]

SECTION 1045. Payment of expenses incident to care of insane person.
— The expense of sending an insane person to a hospital or other place for the
insane, and of his maintenance therein, shall be paid by the guardian from the
property of such insane person, if any there be, or by the person whose duty it is to
care for such insane person. In all cases where the insane patient, or the person
responsible for his support, is unable wholly or in part to pay the expenses of the
patient's transportation to the hospital and return, or for his maintenance and care
while at the hospital, the same, or such part thereof as may remain unpaid, shall be
paid by the Bureau of Health: Provided, That whenever a person is found to be
insane and it is determined that he is a danger to himself or to others or that he
requires hospitalization, he shall be transferred immediately from his home
community to a provincial or other Government Hospital, or to the (Insular)
National Psychopathic Hospital, and his traveling expenses shall be paid by the
Bureau of Health, any other provisions of law to the contrary notwithstanding.

[2657–856; 2943–1(886); 4207–1(887).]

SECTION 1046. Appointment of committee to inquire into mental
condition of patient. — When in the opinion of the Director of Health there exists
a reasonable doubt as to the mental condition of a person who has already been or
might be admitted or committed to a Government hospital for the insane, the
Director of Health may appoint a committee of two or more duly qualified
physicians to inquire into the mental condition of such person, which committee
shall submit a written report in the matter to said Director.

[2657–857.]

SECTION 1047. Authority of municipal (president) mayor to restrain
insane person. — When in the opinion of a municipal (president) mayor an insane
person constitutes a menace to the safety of himself or others, or when the conduct
of a person believed to be insane is such as to call for immediate restraint, he shall
provide for the proper custody of such person and report such facts immediately to the Director of Health, by whom such person shall be committed to a hospital or other place for insane persons otherwise dealt with according to law.

[2657–858.]

SECTION 1048. Discharge of patient from custody. — When in the opinion of the Director of Health any patient in any Government hospital or other place for the insane is temporarily or permanently cured, or may be released without danger, he may discharge such patient, and shall notify the judge of the Court of First Instance who ordered the commitment, in case the patient is confined by order of the court.

[2657–859.]

SECTION 1049. Assistance of fiscal in judicial proceedings. — It shall be the duty of the provincial fiscal, or in the City of Manila of the fiscal of the city, to prepare the petition for the Director of Health and represent him in court in matters arising under the provisions of this article, when thereunto requested by said Director.

[2657–860.]

SECTION 1050. Obligation of City of Manila to reimburse for maintenance of its insane. — The City of Manila shall reimburse the (Philippine Health Service) Bureau of Health, at rates to be approved by the Department Head, for the maintenance of all insane persons committed to a hospital for the insane maintained by said Bureau who shall have resided in Manila for a period of one or more years prior to the date of application for commitment, so long as the number of insane maintained at the expense of the (Insular) National Government on account of the City of Manila shall exceed the latter's pro rata share of such persons on a basis of population.

[2657–861.]

ARTICLE XIV

Public Vaccination

SECTION 1051. Prohibition against vaccination by means of smallpox virus or smallpox lymph. — Vaccination shall be effected by the use of vaccine virus. The inoculation of any human being with smallpox virus or smallpox lymph, either directly or indirectly, shall be unlawful.
SECTION 1052. **Stated time for vaccination.** — Beginning in the first week of January of each year the provincial and municipal authorities, or other local authorities, shall cause a thorough public vaccination to be accomplished in their respective jurisdictions.

Each municipal or (township) municipal district council or other local authority shall provide and furnish a suitable room or rooms for carrying on the work of vaccination within its respective jurisdiction.

SECTION 1053. **Employment of special vaccinators.** — With the approval of the Department Head, the Director of Health may temporarily employ special vaccinators to render service in places or communities where vaccination is necessary to prevent the spread of smallpox, if the local authorities are unable to meet the sanitary requirements.

SECTION 1054. **Persons liable to vaccination.** — Every person in the (Philippine Islands) Philippines shall submit to vaccination when thereunto lawfully required, unless he shall furnish satisfactory evidence either by a certificate from a physician or vaccinator, or otherwise, to the effect that he is immune from the disease of smallpox. Such vaccination shall be performed gratis.

SECTION 1055. **Certificate of vaccination — Record of vaccinations.** — A vaccinator shall furnish a certificate of each person vaccinated by him, showing the date of vaccination and such other facts pertinent thereto as may be specified in forms prescribed by the Director of Health. It shall also be his duty to make an official record of all vaccinations performed by him containing such data as shall be prescribed by said Director.

SECTION 1056. **Duty of parents and guardians to have children forthcoming for vaccination.** — Every parent, guardian, or person having charge of one or more children of one month of age or over shall see that they are presented for examination and vaccination at such place and time as may be specified by proper authority, and that they are returned on the eighth day after such
presentation to said place so that the result of the vaccination may be verified.

[2657–871; 3574–1(888).]

SECTION 1057. Vaccination of children in schools, orphanages, and asylums — Duty of person in control. — The presidents, principals, boards of directors, managers, or any person or persons having charge of universities, colleges, academies, seminaries, public or parochial schools, orphanages, or asylums, or other places where children are educated, reared, or cared for, shall present such children for vaccination within said institution at such times as may be specified by proper authority.

[2657–872.]

ARTICLE XV

Segregation of Lepers

SECTION 1058. Segregation of lepers — Duty of police officers. — The Director of Health and his authorized agents are empowered to cause to be apprehended, and detained, isolated, or confined, all leprous persons in the (Philippine Islands) Philippines; and it shall be the duty of every (Insular) National, provincial, or municipal official having police powers, upon request of said Director or his agent, to arrest and deliver, at such place as the officer making the request shall indicate, any person alleged or believed to be a leper, in order that such suspect may be subjected to the medical inspection and diagnostic procedure necessary to determine the presence or absence of leprosy. It shall also be the duty of said authorities having police power to guard the person suspected of being a leper while he is in custody and to assist in removing him to a place of detention, treatment or segregation and in restraining him at such place, when so required by the Director of Health or his agent; and if it be found that the suspected person is not a leper they shall assist in his conveyance to the place at which he was arrested, unless other satisfactory arrangements are made.

[2657–873.]

SECTION 1059. Confirmation of diagnosis. — All protests and petitions shall be given careful consideration and if the diagnosis is questioned, no person shall be permanently removed to Culion reservation, or other place of segregation or detention, until the diagnosis of leprosy has been confirmed by bacteriological methods.

[2657–874.]
SECTION 1060. **Security of property of leprous persons.** — When the detention, treatment, isolation, or segregation of leprous persons shall involve the security of property and money belonging to or held by said leprous persons, the provincial treasurer, or such person as he may designate shall act as guardian pending the appointment of a lawful guardian in the province where such person resides.

[2657–875.]

SECTION 1061. **Duty of police officers to report cases of leprosy.** — It shall be the duty of every police officer or other peace officer having reason to believe that any person within his district is afflicted with leprosy to report the fact forthwith to the district health officer of the district in which the case occurs.

[2657–876.]

SECTION 1062. **Harboring of leprous persons.** — No person shall knowingly detain or harbor on premises subject to his control, or shall in any manner conceal or secrete, or assist in concealing or secreting, any person afflicted with leprosy, with the intent that such person be not discovered or delivered to the Director of Health or his agents, or shall support or assist in supporting any leper living in concealment.

[2657–877.]

SECTION 1063. **Establishment of hospitals and detention camps — Medical treatment.** — The Director of Health may establish for leprous persons hospitals and detention camps at such places as may be necessary, and where such hospitals and detention camps are established he may order the treatment of leprous patients in the incipient stage in order to attempt a cure, and he may discharge such patients as he shall deem cured or free from leprosy, and send to a place of segregation and isolation all such patients as shall be considered by him incurable or capable of spreading the disease of leprosy.

The Director of Health may permit any duly qualified and reputable physician to engage in the treatment of lepers or any person supposed to have leprosy. Such treatment shall be under the conditions and regulations prescribed by the Director of Health.

[2657–878.]

SECTION 1064. **General regimen of patients.** — The Director of Health or his agents may require from patients such reasonable amount of labor as may be
recommended by the attending physician and the Director of Health may further make and publish such rules and regulations as he may deem advisable for the amelioration of the condition of lepers.

[2657–879.]

SECTION 1065. Control over person living with leper. — Voluntary helpers or friends while living with segregated lepers shall be under the control of the Director of Health and may thereafter be subjected to observation for a period to be prescribed by him.

[2657–880.]

SECTION 1066. Jurisdiction of Department Head over Culion reservation. — The Department Head shall have administrative control, to be exercised through the Director of Health, over the Culion reservation and he shall have authority to make, promulgate, and enforce in and for said reservation, and in or upon the waters thereof, such rules and regulations, consistent with law, as may be necessary for the efficient control, protection, and management of the Culion Leper Colony.

[2657–881.]

SECTION 1067. Justice of peace and notary public for Culion reservation. — The chief of the Culion leper colony division of the (Philippine Health Service) Bureau of Health shall be clothed with the powers of justice of the peace and ex officio notary public for the Culion reservation.

[2657–882.]

SECTION 1068. Control of shipping and travel in Culion reservation. — It shall be unlawful for any owner, master, or other person in charge of any vessel, boat, or other water craft to land passengers, discharge cargo, or receive passengers or cargo, or permit the same to be done at any place in or within the jurisdiction of Culion reservation until a permit therefor in writing has been obtained from the chief of the Culion leper colony division of the (Philippine Health Service) Bureau of Health; and it shall be unlawful for any person to land on or visit within said jurisdiction without permission from said chief.

[2657–883.]

SECTION 1069. Articles for transportation to member of leper colony. — The family of any leper confined in the Culion leper colony may deliver to the district health officer of each province or to his representative, once in three
months, any packages or parcels containing food, clothing, tobacco, letters, pictures, and generally all sorts of documents or papers, and nothing else, to be sent, at the expense of the (Philippine Health Service) Bureau of Health, to the leper member of said family for his personal use, provided the total gross weight of each such shipment to a leper shall not exceed forty kilograms; but other articles or a greater quantity can be sent upon payment of the expense of transportation by the sender.

"Family of any leper, as herein used, shall include the parents, spouse, brothers, sisters, sons, and daughters of any leper confined as aforesaid; and it shall be the duty of the district health officer to ascertain and assure himself of such relationship in every instance before dispatching the articles.

[2657–884.]

SECTION 1070. How received and dispatched. — The articles above mentioned shall be received at the provincial capital or other place in the province most convenient for shipment by sea; and it shall be the duty of the district health officer, by means of notices in English, Spanish, and the local dialect, posted at the door of every municipal building in the province, to give information as to the date or dates when such articles will be received at the place or places indicated in such notices. Such dates shall be fixed with a view to the making of proper connection with interisland mail steamers sailing from the port of embarkation. Receipts shall be given for all articles delivered for the purpose aforesaid, and such articles shall be shipped without delay to Culion by the most practicable transportation route.

[2657–885.]

SECTION 1071. Supply store for leper colony. — The Director of Health may maintain a general store for the purpose of furnishing merchandise required by the residents of the Culion Leper Colony, and for the purchase of supplies, and the reimbursement of services which such residents may, under the authority of the Department Head, supply or render such colony.

The supply-store fund shall be reimbursable, the receipts from the business of the supply store being available for the payment of the expenses incident to the conduct of the same, without reappropriation.

[2657–886.]

ARTICLE XVI

Disposition of Bodies of Dead Persons
SECTION 1072. **City of Manila excluded from operation of this article.** — The provisions of this article shall not be in force in the City of Manila.

[2657–887.]

SECTION 1073. **Prohibition against burial in unauthorized places.** — Except in cases of emergency, it shall be unlawful for any person to bury or inter, or to cause to be buried or interred, either temporarily or permanently, a dead body of any human being or any human remains in any place other than such as may lawfully be used for such purpose in conformity with the provisions hereof.

[2657–888.]

SECTION 1074. **Restriction as to place of sepulture.** — No burial ground or cemetery shall be authorized or established, and no place shall be used for purposes of sepulture, which shall not be at least twenty-five meters from any dwelling house; but when compliance with this provision is impracticable the above restriction may be waived in whole or in part by written permit of the Director of Health, provided such action is compatible with the sanitary requirements of the community.

"Dwelling house," as herein used, shall not include any abandoned house or houses occupied by the employees or attendants of a cemetery or otherwise properly used for purposes connected with the care thereof.

[2657–889.]

SECTION 1075. **Distance from source of water supply.** — It shall be unlawful for any person or persons, or for any order or society of persons, or for any corporation or corporations, or for any church or other organization whatsoever, to bury or inter the dead, or to use any land or lands, in any way whatsoever, as a temporary or permanent place of interment or disposal of the dead, within fifty meters of either side of any river, or within fifty meters of any spring, well, or other source of water supply.

The Director of Health may, in his discretion, authorize the continuance or reopening of any burial ground, cemetery, or other place for the temporary or permanent disposal of the dead, not meeting the requirements of this section, which may have been established prior to February twenty-first, nineteen hundred and six.

[2657–890.]

SECTION 1076. **Setting apart of land for municipal cemetery — Sale of**
lots to private persons. — Subject to the approval of the Director of Health, the council of any municipality may set apart any tract of land, or part thereof, belonging to the municipality, which it may deem advisable, for a municipal burial ground or cemetery, and may designate any portion thereof as a place of burial for the poor, and may lay out the remaining unoccupied portion in suitable lots, with the necessary paths, avenues, or other reserved spaces, and may plant and embellish the same with trees, shrubs, and flowers and other suitable ornaments, and the said council or any person designated by it may grant and convey for and in the name of the municipality, by deed or other legal conveyance, lots in such burial ground or cemetery, to be used for the burial of the dead, and on which to erect tombs, cenotaphs, and other monuments.

[2657–891.]

SECTION 1077. Disposition of funds received from sale of cemetery lots. — The proceeds realized from the sale of cemetery lots in a municipal burial ground or cemetery shall be deposited in the municipal treasury and kept separate from other funds and may be disbursed by order of the municipal council, upon properly prepared and signed vouchers, for the purpose of keeping in order, improving, and embellishing said burial ground or cemetery; and with the approval of the Director of Health any sums remaining in said fund on January first of each year in excess of the amounts expended or obligations incurred to keep in order, improve, or embellish such burial ground or cemetery may be transferred to the municipal general fund to be expended for general municipal purposes.

[2657–892.]

SECTION 1078. Enactment of discriminative cemetery regulations forbidden. — No municipality, in prescribing rules and regulations for the government of municipal burial grounds or cemeteries, shall discriminate against the burial of bodies on account of race, nationality, or religion; and no municipal ordinance or regulation shall be made which shall restrict or interfere with any person in the full exercise of his religious sentiments in respect to the burial of the dead, or interfere with any person or persons, organization, church, religious denomination, or sect in maintaining and regulating burial grounds or cemeteries in accordance with their belief or customs.

[2657–893.]

SECTION 1079. Supervisor of municipal cemetery. — Any municipal council may designate the municipal board of health of its municipality or any member thereof, or a local health officer, to act as its representative in the administration of municipal cemeteries, and such organization or officer shall
perform the duties thus imposed without extra compensation.

[2657–894.]

SECTION 1080. Authority of municipal council to hold property for cemetery uses. — Municipal councils may receive and hold grants, gifts, or bequests of property or money, and apply the same to the improvement or embellishment of municipal burial grounds or cemeteries or any part thereof, or for the erection, preservation, or removal of monuments, fences or other structure in or around said burial grounds or cemeteries, according to the terms of the grant, gift, or bequest. In cases where such grants, gifts, or bequests have been made without terms or conditions, they may be applied to such improvement of the municipal burial ground or cemetery as the council may deem advisable.

[2657–895.]

SECTION 1081. Power of municipality to acquire land for cemetery purposes. — Municipalities shall have authority to acquire land for the purpose of establishing or enlarging burial grounds or cemeteries by purchase, by lease, by the acceptance of gifts and bequest, or when necessary, by condemnation by judicial proceedings.

[2657–896.]

SECTION 1082. Cemetery permits. — It shall be unlawful to establish, maintain, enlarge, reopen, or remove any burial ground or cemetery, or to disinter a human body or human remains, until a permit therefor, approved by the Director of Health, shall have been obtained.

[2657–897.]

SECTION 1083. Mode of application for permit. — The application for a permit under the preceding section whether for a municipal cemetery or otherwise, shall be transmitted by or through the municipal council of the municipality in which such burial ground or cemetery is to be established or is located and the municipal council shall make such indorsements thereon as it may deem proper transmitting the same to the Director of Health.

Municipal councils shall forward all applications for the establishment, enlargement, reopening, or removal of burial grounds or cemeteries to the Director of Health within ten days after such applications are filed.

[2657–898.]
SECTION 1084. Cemetery exempt from taxation or legal process. —
Land used for a burial ground or cemetery, public or private, shall be exempt from
taxation, attachment, or levy of execution.

[2657–899.]

SECTION 1085. Authority of Director of Health to close cemetery. —
The Director of Health shall have authority by order to close any burial ground or
cemetery, whether conducted by a municipality, society, corporation, church, or by
any person or persons, whenever he shall determine that the same is a menace to
the public health.

[2657–900.]

SECTION 1086. Authority of municipal council to close or remove
cemetery. — With the approval of the Director of Health, any municipal council
may, by ordinance or resolution, close any cemetery within the limits of the
municipality over which it has jurisdiction and with the further approval of the
Department Head, any such cemetery may be removed by the same authority.

[2657–901.]

SECTION 1087. Requirement of certificate of death — By whom to be
issued. — Except in cases of emergency, no dead body shall be buried without a
certificate of death. If there has been a physician in attendance upon the deceased,
it shall be the duty of the said physician to furnish the required certificate. If there
has been no physician in attendance, it shall be the duty of the local health officer
or of any physician to furnish such certificate. Should no physician or medical
officer be available, it shall be the duty of the (president) mayor, the secretary, or
of a councilor of the municipality to furnish the required certificate.

The death certificate shall be forwarded by the person issuing it to the
municipal secretary within forty-eight hours after death.

[2657–902.]

SECTION 1088. Contents of death certificate. — Death certificates shall
contain the following information, to wit: The name, age, sex, nationality, and
occupation of the deceased; whether married or single, widowed, or divorced; date
of death, place of death, cause of death when known; duration of illness; residence
of deceased; whether deceased was a permanent or transient resident of the
municipality in which he died; whether the deceased had medical attendance, and
if so the length of such attendance, the name and address of the physician
attending; whether there are indications of violence or crime; and such other
information as may be required for identification or statistical purposes.

[2657–903.]

SECTION 1089. Proceedings in case of suspected violence or crime. — If
the person who issues a death certificate has any reason to suspect or if he shall
observe any indication of violence or crime, he shall at once notify the justice of
the peace, if he be available, or if neither the justice of the peace nor the auxiliary
justice be available, he shall notify the municipal (president) mayor, who shall take
proper steps to ascertain the circumstances and cause of death; and the corpse of
such deceased person shall not be buried or interred until permission is obtained
from the provincial fiscal, if he be available, and if he be not available, from the
(president) mayor of the municipality in which the death occurred.

[2657–904.]

SECTION 1090. Burial and transfer permits. — Municipal secretaries in
the capacity of secretaries of municipal boards of health, in places where such
boards have been organized or in places where there are no municipal boards of
health, in the capacity of clerks to municipal councils, shall, upon the presentation
of death certificates, issue permits for the burial or transfer of the dead and shall
record on said certificates the place of interment and when practicable the number
of the grave, and in cases of disinterment, in addition thereto, shall be noted the
name of the cemetery and the number of the grave from which the body or remains
have been transferred, and the disposition that is to be made of such body or
remains. No permit shall be granted by any municipal secretary, or by any other
person, to inter or disinter, bury or remove for burial, any human body or remains
until a certificate of death, as hereinbefore required, shall have been filed; when it
is impossible to secure a death certificate in the form and manner hereinbefore
provided, municipal secretaries may issue the same upon such data as may be
obtainable.

In case of the transfer of bodies or remains from one municipality to another
municipality, a copy of the death certificate shall accompany the transfer permit.

[2657–905.]

SECTION 1091. Exhibition of permit to sexton. — No sexton,
superintendent, or other person having charge of a burial ground or cemetery shall
assist in, assent to, or allow any interment, disinterment, or cremation to be made
until a permit from the municipal secretary, authorizing the same, has been
presented.

[2657–906.]

SECTION 1092. *Time within which body shall be buried.* — Except when required for the purpose of legal investigation or when specially authorized by local health authorities, no unembalmed body shall remain unburied longer than forty-eight hours after death; and after the lapse of such period the permit for burial, interment, or cremation of any such body shall be void and a new permit must be obtained.

When it has been certified or is known that any person died of, or with a dangerous communicable disease, the body of such person shall be buried within twelve hours after death, unless otherwise directed by the local board of health, or other health authority.

[2657–907.]

SECTION 1093. *Permit for conveyance of body to sea for burial.* — Where death is not due to a dangerous communicable disease a special permit may, upon written request, be issued, by the officer authorized to issue burial permits, for the conveyance of a dead body to sea for burial. In such cases the body must be transported in the manner prescribed by the municipal board of health, if such there be, and the marine laws governing burials at sea must be complied with.

[2657–908.]

SECTION 1094. *Disposition of body and belongings of person dying of dangerous communicable disease.* — The body of any person dead of a dangerous communicable disease shall not be carried from place to place, except for the purpose of burial or cremation. It shall be the duty of the local health authorities to cause such body to be thoroughly disinfected before being prepared for burial and the house, furniture, wearing apparel, and everything capable of conveying or spreading infection shall also be disinfected or destroyed by fire. The local health authority, if there be any, subject to the approval of the Director of Health, shall, consistently with the provisions hereof, prescribe the conditions under which the bodies of persons dying of a dangerous communicable disease shall be buried or cremated.

[2657–909.]

SECTION 1095. *Permit to disinter after three years — Treatment of remains.* — Permission to disinter the bodies or remains of persons who have died of other than dangerous communicable disease, may be granted after such bodies
had been buried for a period of three years; and in special cases, the Director of
Health may grant permission to disinter after a shorter period when in his opinion
the public health will not be endangered thereby.

The body or remains of any such deceased person, upon exhumation, shall
be immediately disinfected and inclosed in a coffin, case, or box, securely
fastened, and this coffin, case, or box shall be placed in an outside box which shall
also be securely fastened.

[2657–910.]

SECTION 1096. **Special permit to disinter embalmed body or to remove
from receiving vault for transfer.** — Special permits may be issued at any time for
the disinterment or exhumation of remains of persons, dying of other than
dangerous communicable diseases, that have been properly embalmed by an
undertaker or embalmer, or for the transfer or removal of bodies that have been
placed in a receiving vault awaiting transportation from the (Philippine Islands)
Philippines. Boxes containing the bodies or remains shall be plainly marked so as to
show the name of the deceased, place of death, cause of death, and the point to
which such bodies or remains are to be shipped.

[2657–911.]

SECTION 1097. **Exhumation in case of death from dangerous
communicable disease.** — Bodies or remains of persons who have died of any
dangerous communicable disease may be exhumed only after the lapse of five
years from burial, though in special cases the Director of Health may grant a
permit to disinter after a shorter period when in his opinion the public health will
not be endangered thereby.

In every such case the body or remains, after being disinfected, must be
placed in a suitable and hermetically sealed container.

[2657–912.]

SECTION 1098. **Shipment of remains by sea.** — No body or remains shall
be shipped to the United States except under such conditions and regulations as
may be prescribed by the United States Public Health Service. The outside box
containing the body or remains of a deceased person intended for shipment by sea
shall be plainly marked so as to show the name, age, nationality of the deceased
person, the cause of death, and the destination of the remains.

[2657–913.]
SECTION 1099. Placing of body in overground tomb. — The placing of the body of any deceased person in an unsealed overground tomb is prohibited, unless the coffin or casket containing the remains shall be permanently sealed.

This provision shall not apply to tombs and vaults which are strictly receiving vaults for bodies or remains awaiting final disposition, nor to embalmed bodies awaiting final disposition.

[2657–914.]

SECTION 1100. Depth of grave. — A grave shall be dug, when practicable, to a depth of at least one and one-half meters, and after the implantation of the body it shall be well and firmly filled.

[2657–915.]

SECTION 1101. Record of deaths to be kept by local board of health. — It shall be the duty of each local board of health to keep a complete record of deaths occurring within its jurisdiction; and such board may require from the person or persons charged with the burial of the dead, such reports as may be necessary for this purpose.

[2657–916.]

SECTION 1102. Regulations for government of places for the keeping or repose of dead. — All morgues, undertaking establishments, receiving vaults, and places for embalming the dead, and all burial grounds or cemeteries, crematories, or other places for the disposition of the dead, shall be subject at all hours to such inspection as the local health authorities or the Director of Health may deem advisable; and such institutions or establishments, whether public or private, shall be governed by sanitary regulations promulgated by the Director of Health.

[2657–917.]

SECTION 1103. Persons charged with duty of burial. — The immediate duty of burying the body of a deceased person, regardless of the ultimate liability for the expense thereof, shall devolve upon the persons hereinbelow specified:

(a) If the deceased was a married man or woman, the duty of burial shall devolve upon the surviving spouse if he or she possess sufficient means to pay the necessary expenses.

(b) If the deceased was an unmarried man or woman, or a child, and left any kin, the duty of burial shall devolve upon the
nearest of kin of the deceased, if they be adults and within the 
(Philippine Islands) Philippines and in possession of sufficient 
means to defray the necessary expenses.

(c) If the deceased left no spouse or kindred possessed of sufficient 
means to defray the necessary expenses, as provided in the two 
foregoing subsections, the duty of burial shall devolve upon the 
municipal authorities.

Any person upon whom the duty of burying a dead body is imposed by law 
shall perform such duty within forty-eight hours after death, having ability to do 
so.

[2657–918.]

SECTION 1104. Right of custody to body. — Any person charged by law 
with the duty of burying the body of a deceased person is entitled to the custody of 
such body for the purpose of burying it, except when an inquest is required by law 
for the purpose of determining the cause of death; and, in case of death due to or 
accompanied by a dangerous communicable disease, such body shall until buried 
remain in the custody of the local board of health or local health officer, or if there 
be no such, then in the custody of the municipal council.

[2657–919.]

SECTION 1105. Restriction as to funeral ceremonies in certain cases. — 
In case of death due to dangerous communicable disease or due to any epidemic 
recognized by the Director of Health, the body of the deceased shall not be taken to 
any place of public assembly, nor shall any person be permitted to attend the 
funeral of such deceased person, except the adult members of the immediate family 
of the deceased, his nearest friends, not exceeding four, and other persons whose 
attendance is absolutely necessary. After the deceased shall have been buried for a 
period of one hour a public funeral may be held at the grave or in a place of public 
assembly or elsewhere.

In case of death due to other causes the right to hold public funerals in an 
orderly manner and to take the remains of the deceased into churches or other 
places for this purpose shall not be interfered with.

[2657–920.]

SECTION 1106. United States burial corps not restricted by provisions of 
this chapter. — The provisions of this chapter shall not be construed to obstruct 
the United States burial corps when acting under the authority of the laws and
military regulations of the United States, in so far as such provisions pertain to the disinterring of bodies or remains or their shipment after disinterment.

[2657–921.]

SECTION 1107. Use of dead body for scientific purposes. — The body of any deceased person which is to be buried at public expense and which is unclaimed by relatives or friends for a period of twenty-four hours after death shall be subject to the disposition of the (Philippine Health Service) Bureau of Health, and, by order of the Director of Health, may be devoted to the purposes of medical science and to the advancement and promotion of medical knowledge and information, subject to such regulations as said Director of Health, with the approval of the Department Head, may prescribe. The regulations of the Director of Health shall provide for the decent burial of the remains of such bodies and for defraying the necessary expenses incident thereto. Except as herein provided, it shall be unlawful for any person to make use of any dead body for any scientific investigation other than that of performing an autopsy.

[2657–922; 2897–1(889).]

ARTICLE XVII

Food and Drugs Act

SECTION 1108. Title of article. — This article shall be known as the Food and Drugs Act.

SECTION 1109. Terms defined. — "Person," as herein used, includes corporations, companies, societies, associations, and other commercial or legal entities.

"Food," as herein used, includes all articles, whether simple, mixed, or compounded, which are used for food, drink, confectionery, or condiment by man or other animals.

"Drug," as herein used, includes all medicines and preparations recognized in the United States Pharmacopoeia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals.

[1655–6, 12(890).]

SECTION 1110. Imputation of act of agent to principal. — In applying the provisions of this article, the act, omission, or failure of any officer, agent,
servant, or other representative acting for or employed by any principal, shall, if within the scope of the office, agency, employment, be deemed to be the act, omission, or failure of the principal as well as of the immediate actor.

[1655–12(891).]

SECTION 1111. Inhibition against manufacture of adulterated or misbranded food or drug. — It shall be unlawful for any person to manufacture within the (Philippine Islands) Philippines any adulterated or misbranded article of food or any adulterated or misbranded drug.

[1655–1(892).]

SECTION 1112. Inhibition against shipment of adulterated or misbranded food or drug. — The introduction into the (Philippine Islands) Philippines from the United States or from any foreign country or the shipment to the United States or to any foreign country from the (Philippine Islands) Philippines, of any adulterated or misbranded article of food or any adulterated or misbranded drug is prohibited.

[1655–2(893).]

SECTION 1113. Inhibition against sale or transfer of adulterated or misbranded food or drug. — It shall be unlawful for any person to sell or offer for sale in the (Philippine Islands) Philippines any adulterated or misbranded article of food or any adulterated or misbranded drug. It shall also be unlawful for any person, after importing or receiving any such article of food or drug from abroad, to transfer or deliver, or offer to transfer or deliver the same to any other person in an original unbroken package, whether for pay or otherwise.

[1655–2(894).]

SECTION 1114. Forfeiture of adulterated or misbranded food or drug. — When any adulterated or misbranded article of food or any adulterated or misbranded drug is manufactured in the (Philippine Islands) Philippines or introduced therein from abroad, or when any such article or drug is sold or offered for sale in the (Philippine Islands) Philippines or is intended for export to the United States or a foreign country, the same be subject to seizure and forfeiture.

[1655–10(895).]

SECTION 1115. When article deemed to be adulterated. — For the purposes hereof an article shall be deemed to be "adulterated":

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(a) In case of drug:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopoeia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopoeia or National Formulary, official at the time of investigation: but no drug defined in the United States Pharmacopoeia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopoeia or National Formulary.

Secondly. If its strength or purity fall below the professed standard or quality under which it is sold.

(b) In case of confectionery:

If it contain terra alba, barytes, talc, chrome yellow, or other mineral substance of poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt, or spirituous liquor or compound or narcotic drug.

(c) In case of food:

First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Secondly. If any substance has been substituted wholly or in part for the article.

Thirdly. If any valuable constituent of the article has been wholly or in part abstracted.

Fourthly. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

Fifthly. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health: but when in the preparation of food
products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering or the package, the provisions of this article shall be construed as applying only when said products are ready for consumption.

Sixthly. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

[1655–7(896).]

SECTION 1116. When article deemed to be misbranded. — "Misbranded," as herein used, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein, which is false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

For the purposes hereof an article shall also be deemed to be misbranded:

(a) In case of drugs

First. If it is be an imitation of, or offered for sale, under, the name of another article.

Secondly. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, choral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein.

(b) In the case of food:
First. If it be an imitation of, or offered for sale under, the distinctive name of another article.

Secondly. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide or any derivative or preparation of any of such substances contained therein.

Thirdly. If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count: but reasonable variations shall be permitted, and tolerances and also exemptions as to small packages shall be established by proper regulations.

Fourthly. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device is false or misleading in any particular.

[1655–8(897); 2317–1(898).]

SECTION 1117. Reservation in favor of certain articles of food. — An article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of, or offered for sale under, the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Secondly. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word "compound," "imitation," or "blend," as the case
may be, is plainly stated on the package, in which it is offered for sale. The term "blend," as here used, shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only.

[1655–8(899).]

SECTION 1118. Reservation in favor of articles prepared according to specifications of foreign purchaser. — No article shall be deemed misbranded or adulterated within the meaning hereof when intended for export to the United States or to any foreign country and prepared or packed according to the specifications or directions of the purchaser in the United States or in any foreign country when no substance is used in the preparation or packing thereof in conflict with the laws of the United States or of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption in the (Philippine Islands) Philippines, then this reservation shall not exempt said article from the operation of any of the other provisions of this article.

[1655–2(900).]

SECTION 1119. Reservation in favor of secrecy in trade formulas. — Nothing herein shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as the provisions of this article may so require to secure freedom from adulteration or misbranding.

[1655–8(901).]

SECTION 1120. Reservation in favor of dealer protected by guaranty of original vendor. — No dealer shall be prosecuted for a violation of the provisions of this article when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the (Philippine Islands) Philippines, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of the Food and Drugs Act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would otherwise attach, in due course, to the dealer.

[1655–9(902).]
SECTION 1121. Regulations for enforcement of Food and Drugs Act. — With the approval of the Secretary of Public Instruction, the Director of Health, the Insular Collector of Customs, and the Collector of Internal Revenue shall make and promulgate regulations for the enforcement of the Food and Drugs Act. In such regulations provisions shall be made for the collection of samples of foods and drugs for examination.

[1655–3(903).]

SECTION 1122. Board of Food and Drug Inspection. — There shall be a board to be known as the Board of Food and Drug Inspection consisting of such number of persons as may be thereunto designated from the Government service by the (Governor-General) President of the Philippines.

It shall be the duty of this Board, conformably with law and regulations, to give hearings and conduct investigations relative to matters touching the administration of the Food and Drugs Act, to investigate processes of food manufacture, and to submit reports to the Director of Health, recommending food and drug standards for adoption. Said Board shall also perform such additional functions, properly within the scope of the administration hereof, as may be assigned to it by the Director of Health.

The decisions of the Board shall be advisory to the Director of Health.

SECTION 1123. Examination for determining character of goods. — The technical examination of samples of foods and drugs made for the purpose of ascertaining whether the same are adulterated or misbranded shall be conducted in the Bureau of Science or under the direction and supervision of the Director of the Bureau of Science. The report of the persons making such examination shall be verified by oath when the article examined is found to be obnoxious to the provisions hereof.

[1655–4(904).]

SECTION 1124. Opportunity for hearing before Board. — When it appears to the Director of Health from the report of the examining chemist or otherwise that any article of food or any drug is adulterated or misbranded, he shall cause notice thereof to be given to the person or persons concerned, and such person or persons shall be given an opportunity to be heard before the Board of Food and Drug Inspection and to submit evidence impeaching the correctness of the finding or charge in question.

[1655–4(905).]
SECTION 1125.  *Institution of criminal prosecution.* — When a violation of any provision of the Food and Drugs Act comes to the knowledge of the Director of Health of such character that a criminal prosecution ought to be instituted against the offender, he shall certify the facts to the (Attorney-General) Solicitor-General, through the Secretary of Public Instruction, together with the chemist’s report, the finding of the Board of Food and Drug Inspection, or other documentary evidence on which the charge is based.

[1655–4(906).]

SECTION 1126.  *Judicial proceedings for condemnation of forfeited articles.* — Judicial proceedings for the condemnation of articles or goods subject to seizure and forfeiture under the provisions hereof shall be instituted by the proper prosecuting officer in the Court of First Instance of the judicial district within which the goods may be found; and when their obnoxious character has been established, and order of condemnation shall be entered by said court, and the goods shall be disposed of by destruction or by sale for industrial or other lawful use, as the court may direct. If a sale is made, the proceeds, less the legal costs and charges, shall be paid into the (Insular) National Treasury.

[1655–5, 10(907).]

SECTION 1127.  *Owner's bond.* — Upon the payment of costs in a proceeding under the preceding section and upon the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to law, the court may by order direct that such articles be delivered to the owner thereof.

[1655–10(908).]

SECTION 1128.  *Attempted importation of obnoxious articles.* — When adulterated or misbranded articles of foods or drugs are being imported into the (Philippine Islands) Philippines or offered for import, the Insular Collector of Customs shall seize the same, and after their obnoxious character has been verified by chemical examination or otherwise, as the case may require, he shall exclude the goods from admission and refuse delivery to the consignee.

The consignee in such case shall be at liberty to ship the goods away from the (Philippine Islands) Philippines, if not an immediate menace to the public health, within three months from the date of notice of such refusal, under regulations prescribed by the Insular Collector; and if such exportation be not made within said period, the Insular Collector shall dispose of the goods by
destruction or by sale for industrial or other lawful use.

All charges for storage, cartage, and labor on goods of which delivery is thus withheld shall be paid by the owner or consignee, and in default of payment the obligation therefor, if not satisfied from the proceeds of sale hereunder, shall constitute a lien against any future importation made by such owner or consignee.

[1655–11(909).]

SECTION 1129. Forthcoming bond. — The Insular Collector of Customs may deliver to the consignee such goods pending examination and decision in the matter, on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods for any cause to the custody of the Insular Collector of Customs, when demanded, for any lawful purpose, said consignee shall forfeit the amount of the bond.

[1655–11(910).]

CHAPTER 38

Bureau of Quarantine Service

SECTION 1130. Administration of Bureau of Quarantine Service. — The Bureau of Quarantine Service shall be administered under the direction of the United States Public Health Service.

[2657–936.]

SECTION 1131. Chief quarantine officer of (Philippine Islands) Philippines. — The medical officer detailed as quarantine officer at the port of Manila shall be the chief quarantine officer for the (Philippine Islands) Philippines. He shall have power to make appointments and removals from the Bureau of Quarantine Service, subject to the approval of the Secretary of the Treasury of the United States, and to authorize the necessary expenditures for said Bureau, under such regulations as the said Secretary of the Treasury may prescribe.

[2657–937.]

SECTION 1132. Jurisdiction of Bureau of Quarantine Service over incoming and outgoing vessels. — The examination in ports of the (Philippine Islands) Philippines of incoming and outgoing vessels and the necessary surveillance over their sanitary condition, as well as of cargo, passengers, crew, and of all personal effects, and the issuing of quarantine certificates and bill of health, shall be vested in and be conducted by the Bureau of Quarantine Service.
Quarantine officers shall have authority over incoming vessels, their wharfage and anchorage, so far as is necessary for the proper enforcement of these regulations, including vessels of the Army transport service and noncombatant vessels of the Navy.

[2657–938.]

SECTION 1133. Bills of health for outgoing vessels. — The master of any vessel leaving any port in the (Philippine Islands) Philippines for a port in the United States or in any of its territory shall obtain a bill of health from the proper quarantine officer in the (Philippine Islands) Philippines.

A bill of health shall not be given to an outgoing vessel unless all quarantine regulations have been complied with. At ports where no quarantine officer is detailed bills of health shall be signed by the collector of customs.

[2657–939.]

SECTION 1134. United States quarantine regulations effective in Bureau of Quarantine Service. — The regulations for the Government of the United States Public Health Service shall, so far as practicable, have force and effect in the management of the Bureau of Quarantine Service in the (Philippine Islands) Philippines.

[2657–940.]

SECTION 1135. Quarantine laws enacted by Congress given full effect in (Philippine Islands) Philippines. — The provisions of the Act of Congress approved February fifteenth, eighteen hundred and ninety-three, entitled "An Act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service," and all subsequent Acts of Congress on the same subject and amendatory thereof, and all rules and regulations heretofore or hereafter prescribed by the Secretary of the Treasury of the United States under such Acts, shall be given full force and effect in the (Philippine Islands) Philippines, so far as applicable.

[2657–941.]

SECTION 1136. Construction and repair work. — The Bureau of Quarantine Service shall have authority to conduct the construction and repair work at the quarantine stations without the intervention of the Bureau of Public Works.
CHAPTER 39

Bureau of Customs

PRELIMINARY ARTICLE

Title of Chapter

SECTION 1137. Title of chapter. — This chapter shall be known as the Customs Law.

ARTICLE I

Organization and Powers of Bureau

SECTION 1138. Chief officials of Bureau of Customs. — The Bureau of Customs shall have one chief and one assistant chief, to be known respectively as the Insular Collector of Customs and the Insular Deputy Collector of Customs.

SECTION 1139. General jurisdiction of Bureau. — The general duties, powers, and jurisdiction of the Bureau of Customs shall include:

(a) The admeasurement, registration, documenting, and licensing of vessels built or owned in the (Philippine Islands) Philippines, the recording of sales, transfers, and incumbrances of such vessels, and the performance of all the duties pertaining to commercial register.

(b) The general supervision, control, and regulation of the coastwise trade; and the regulation and licensing of vessels engaged in the coastwise trade and in the carrying or towing of passengers and freight in the bays and rivers of the (Philippine Islands) Philippines.

(c) The prohibition and suppression of unnecessary noises, such as explosions of gasoline engines, the excessive sounding of whistles or sirens, and other needless and disturbing sounds made by water craft in the ports of the (Philippine Islands)
Philippines or in parts of rivers included in such parts.

(d) The exclusion, if the conditions of traffic should at any time so require, of vessels of more than one hundred and fifty tons from entering, berthing, or mooring in the Pasig River for any other purpose than to obtain necessary repairs not procurable in Manila Bay.

(e) The examination and licensing of marine officers to be carried on Philippine vessels; the determination of the qualifications of pilots, the regulation of their service, and the fixing of the fees which they may charge.

(f) The supervision and control over the entrance and clearance of vessels, whether engaged in domestic or foreign commerce; the inspection of Philippine vessels, and supervision over the safety and sanitation of such vessels.

(g) The enforcement of the customs laws and other laws of the United States or (Philippine Islands) the Philippines relating to customs, commerce, navigation, immigration, and Chinese exclusion in and for (said Islands) the Philippines, and the enforcement of the lawful quarantine regulations for vessels entering Philippine ports.

(h) The collecting or securing of the lawful revenues from dutiable merchandise and from tonnage dues and wharf charges; the collection or securing of all other dues, fees, fines, and penalties accruing under the customs laws; and the prevention and suppression of smuggling and other frauds upon the customs.

(i) The supervision and control over the handling of foreign mails arriving in the (Islands) Philippines, for the purpose of the collection of the lawful duty on dutiable articles thus imported and the prevention of smuggling through the medium of such mails.

(j) The construction, repair, maintenance, and operation of vessels belonging to or under control of the Bureau; the maintenance, lighting, inspection, and superintendence of lighthouses; and the care and maintenance of buoys, beacons, lightships, navigation marks, and their appurtenances, and general superintendence over interisland water transportation.
The maintenance and enforcement in the (Philippine Islands) Philippines of the laws and treaties of the United States concerning commercial intercourse and immigration; the shipping, protection, and care of merchant seamen; the effecting of the return of deserting American seamen to the United States; the exclusion of stowaways arriving in the (Philippine Islands) Philippines and the arrest, detention, and deportation of such as unlawfully disembark therein; and the supplying of subsistence and giving of aid to shipwrecked sailors or other persons in distress, in conformity with maritime usage.

[2657–1312.]

SECTION 1140. Enforcement of port regulations of (Philippine Health Service) Bureau of Health. — Customs officers and employees shall cooperate with the health authorities in the enforcement of the port quarantine regulations promulgated by the (Philippine Health Service) Bureau of Health and shall give effect to the same in so far as they are connected with matters of shipping and navigation.

[2657–1313.]

SECTION 1141. Territorial jurisdiction of Bureau of Customs. — For the due and effective exercise of the powers confided by law in the Bureau of Customs, and to the extent requisite therefor, said Bureau shall have the right of supervision and police authority over all seas within the jurisdiction of the Government of the (Philippine Islands) Commonwealth of the Philippines and over all coasts, ports, harbors, bays, rivers, and inland waters navigable from the sea.

When a vessel becomes subject to seizure by reason of an act done in Philippine waters in violation of the customs laws, a pursuit of such vessel begun within the jurisdictional waters may continue beyond the maritime zone, and the vessels may be seized on the high sea. Imported merchandise which may be subject to seizure for violation of the customs laws may be followed in its transportation in the (Islands) Philippines by land or water, and such jurisdiction exerted over it at any place therein as may be necessary for the due enforcement of the law.

[2657–1314.]

SECTION 1142. Jurisdiction of Bureau of Customs over premises used for customs purposes. — The Bureau of Customs shall have the exclusive control, direction, and management of customhouses, warehouses, offices, wharves, and other premises used for customs purposes in the respective ports of entry, in all
cases without prejudice to the general police powers of the municipality wherein such premises are situated.

[2657–1315.]

SECTION 1143. Jurisdiction of Bureau of Customs in Cavite Harbor. — The control vested by law in the rear admiral of the United States Navy having police supervision over Cavite Harbor and the berthing of vessels therein shall not affect or diminish the authority of the Insular Collector to take, with respect to vessels in said harbor, any step authorized by law for the protection of the customs revenues or the enforcement of the immigration and Chinese exclusion laws.

[2657–1316.]

SECTION 1144. Power of (Governor-General) President of the Philippines to subject premises to jurisdiction of Bureau of Customs. — When any public wharf, landing place, street, or land, not previously under the jurisdiction of the Bureau of Customs, in any port of entry, is necessary or desirable for any proper customs purpose, the (Governor General) President of the Philippines may, by executive order, declare such premises to be under the jurisdiction of the Bureau of Customs, and thereafter the authority of such Bureau in respect thereto shall be fully effective.

[2657-1317.]

SECTION 1145. Power of (Governor-General) President of the Philippines to open and close subports and coastwise ports. — Subports of entry may be opened or closed by executive order, in the discretion of the (Governor-General) President of the Philippines. When a port is closed its existing personnel shall be thereby abolished.

The (Governor-General) President of the Philippines may in like manner temporarily close any port or place in the (Philippine Islands) Philippines to the coastwise trade, and afterwards reopen the same.

[2657–1318.]

SECTION 1146. Designation of official as customs inspector. — At a coastwise port where no customs officer or employee is regularly stationed the Insular Collector of Customs may designate any (Insular) National, provincial, or municipal official of the port to act as an inspector of customs for the purpose of enforcing the laws and regulations of the Bureau of Customs in the particular port; but all such designations shall be made with the consent of the (Governor-General) President of the Philippines or proper Department Head of the official so
SECTION 1147. Authority of officer to administer oaths and take testimony. — The Insular Collector, the Insular Deputy Collector, collectors of customs and their deputies, surveyors, appraisers, members of the board of protests and appeals, and any other person thereunto especially deputed by the collector of customs shall have authority to administer oaths and take testimony in the transaction of official business within the jurisdiction of the Bureau of Customs, and in connection therewith may require the production of relevant papers, documents, books, and records in accordance with law.

SECTION 1148. General bonds. — In cases where bonds are required to be given under the provisions of the customs laws, the Insular Collector, instead of requiring separate special bonds where the transactions of a particular party are numerous, may accept general bonds extending over such periods of time and covering such transactions of the party in question as shall to said Collector seem proper.

SECTION 1149. Breach of bond. — Upon breach of any bond given under the authority of the customs laws, the collector of customs, with approval of the Department Head, may accept in satisfaction thereof a smaller sum than that mentioned in the penalty of the bond, but in no case less than the amount necessary to indemnify the Government for the damage occasioned by such breach.

SECTION 1150. Returns of commerce, navigation, and immigration. — The annual report of the Insular Collector shall, among other things, contain a compilation of the returns of the commerce, navigation, and immigration of the (Islands) Philippines for the preceding year.

ARTICLE II

Collection Districts and Ports of Entry

SECTION 1151. Collection districts and ports of entry thereof. — For
administrative purposes, the Philippines shall be divided into twelve collection districts, the respective limits of which may be changed from time to time in the discretion of the collector of customs; but the Provinces of Pangasinan and La Union shall belong to the district of Pangasinan, with Sual as its port of entry, and the Province of Tayabas to the district of Tayabas, with Hondagua as its port of entry. The principal ports of entry for the respective collection districts shall be Manila, Sual, Tabaco, Legaspi, Pulupandan, Iloilo, Cebu, Zamboanga, Jolo, Hondagua, Jose Panganiban (formerly Mambulao), and Aparri.

[2657–1324; 3106–1(911); C.A. 175–1(912).]

SECTION 1152. Collector of customs at port of entry. — At each principal port of entry there shall be a collector of customs who, under the supervision and control of the Insular Collector, shall be the official head of the customs service in his port and district and shall there exercise the functions of captain of the port.

At Manila the Insular Collector and the Insular Deputy Collector shall respectively discharge the duties of collector of customs and deputy collector of customs for the said port.

[2657–1325.]

SECTION 1153. Seal of collector of customs. — In the office of the collector of customs of a collection district shall be kept a seal of such design as the Insular Collector shall prescribe, with which shall be sealed all documents and records requiring authentication in such office.

[2657–1326.]

SECTION 1154. Port regulations. — A collector of customs may prescribe local administrative regulations, not inconsistent with law or the general Bureau regulations, for the government of his port or district, the same to be effective upon approval by the Insular Collector.

[2657–1327.]

SECTION 1155. Performance of consular duties. — For the accomplishment of the laws of the United States, a collector of customs shall perform in his district the duties relative to seamen, vessels, clearances, and similar matters, which under the laws of the United States devolve on American consuls or consular officers; and he shall collect for such services the fees allowed under the United States laws, when the same have been approved and declared applicable in
the (Philippine Islands) Philippines by the Insular Collector of Customs.

[2557–1328.]

SECTION 1156. Authority of collector to remit duties. — A collector of customs shall have discretionary authority to remit the assessment and collection of customs duties when such duties amount to less than two pesos; and he may dispense with the seizure of merchandise of less than two pesos in value except in cases of prohibited importations or the habitual or intentional violation of the revenue laws.

[2657–1329.]

SECTION 1157. Supervision over customs and immigration brokers. — Customs and immigration brokers shall in the exercise of their duties as such be subject to the supervision of the collector of customs; and no person shall do business as a customs or immigration broker except after obtaining a license from the collector of customs of the port authorizing him to engage in such occupation. Any license so granted may be canceled by the collector for cause.

[2657–1330.]

SECTION 1158. Supervision over attorneys in fact. — Persons acting as agents or attorney in fact for others in matters pertaining to customs, immigration, or navigation may be required to lodge their respective powers of attorney with the collector of customs of the port. No more than two such continuing powers may be accepted or recognized from any one person acting as agent in the importation of merchandise unless he be a licensed customs broker.

[2657–1331.]

SECTION 1159. Authority of deputy collector of customs. — A deputy collector of customs at a principal port of entry may, in the name of the collector and subject to his supervision and control, perform any particular act which might be done by the collector himself; at subports a deputy collector may, in his own name, exercise the general powers of a collector, subject to the supervision and control of the collector of the principal port.

[2657–1332.]

SECTION 1160. Appointment of special deputies with limited powers. — Collectors of customs may, with the approval of the Insular Collector, appoint from their force such number of special deputies as may be necessary for the proper conduct of the public business, with authority to sign such documents and
perform such services as may be specified in writing.

[2657–1333.]

SECTION 1161. Succession of deputy collector to position of acting collector. — In the absence or disability of a collector of customs at any other port than Manila, or in case of a vacancy in his office, the temporary discharge of his duties shall devolve upon the deputy collector of the port. Where no deputy collector is available, an officer to serve in such contingency may be designated in writing by the collector of customs from his own force. The collector of customs making such designation shall report the same without delay to the Insular Collector and the (Insular) Auditor General, forwarding to them the signature of the person so designated.

[2657–1334.]

SECTION 1162. Assignment of customs employees to overtime work. — Customs employees may be assigned by a collector to do overtime work at rates fixed by the Insular Collector, when the service rendered is to be paid for by importers, shippers, or other persons served.

[2657–1335.]

SECTION 1163. Compensation of private appraisers. — When persons, not Government employees, are employed by a collector of customs to appraise property or report upon its character or value, they may be paid compensation in an amount, to be determined by the Insular Collector, not exceeding ten pesos for each day during the period necessarily employed in such service.

[2657–1336.]

SECTION 1164. Records to be kept by customs officers. — Collectors of customs, deputy collectors, surveyors, and other customs officers acting in such capacities are required to keep true, correct, and permanent records of their official transactions, to submit the same to the inspection of authorized officers at all times, and to turn over all records and official papers to their successors or other authorized officers.

[2657–1337.]

SECTION 1165. Reports to Insular Collector. — A collector of customs shall make report to the Insular Collector from time to time concerning prospective or newly begun litigation in his district touching matters relating to the customs service; and he shall, in such form and detail as shall be required by the Insular
Collector, make regular monthly reports of all transactions in his port and district.

[2657–1338.]

ARTICLE III

Registration and Inspection of Vessels

SECTION 1166. Registration and documentation of vessels. — The Bureau of Customs is vested with exclusive authority over the registration and documentation of Philippine vessels. By it shall be kept and preserved the records of registration and of transfers and incumbrances of vessels; and by it shall be issued all certificates, licenses, or other documents incident to registration and documentation, or otherwise requisite for Philippine vessels.

[2657–1339.]

SECTION 1167. Vessels required to be registered. — Every vessel of more than three tons gross used in Philippines waters, not being a transient of foreign register, shall be registered in the Bureau of Customs. To this end it shall be the duty of the master, owner, or agent of every such vessel to make application to the proper collector of customs for the registration thereof within fifteen days after the vessel becomes subject to such registration.

[2657–1340.]

SECTION 1168. Where registration to be effected. — The registration of a vessel shall be effected at its home port, being a port of entry, or at the port of entry of the district of the vessel's home port.

[2657–1341.]

SECTION 1169. Exemption of small boats. — A vessel of three tons gross or less shall not be registered, unless the owner shall so desire, nor shall documents or licenses of any kind be required for such vessel, but the proper fee shall be charged for admeasurement, when admeasurement is necessary.

[2657–1342.]

SECTION 1170. Data to be noted in register of vessels. — In the register of vessels, to be kept at each port of entry, the following facts concerning each vessel there registered shall be noted in such form and detail as the Insular Collector shall prescribe:
(a) Name of vessel.
(b) Rig of vessel.
(c) Material of hull.
(d) Principal dimensions.
(e) Gross tonnage.
(f) Net tonnage.
(g) Where built.
(h) Year when built.
(i) Name, citizenship, nationality, and residence of owner.
(j) Date of issuance of certificate of Philippine register.
(k) Any material change of condition in respect to any of the preceding items.
(l) Any other fact, required to be there noted by the regulations of the Bureau of Customs.

[2657–1343.]

SECTION 1171. Record of documents affecting title. — In the record of transfers and incumbrances of vessels, to be kept at each principal port of entry, shall be recorded at length all transfers, bills of sale, mortgages, liens, or other documents which evidence ownership or directly or indirectly affect the title of registered vessels, and therein shall be recorded all receipts, certificates, or acknowledgments canceling or satisfying, in whole or in part, any such obligations. No other record of any such document or paper shall be required than such as is affected hereunder.

[2657–1344.]

SECTION 1172. Certificate of Philippine register. — Upon registration of a vessel of domestic ownership, and of more than fifteen tons gross, a certificate of Philippine register shall be issued for it. If the vessel is of domestic ownership and of fifteen tons gross or less the taking of the certificate of Philippine register shall be optional with the owner.
"Domestic ownership," as used in this section, means ownership vested in some one or more of the following classes of persons: (a) Citizens of the (Philippine Islands) Philippines; (b) citizens of the United States residing in the (Philippine Islands) Philippines; (c) any corporation or company composed wholly of citizens of the United States or of the (Philippine Islands) Philippines, or of both, created under the laws of the United States, or of any State thereof, or of the (Philippine Islands) Philippines, provided some duly authorized officer thereof, or the agent, master or administrator of the vessel resides in the (Philippine Islands) Philippines; (d) any corporation or company created under the laws of the United States, or of any State thereof, or of the (Philippine Islands) Philippines, duly authorized to engage in business in the (Philippine Islands) Philippines, provided seventy-five per centum at least of the capital stock thereof or of any interest in said capital is wholly owned by citizens of the (Philippine Islands) Philippines, or of the United States, or of both, and provided some duly authorized officer thereof, or the agent, master or administrator of the vessel resides is the (Philippine Islands) Philippines; (e) any corporation or company created under the laws of the United States, or of any State thereof, or of the (Philippine Islands) Philippines, provided some duly authorized officer thereof, or the agent, master or administrator of the vessel resides in the (Philippine Islands) Philippines: Provided, That the certificate of Philippine register issued to a vessel because the owner thereof comes under the provisions of this subsection (e), shall extend to the vessel the privilege of engaging only in the foreign or high-sea commerce, but not in the Philippine coastwise trade.

Any vessel of more than fifteen tons gross which on February eight, nineteen hundred and eighteen, had a certificate of Philippine register under existing law, shall likewise be deemed a vessel of domestic ownership so long as there shall not be any change in the ownership nor any transfer of stock of the companies or corporations owning such vessel to persons who are not citizens of the (Philippine Islands) Philippines or of the United States, and if any such vessel should have been, during this year, or should be, hereafter, totally lost through shipwreck, collision or any other marine disaster, while being lawfully operated under the provisions hereof, it may be replaced with another vessel of the same or lesser tonnage by the same person, company, or corporation owning and operating same by virtue of this section, under such terms and conditions as may be prescribed by the Collector of Customs consistent with public policy and with the view of its utility for Government service in case of war or any public emergency.

Under the terms of this Act, no corporation, firm or company shall be considered as of domestic ownership for the coastwise trade unless the president or managing directors thereof are citizens of the United States or of the (Philippine Islands) Philippines: Provided, however, That in the case of a corporation,
association, firm or company operating any vessel in the coastwise trade, the controlling interest or capital stock held by citizens of the United States or of the (Philippine Islands) Philippines, or both, shall be seventy-five per centum of the capital investment in the same: Provided, further, That the controlling interest in the corporation shall not be considered as held by citizens of the United States or of the (Philippine Islands) Philippines: (a) If the majority of the stock is not held by such citizens and such stock is not subject to any trust or fiduciary obligation in favor of any person not a citizen of the United States or of the (Philippine Islands) Philippines; (b) if the majority of the votes in said corporation is not in the hands of citizens of the United States or of the (Philippine Islands) Philippines; (c) if by means of a contract or agreement, it has been so arranged that the majority of the stock can be voted directly or indirectly in favor of any person not a citizen of the United States or of the (Philippine Islands) Philippines; (d) if by any other means, the control of the corporation is conferred upon or allowed to be exercised by any person not a citizen of the United States or of the (Philippine Islands) Philippines.

It shall not be considered that seventy-five per centum of the interest in a corporation are held by citizens of the United States or of the (Philippine Islands) Philippines: (a) If the certificates of seventy-five per centum of the capital stock are not held by such citizens and such certificates are not subject to some trust or other fiduciary obligation in favor of a person not a citizen of the United States or the (Philippine Islands) Philippines; (b) if seventy-five per centum of the votes of said corporation are not in the hands of citizens of the United States or of the (Philippine Islands) Philippines; (c) if by means of some contract or agreement it has been so arranged that over twenty-five per centum of the stock in such corporation or company can be voted directly or indirectly in favor of any person not a citizen of the United States or the (Philippine Islands) Philippines; (d) if by any other means, the control of any interest in the corporation in excess of twenty-five per centum has been conferred upon or is allowed to be exercised by any person not a citizen of the United States or the (Philippine Islands) Philippines.

The provisions of this Act shall be applicable to the administrator and trustees of all persons coming under the provisions of this Act and to the successors or assigns of such persons.

[2657–1345; 2761–1(913); 2912–1(914); 3084–1(915); C.A. 196–1(916).]

SECTION 1173. Certificate of ownership. — Upon registration of a vessel of more than five tons gross, a certificate of ownership shall be issued for it, if the vessel does not take a certificate of Philippine register. If such vessel is of five tons gross or less, the taking of a certificate of ownership shall be optional with the
SECTION 1174. Form and recitals of certificate of Philippine register. — The certificate of Philippine register shall be in such form as shall be prescribed by the Insular Collector, and it shall show that the vessel is engaged in legitimate trade and is entitled to the protection and flag of the United States.

SECTION 1175. Privileges conferred by certificate of Philippine register. — A certificate of Philippine register confers upon the vessel the right to engage, consistently with law, in the Philippine coastwise trade and entitles it to the protection of the authorities and flag of the United States in all ports, and on the high seas, and at the same time secures to it the same privileges and subjects it to the same disabilities as under the laws of the United States pertain to foreign-built vessels transferred abroad to citizens of the United States.

SECTION 1176. Investigation into character of vessel. — No application for a certificate of Philippine register shall be approved until the Collector of Customs is satisfied from an inspection of the vessel that it is engaged or destined to be engaged in legitimate trade and that it is of domestic ownership as such ownership is defined in section eleven hundred and seventy-two of this Code.

A Collector may at any time inspect a vessel or examine its owner, master, crew, or passenger in order to ascertain whether the vessel is engaged in legitimate trade and is entitled to have or retain the certificate of Philippine register.

The Collector of Customs may at any time make an administrative investigation as to the ownership or title of any vessel engaged in the coastwise trade and whether such title or ownership is in accordance with the requirements of this Act; and any vessel chartered, sold, transferred, or mortgaged to any person not a citizen of the United States or the (Philippine Islands) Philippines without previous permission of the Insular Collector of Customs or put under foreign register or flag without such permission or operated in violation of any of the provisions of this Act, shall be seized by the Government of the (Philippine Islands) Commonwealth of the Philippines; and any person, corporation, company, or association violating any of the provisions of this Act shall be guilty of a misdemeanor and be punished by a fine of not more than five thousand pesos or imprisonment for not more than five years, or both: Provided, That in the event the
person guilty of such violation is a corporation, company or association, the
manager or, in his default, the president thereof shall be criminally responsible for
such violation.

[2657–1349; 2761–2(917); 3084–2(918); 3324–1(919).]

SECTION 1176-1/4. License of yachts exclusively for pleasure. — The
Insular Collector of Customs may license yachts used and employed exclusively as
pleasure vessels owned by Filipino or American citizens, on terms which will
authorize them to proceed from port to port of the (Philippine Islands) Philippines
and to foreign ports without entering or clearing at the customhouse: Provided,
however, That any yacht so licensed, upon arriving from a foreign port in the
(Philippine Islands) Philippines after having previously advised the Insular
Collector of Customs by telegraph of its probable arrival, shall enter at a port of
entry in the (Philippine Islands) Philippines and shall immediately report its arrival
to the Customs authorities. Such license shall be in such form as the Insular
Collector of Customs may prescribe. Such vessels shall have their name and port
of registration placed on some conspicuous portion of their hulls. Such vessels
shall in all respects be subject to the laws of the (Philippine Islands) Philippines,
and shall be liable to seizure and forfeiture for any violation of these provisions.

[3069–1(920).]

SECTION 1176-1/2. Violation by master or owner. — Any master or
owner violating the provisions of the preceding section shall be liable to a fine of
from five thousand pesos in addition to any other penalty imposed by law.

[3069–1(921).]

SECTION 1176-3/4. Identification of yachts and owners. — For the
identification of yachts and their owners, a commission to sail for pleasure in any
designated yacht owned by a citizen of the (Philippine Islands) Philippines or of
the United States designating the particular cruise may be issued by the Insular
Collector of Customs and shall be a token of credit to any Filipino official and to
the authorities of any foreign power. All such licensed yachts shall use a signal of
the form, size, and colors prescribed by the Insular Collector of Customs.

[3069–1(922).]

SECTION 1177. Report of accident to vessel. — When any Philippine
vessel of more than three tons gross sustains or causes any accident involving loss
of life, material loss of property, or serious injury to any person, or receives any
damage affecting her seaworthiness or her efficiency, the managing owner, agent,
or master of such vessel shall, by the first available mail, send to the collector of the district within which such vessel belongs or of that within which such accident or damage occurred, a report thereof, stating the name of the vessel, the port to which she belongs, and the place where she was, the nature and probable occasion of the casualty, the number and names of those lost, and the estimated amount of loss or damage to the vessel or cargo; and shall furnish such other information as shall be called for.

When the managing owner or agent of such vessel has reason to apprehend that it has been lost, he shall promptly send notice in writing to the collector of customs at her home port giving advice of such loss and the probable occasion therefor, stating the name of the vessel and the names of all persons on board, so far as the same can be ascertained, and shall furnish, upon request of the collector, such additional information as shall be required.

[2657–1350.]

SECTION 1178. Application of shipping laws to Government boats. — Vessels owned or operated by the Government shall not be subject to the requirement of this chapter relative to registration and navigation except in so far as prescribed in the regulations of the Bureau of Customs.

[2657–1351.]

SECTION 1179. Revocation of certificate. — When it shall appear to the Insular Collector that any certificate of Philippine register or certificate of ownership was illegally or improperly issued, he may cancel the same.

[2657–1352.]

SECTION 1180. Inspection of hulls boilers, and other constructional features. — In the exercise of the authority confided in the Bureau of Customs over the coastwise trade and over Philippine vessels and shipping generally, it shall be the duty of the Insular Collector to cause adequate technical inspections to be made from time to time and as occasion may require of the hulls, engines, boilers, and other mechanical and constructional features of all Philippine vessels and all steam vessels of foreign or private ownership navigating in any waters of the (Philippine Islands) Philippines, on common trade routes open to general or competitive navigation, and carrying passengers from any port of the (Philippine Islands) Philippines to any other place or country and to fix the standards which must be attained in respect thereto: Provided, however, That the following vessels shall not be subjected to any inspection other than that required to convince the local inspectors that the condition of the vessels, its boilers and life-saving
equipment are as stated in the current certificate of inspection: (a) passenger steamers of the United States having unexpired inspection certificates issued by competent authorities of said country; (b) passenger steamers belonging to other countries having inspection laws resembling those of the (Philippine Islands) Philippines, if the laws of said countries grant to Philippine steamships visiting said countries privileges identical to those granted to steamships of said countries visiting the (Philippine Islands) Philippines, but not otherwise. The hulls, engines, and boilers of all steam vessels engaged in coastwise traffic shall be inspected at least once a year, or in case of the hull of a wooden vessel, at least once every two years.

[2657–1353; 3479–1(923).]

SECTION 1181. Inspection certificate. — Upon the inspection of any vessel as aforesaid, a certificate of inspection shall be issued, if the inspected vessel shall be found to conform with the requirements applicable to it: Provided, That Philippine vessels arriving from foreign countries with unexpired certificates of inspection issued by examiners of Lloyd's Bureau Veritas, American Bureau of Shipping, British Corporation, United States Steamboat Inspection Service and vised by a United States consul, vice-consul, or consular agent in the performance of his official duties in the country or place where issued, shall likewise be entitled to have an inspection certificate issued to them. Said vessels shall not be subjected to any inspection other than that required to convince the local inspectors that the condition of the vessel, its boilers and life-saving equipment are as stated in the current certificate of inspection. A vessel inspected and certified in this manner or in the manner prescribed in the preceding section shall be permitted to operate for the length of time stated in the certificate, under the conditions imposed by the collector of customs of the district, with the approval of the Insular Collector.

[2657–1354; 3478–1(924); 3722–1(925).]

SECTION 1182. Sanitary inspection. — It shall be incumbent upon the Insular Collector to provide an adequate system of sanitary inspection for Philippine vessels. To this end a sanitary inspector may be appointed for the port of Manila. At the other respective ports the function of sanitary inspector may be exercised by the surveyor or other official thereunto deputed by the collector of customs. It shall be the duty of the sanitary inspector by personal examination to ascertain the sanitary condition of vessels subject to inspection by him and to see that the sanitary regulations of the Bureau of Customs are fully complied with; and a clearance shall not be granted to any such vessel until the sanitary inspector shall so certify.
SECTION 1183. Fire-apparatus and life-saving equipment. — The regulations of the Bureau of Customs shall prescribe the mechanical equipment and fire-apparatus to be carried on Philippine vessels for the purpose of preventing and extinguishing fires.

Such vessels shall also be required to carry life-saving equipment, consisting of boats, life-preservers, and other devices, to be prescribed by regulation, sufficient for the preservation of the passengers and crew in cases of emergency; and provision shall be made for adequate means of utilizing such equipment.

ARTICLE IV
Board of Marine Examiners

SECTION 1184. Organization of the Board of Marine Examiners. — There shall be maintained in the Bureau of Customs at Manila an Office of Marine Examiners which shall be occupied and used by the Board of Marine Examiners for Deck Officers and the Board of Examiners for Engineer Officers. The former shall consist of three master mariners one of whom may be of the Government service, and the of three chief engineers, one of whom may be of the Government service. The members of the two boards above mentioned shall be appointed by the Secretary of Finance at the recommendation of the Insular Collector of Customs, within not more than one month before each call and shall automatically cease upon submission of their certified report, under oath, of the result of the examination.

Subject to the approval of the Secretary of Finance, the Insular Collector of Customs may appoint a special Board of Marine Examiners consisting of three members who shall belong to the classified service of the Government and be master mariners or chief engineers with certificates duly issued, to conduct the examinations or tests of candidates for certificates as patron or bay, river and lake engineer, and to perform the functions of the regular Board of Marine Examiners in connection with said examinations in the ports or places designated by the Insular Collector of Customs, whenever the public interest may require it and when none of the regular boards for deck officers or engineer officers, as the case may be, is regularly appointed and sitting. The members of said Special Board of Marine Examiners shall act as such without additional compensation. Two members of any of the Boards of Marine Examiners, regular or special, mentioned
in this Act shall constitute a *quorum* for the transaction of business. The Insular Collector of Customs shall appoint an officer or employee of the Bureau of Customs to act as secretary of the Board of Marine Examiners. It shall be the duty of the secretary to record, take charge of, and keep all proceedings, documents, and other papers of the several Boards of Marine Examiners, the creation of which is authorized in this section, to pass upon application for marine examinations and to perform such other duties as the Insular Collector of Customs may prescribe in connection with marine examinations other than as a marine examiner.

[2507–1(926); 2614–1(927); 2852–1(928); 3177–1(929); 3426–1(930); 3993–1(931); see Act 4007–10(932).]

**SECTION 1185. Functions of the boards.** — It shall be the duty of said Boards of Marine Examiners to conduct marine examinations of persons applying for certificates as deck or engineer officers under the provisions hereof, to impose or measures in connection with such examinations as may be necessary, and to certify under oath to the Insular Collector of Customs the successful candidates in such examinations for certificate as master, mate, marine engineer, motor engineer, or patron, as the case may be.

[2507–2(933); 3177–2(934); 3426–2(935); 3993–2(936); see Act 4007–10(937).]

**SECTION 1186. Qualifications of applicant.** — An applicant for certificate or license as master, mate, engineer or patrol shall be:

(a) A citizen of the (Philippine Islands) Philippines;

(b) A citizen of the United States; or

(c) An honorably discharged soldier, sailor or marine of the United States.

[2507–4(938).]

**SECTION 1187. Physical examination.** — An applicant shall be examined physically by a competent physician selected by the board and unless found to be physically sound shall not be entitled to take examination.

[2507–5(939).]

**SECTION 1188. Reexamination of person reported unsound.** — Any person reported to be physically unsound upon any examination conducted pursuant to the provisions of this article may, if he so desires, be examined a
second time at his own expense, and by another physician, upon request directed by him to the Department Head, through the Insular Collector of Customs. In such case the physician to make the examination shall be designated by the Department Head.

[2507–5(940).]

SECTION 1189. Examination into moral and technical qualifications of applicants. — Except as otherwise specially provided, an applicant for a marine certificate shall be required to undergo a technical examination on the subject hereinafter stated. To obtain a certificate he must show a proficiency in the subjects upon which he is examined and shall answer correctly at least seventy-five per cent of the questions propounded to him. It shall be the duty of the Board of Marine Examiners to make a thorough inquiry into the character of the applicant and to consider the evidence he presents in support of his application and such other relevant evidence as the Board shall deem proper. In this connection the Board may consider the statement, written or oral, of any person cognizant of the qualifications of the applicant, and may, in its discretion, require the production of the ships' journals and logbooks for inspection.

The Board of Examiners for deck officers in examining an applicant for a certificate as master or mate shall inquire into his character and habits, his knowledge of seamanship and navigation in its various branches, his capacity and skill in the loading and unloading of ships, and in handling and stowing freight, and all other knowledge which the Boards believe he should possess in order to properly perform his duties as master or mate.

An applicant for the certificate as patron in the major coastwise trade shall prove to the satisfaction of the Board that he possesses the knowledge necessary for navigating in all the Philippine seas.

An applicant for certificate as patron in the limited coastwise trade shall be required to show to the Board that he possesses practical knowledge for navigating on the limited waters for which he requests a certificate.

An applicant for admission to the examination as patron for harbor, bay, lake, and river shall produce to the Board evidence, satisfactory to it, showing that he possesses the knowledge necessary for navigating in the harbor, bay, lake, and river for which he seeks a certificate.

The Boards of Examiners for engineer officers in examining an applicant for a certificate as marine engineer shall inquire into his theoretical and practical knowledge of the operation and repair of all classes of marine machinery; also into
his practical experience, character and habits, and the Board may, in its discretion, make such practical tests and examination of the applicant as it may deem necessary to demonstrate his fitness for the position for which he seeks a certificate.

The Board in examining an applicant for certificate as motor engineer shall inquire into his theoretical and practical knowledge in the operation and repair of internal combustion engines, his practical experience, character, and habits as the Board may believe that he should possess in order to properly perform his duties as such motor engineer.

The examinations shall be theoretical and practical for masters, mates, marine engineers, motor engineers, and major patrons, and practical only for minor patrons, bay, river, and lake patrons, and bay, river, and lake motor engineers. The theoretical examinations shall be made in writing. Practical examinations may be made orally. There shall be an extensive permanent schedule of subjects prepared for each certificate, which shall not be modified or extended within six months immediately before the holding of such examination. The examination papers shall not be signed and the authors thereof shall be identified by means of slips enclosed in envelopes which shall not be opened until after the ratings have been given. In order to determine the general average of each candidate such oral examination as in the opinion of the Boards may be necessary shall be conducted in the presence of all the members of the corresponding Board, but no rating above twenty per cent shall be given to any oral examination. The schedule and regulations by which marine examinations are to be governed shall be promulgated by the Secretary of Finance, and for this purpose he shall from time to time as may be necessary and convenient appoint a committee to study, revise, and prepare such schedule and regulations. There shall be held in the port of Manila a marine examination in the month of January of every year, and the Secretary of Finance may, whenever deemed necessary in his discretion, order the holding of marine examinations, not more than once every year, in the ports of Cebu or Iloilo by Boards of Marine Examiners appointed and constituted in accordance with section eleven hundred and eighty-four of Act Numbered Twenty-seven hundred and eleven, known as the-Administrative Code, as amended by Acts Numbered Twenty-eight hundred and fifty-two, Thirty-one hundred and seventy-seven, and Thirty-four hundred and twenty-six.

[2507–6(941); 2614–2(942); 3177–3(943); 3426–3(944); 3897–1(945); see Act 4007–10(946).]

SECTION 1189-1/2. Examination into technical qualifications of applicants to act as master of yacht. — Whenever the owner of a steam or a sailing
yacht, who had reached the age of twenty-one years, and who has had one year's experience in sailing such vessels, applies for a license authorizing him to act as master of steam yacht for Philippine coastwise and ocean navigation, the Board of Marine Examiners shall examine the applicant as to his knowledge of the rules of the road; for signals and lights; the use of the lead and line; the use of patent and ship logs; the compass, variation and deviation of the compass; the use of the drag; the use of oil during storms; bell signals between pilot house and engine room; handling of steam vessels; law of storms; course and distance by chart; keeping the log book, middle latitude sailing; mercator's sailing method of obtaining latitude and longitude by deal reckoning; latitude by altitude of either the sun, moon, or stars; longitude by chronometer (time sights). Practical problems should be given in the subject of latitude and longitude. If said examination is satisfactory to the Board of Marine Examiners, they shall recommend to the Insular Collector of Customs the issuance to the applicant of a master's license, authorizing him to discharge the duties of a master of steam yacht either for coastwise or ocean navigation: Provided, however, That should the applicant demonstrate efficiency in the handling of sailing vessels only the Board of Marine Examiners may recommend the issuance of a license as master of sailing, yachts only; Provided, further, That such license as master of yachts shall not be required for sailing vessels, or sailing vessels with auxiliary motor, of less than one hundred and fifty tons gross.

[3069–2(947).]

SECTION 1190. Reservation in favor of American officers. — The holder of an unexpired license as master, mate, or engineer of any ocean issued under the laws of the United States shall be entitled to obtain a certificate of the same grade in the (Philippine Islands) Philippines without being subject to the requirements hereinabove specified other than the physical examination and the payment of the required fees.

[2614–2(948); 3426–4(949).]

SECTION 1191. Qualifications required of candidates for master, mate, and patron. — Besides the physical examination and other evidence relative to habits and character herein required, candidates for master, mate, and patron, shall have the following qualifications:

(a) Master: An applicant for a certificate as master shall be not less than twenty-five years of age at the time of filing his application, and shall produce to the Board evidence, satisfactory to it, showing that he has served on a seagoing vessel in the capacity of first mate with a certificate as such for
at least two years, one year of which shall be on vessels of five hundred gross tons or over.

(b) First mate: An applicant for a certificate as first mate shall produce to the Board evidence, satisfactory to it, showing that he has served on a seagoing vessel in the capacity of second mate, with a certificate as such, for at least one year.

(c) Second mate: An applicant for certificate as second mate shall produce to the Board evidence, satisfactory to it, showing that he has served on a seagoing vessel in the capacity of third mate, with a certificate as such, for at least one year.

(d) Third mate: An applicant for a certificate as third mate shall be not less than nineteen years of age and shall produce a certificate of graduation from the Philippine Nautical School or from any other officially recognized nautical school after having completed the second year high school or its equivalent, and shall further be required to present to the Board evidence, satisfactory to it, showing that he has served as an apprentice mate, at least eighteen months in a seagoing sailing vessel, or at least twenty-four months in a seagoing steam or motor vessel. Major patrons who on the approval of this Act were acting as masters on vessels of two hundred tons or over may apply for examination for a third mate's certificate after two years of such service: Provided, That apprentice mates who are actually navigating as such on or prior to the approval of this Act shall be required to present to the Board evidence, satisfactory to it, showing that they have successfully passed the second year high school or its equivalent in any recognized school, and that they have shipped or acted as agregado a piloto for at least two years on a seagoing vessel: Provided, further, That an applicant producing a certificate of graduation from the Philippine Nautical School who has served as agregado a piloto for at least twelve months in a seagoing sailing vessel or at least eighteen months in a seagoing steamer, shall, in order to obtain certificate as third mate, not be required to take a technical examination, but shall be required to undergo a physical examination and produce all other evidence relative to his habits and character, and that this provision shall be applicable to the students of the Nautical School completing their studies at the close of the school year nineteen hundred and twenty-nine.
(e) Patron: In order to be admitted to examination for patron in the major coastwise trade, the applicant shall be at least twenty-five years of age and shall produce to the Board a certificate, satisfactory to it, showing that he has passed the intermediate school or its equivalent in an officially recognized school and that he has navigated in the major coastwise trade as boatswain, quartermaster, sailor, or apprentice mate on a seagoing vessel navigating in the Philippine coastwise trade of not less than two hundred fifty tons gross for a period of at least five years, or that he has navigated as patron or mate in the coastwise trade with a certificate of minor patron for at least three years.

An applicant for admission to the examination for patron in the minor coastwise trade shall be not less than twenty-three years of age and shall produce to the Board evidence, satisfactory to it, showing that he has passed the intermediate school or its equivalent in an officially recognized school and that he has navigated in a coastwise or a highsea vessel of thirty gross tons or over for a period of not less than five years as boatswain or quartermaster or sailor.

An applicant for admission to the examination as patron for harbor, bay, lake, or river shall be at least twenty-three years of age, must know how to read and write English, Spanish or any native dialect, and shall produce to the Board evidence, satisfactory to it, showing that he has navigated on board of a vessel or launch of three gross tons or over for a period of not less than five years as quartermaster or sailor: Provided, That persons who, before the approval of this Act, have served for a total period of not less than four years as patrons on steam or motor vessels of three gross tons or over plying in a harbor, bay, lake, or river without the proper patron's certificate, and who can read and write English, Spanish or any native dialect, may upon producing a certificate or certificates to that effect signed by the outfitter or owner or outfitters or owners of such steam or motor vessels and duly acknowledged before a notary public or other persons authorized by law to administer oaths, and after satisfactorily passing a test on marine rules and regulations only, obtain the certificate of minor patron for such harbor, bay, river; or lake.

[2547–7(950); 2614–3(951); 3426–5(952); 3467–1(953); 3888–1(954).]

SECTION 1192. Qualifications required of candidates for the certificate as engineer. — Besides the physical examination other evidence relative to moral qualifications herein required, candidates for marine and motor engineers shall have the following qualifications:
Marine engineers:

(a) Chief engineer: An applicant for certificate as chief engineer shall be not less than twenty-five years of age at the time of filing his application and shall be required to produce to the Board evidence, satisfactory to it, showing that he has served on a seagoing steamer in the capacity of second engineer, with a certificate as such, for at least two years.

(b) Second engineer: An applicant for certificate as second engineer shall be required to produce to the Board evidence, satisfactory to it, showing that he has served on a seagoing steamer in the capacity of third engineer, with a certificate as such for at least one year.

(c) Third engineer: An applicant for certificate as third engineer shall be required to produce to the Board evidence, satisfactory to it, showing that he has served on a seagoing steamer in the capacity of fourth engineer, with a certificate as such, for at least one year.

(d) Fourth engineer: An applicant for certificate as fourth engineer shall be at least nineteen years of age at the time of filing his application and shall produce to the Board evidence, satisfactory to it, showing that he has passed the second year high-school course or its equivalent, or has graduated from an officially recognized marine engineers' school and that he has served at least six months on a seagoing motor vessel and eighteen months on a seagoing steam vessel as apprentice engineer, machinist, or oiler, after having served two years in a marine shop as apprentice or fitter (operario): Provided, That apprentice marine engineers who are actually navigating as such on or prior to the approval of this Act, are required to present to the Board evidence, satisfactory to it, showing that they have passed the primary school or its equivalent in an officially recognized school, and that they have served on steam launches or vessels as agregado, oiler or fireman for at least two years and have worked for two years in a machine shop as operative and they must be at least nineteen years of age.

Motor engineers:

(a) Chief motor engineer: An applicant for certificate as chief
motor engineer shall not be less than twenty-five years of age at the time of filing his application and shall produce to the Board evidence, satisfactory to it, showing that he has served on a seagoing vessel in the capacity of second motor engineer with a certificate as such for least two years.

(b) Second motor engineer: An applicant for certificate as second motor engineer shall produce to the Board evidence, satisfactory to it, showing that he has served on a seagoing vessel in the capacity of third motor engineer with a certificate as such for at least one year.

c) Third motor engineer: An applicant for certificate as third motor engineer shall produce to the Board evidence, satisfactory to it, showing that he has served on a seagoing vessel in the capacity of fourth motor engineer with a certificate as such for at least one year.

d) Bay, river, and lake motor engineer: An applicant for certificate as bay, river, and lake motor engineer must be at least nineteen years of age, must know how to read and write Spanish, English or any native dialect and shall produce to the Board evidence, satisfactory to it, showing that he has served as oiler, machinist or apprentice motor engineer on a bay, river, or lake motor vessel propelled by internal combustion engine of not less than five brake horsepower, for at least two years.

e) Fourth motor engineer. — An applicant for certificate as fourth motor engineer shall be at least nineteen years of age at the time of filing his application and shall produce to the board, satisfactory evidence, showing that he has served for at least five years, on a seagoing motor vessel as apprentice engineer, machinist, or oiler: Provided, however, That holders of bay, river and lake motor engineers' certificates who have had two years' experience as such, may apply for examination for fourth motor engineer's certificate even if they do not possess the qualifications stated above.

[2507–8(955); 2614–4(956); 3177–4(957); 3426–6(958); 3556–2(959); 3888–2(960).]
engineer and chief motor engineer, fifteen pesos.

For first mates, second marine and motor engineer and major patrons, ten pesos.

For mates, third and fourth marine and motor engineers and minor patrons, seven pesos and fifty centavos.

For river, bay and lake patrons and motor engineers, five pesos.

[3426–7(961).]

SECTION 1192-3/4. Examination fees in Cebu and Iloilo. — The admission fees for marine examinations held in Cebu or Iloilo shall be as follows:

Masters, chief marine or motor engineers P25.00
Chief mates, second marine or motor engineers and major patrons 20.00
Second and third mates, third and fourth marine or motor engineers and minor patrons 15.00
Bay and river patrons and bay and river motor engineers 10.00

[3897–2(962).]

SECTION 1193. Certification of applicant. — If the Board of Marine Examiners shall find that the experience, habits and character of an applicant are such as to warrant the belief that he can safely be entrusted with the duties and responsibilities of the position for which he makes application, and that the applicant has in other respects complied with the requirements hereof, it shall so certify and thereupon issue the appropriate certificate.

[2507–9(963); 3426–8(964).]

SECTION 1194. Issuance of certificates. — (a) Candidates for mate and master having passed the requisite examination shall be entitled to have the proper certificate issued to them which will entitle them to navigate in any ocean.

(b) Candidates for patron in the major coastwise trade having passed the requisite examination shall be entitled to have the proper certificates issued to them authorizing them to navigate in the Philippine coastwise trade.

(c) Candidates for patron in the minor coastwise trade having passed the requisite examination shall be entitled to have the proper certificates issued to them which shall authorize them to navigate upon the seas, harbors, bays, rivers, or lakes
for which they have shown proficiency and a thorough practical knowledge.

(d) Candidates for marine engineers having passed the requisite examinations shall be entitled to have the proper certificates issued to them which shall authorize them to navigate as such engineers on vessels of any tonnage propelled by any kind of machinery.

(e) Candidates for motor engineers having passed the requisite examinations shall be entitled to have the proper certificate issued to them which shall authorize them to act as such motor engineers on vessels of any tonnage propelled by internal combustion engines.

[2507–10(965); 2614–5(966); 3426–9(967).]

SECTION 1195. Form of certificate. — The several certificates herein provided for shall be issued in the form of diplomas by the Insular Collector of Customs and shall be signed by him and countersigned by the Secretary of Finance, and shall entitle the holders thereof to navigate in accordance with the authority contained in them and shall not be suspended nor revoked except as hereinafter provided.

[2507–12(968); 2614–7(969); 3426–10(970); 3993–3(971).]

SECTION 1196. Physical examination of holder of certificate. — Once in every five years all holders of marine certificates shall be required to undergo a physical examination to determine their fitness to continue navigating. Any person who upon such examination is found to be physically unfit for the service shall thereafter be disqualified from engaging therein.

[2614–7(972); 3426–11(973).]

SECTION 1197. Reinstatements. — Any person who has held the office of captain, mate, master or engineer and whose license or certificate has been revoke on account of physical defects shall be entitled to reinstatement upon the favorable certificate of a physician appointed to make a second examination pursuant to the provisions of section one thousand one hundred and eighty-eight hereof.

[2507–13(974).]

SECTION 1198. Marine investigation and suspension or revocation of marine certificates. — There shall be maintained in the Bureau of Customs at Manila a Board of Marine Inquiry to consist of five members, to wit: The Surveyor of the Port as chairman ex officio, two master mariners and two chief engineers of
the Philippine merchant marine, who shall be appointed by the Secretary of Finance. The members of the board shall receive a per diem of twenty pesos for each day of not less than seven hours of service rendered in connection with marine investigations. Three members present shall constitute a quorum for the transaction of business. In case of inability or absence of the Surveyor of the Port, a temporary chairman may be chosen by the members from among themselves. Such board shall have the power to investigate marine accidents and professional conduct of marine officers, giving the party affected an opportunity to be heard in his defense. The decision of the Insular Collector of Customs based upon the findings and recommendations of the board, reprimanding a licensed marine officer or suspending or revoking any marine certificate on account of professional misconduct, intemperate habits, negligence or incapacity shall be final unless, within thirty days after its promulgation, an appeal is perfected and filed in the Office of the Secretary of Finance who may confirm, revoke, or modify said decision.

Rules and regulations governing the procedure of marine investigations shall be promulgated by the Secretary of Finance.

The Insular Collector of Customs may, with the approval of the Secretary of Finance, authorize collectors of customs to appoint boards for the purpose of investigating marine accidents or charges preferred against marine officers in their respective districts. The proceedings of such investigations together with the findings and recommendations of said board shall be submitted, through the Insular Collector of Customs, to the Board of Marine Inquiry, Manila, for final review and recommendation.

In order to safeguard lives and properties at sea, a collector of customs may withhold clearance of any Philippine vessel whenever he has cogent motives to fear for the mental condition or capacity, whether permanent or otherwise, of her master, mate or engineer under investigation, pending the final decision thereon.

[2507–14(975); 3177–5(976); 3426–12(977); 3583–1(978); C.A. 293–1(979).]

SECTION 1199. **Duration of licenses to officers of foreign nationality.** — Licenses heretofore issued to persons of foreign nationality pursuant to the provisions of Act Numbered Seven hundred and eighty or issued to such persons by the Board of Marine Examiners prior to the fifth day of February, nineteen hundred and sixteen, shall be valid only until six months from and after the enactment of a Philippine citizenship law, unless during said six months their
holders have applied for Philippine citizenship in due form.

[2507–15(980); 2614–8(981).]

SECTION 1200.  Fees for issuance of certificates. — Any person to whom any certificate as master, mate, patron or engineer is issued, upon examination or by way of exchange, shall pay:

For a certificate as master, sixty pesos.

First, second, and third mates, and major patron, forty pesos.

Chief marine engineer, sixty pesos.

Second, third, and fourth marine engineers, forty pesos.

Chief motor engineer, sixty pesos.

Second, third, and fourth motor engineers, forty pesos.

Bay, river and lake motor engineer and patrons, thirty pesos.

[2507–16(982); 2614–9(983); 3426–13(984); 3583–2(985).]

SECTION 1201.  Compensation of members of the Board of Marine Examiners. — The members of the Board of Marine Examiners shall each receive a per diem of twenty pesos for every day of not less than seven hours service rendered in connection with their duties as marine examiners: Provided, That no member shall receive more than one thousand eight hundred pesos for the whole work in connection with each examination.

[2507–17(986); 2852–2(987); 3426–14(988); 3583–3(989); see Act 4007–10(990).]

SECTION 1202.  Limiting number of foreign personnel on board vessels. — No Philippine vessel operating in the coastwise trade or on the high seas shall be permitted to have on board more than one master or one mate and one engineer who are not citizens of the United States or of the (Philippine Islands) Philippines, but the master, mate or engineer so employed must hold a license under section one thousand one hundred and ninety-nine hereof. No other person who is not a citizen of the United States or of the (Philippine Islands) Philippines shall be an officer or a member of the crew of such vessel. Any such vessel which fails to comply with the terms of this section shall be required to pay an additional tonnage tax of fifty centavos per net ton per month during the continuance of said failure: Provided, That a vessel registered under section eleven hundred and seventy-two
of this Code operating on the high seas and not engaged in the coastwise trade may employ foreign seamen as members of its crew except watch and engine-room officers: And provided, further, That nothing herein contained shall be construed as revoking or modifying any of the existing provisions of the Acts of the United States Congress regulating immigration.

[2507–18(991); 2761–3(992); 2912–2(993); 3474–1(994).]

SECTION 1203. Complement of watch and engine-room officers on Philippine vessels. — Every vessel registered in the (Philippine Islands) Philippines shall have the following officers:

(a) Every steam vessel of fifteen hundred gross tons or over shall have the following watch officers: One master, one first mate, one second mate, and one third mate.

(b) Every steam vessel of five hundred gross tons, but less than fifteen hundred, shall have the following officers: One master, one first mate, and one second mate.

(c) Every steam vessel of two hundred and fifty gross tons, but less than five hundred, shall have the following officers: One master, one first or second mate, and one third mate:

(d) Every vessel of one hundred gross tons, but less than two hundred and fifty, shall have the following officers: One first mate or one patron in the major coastwise trade, who shall have charge of the vessel as master, and one second or third mate or one patron in the minor coastwise trade, as mate; but when such vessels make runs of more than two hundred miles measured from the point of departure to the last point of call, they shall carry two mates, who may be of the class of third mate or patron in the minor coastwise trade.

(e) Every steam vessel of less than one hundred gross tons shall have the following officers: One patron in the minor coastwise trade who shall have charge of the vessel as master; but when such vessel navigates for more than twenty-four hours from the point of departure until its return thereto, it shall carry a mate who shall be at least a patron in the minor coastwise trade: Provided, That upon written application, the owner or agent of a motor vessel under thirty-five gross tons operating in places where licensed officers are not available, may be permitted by
the Insular Collector of Customs, under such condition as the latter may require, to operate such craft without such licensed officers, for a reasonable time, in the discretion of the Insular Collector of Customs: Provided, further, That such permit shall be granted only to vessels under thirty-five gross tons register operating within a radius of not more than one hundred miles from the principal port of operation or home port of the vessel at the risk and responsibility of the operator and owner, and at a distance from shore of not more than six miles.

[3553–1(995); see Act 3635–2(996); 4015–1(997).]

(f) Every steamship of five hundred gross ton or over shall carry, in addition to her complement of watch and engine-room officers established by this article, at least one supercargo or purser whose duty it shall be, under the orders of the master, to receive and deliver the cargo and be responsible therefor, and to perform such other duties as do not require technical nautical knowledge. On steamships required by this article to carry a supercargo, the watch officers shall not be required to render services other than those appertaining to their respective technical branches; and nothing contained in this section shall be construed as preventing mariners from taking an additional mate in lieu of the supercargo above mentioned.

(g) Every sailing vessel or sailing vessel with auxiliary engine of one hundred and fifty gross tons or over, shall carry as officers, one patron in the major coastwise trade, or one first mate, as master, and every sailing vessel of thirty-five gross tons or over, but less than one hundred and fifty gross tons, with or without auxiliary engine, shall be commanded by a patron in the minor coastwise trade.

[3635–1(998); 3697–1(999), see also sec. 2.]

(h) Every vessel or steamship engaged in the towing of logs, lumber, bamboo, or of lorchas, lighters, or others, on voyages of more than twelve hours' duration, shall carry, in addition to the master, a mate, who may be a patron in the minor coastwise trade.

(i) Every steamer making round trips in not more than forty-eight hours, staying all night in port, shall have the following
complement of engineers:

Up to one hundred and twenty horsepower, one fourth engineer.

From one hundred and twenty-one horsepower upward, one third and one fourth engineer.

[j] Every steamer making rounds trips of more than forty-eight hours, or less, but traveling at night, shall carry the following complement of engineers:

Up to fifty horsepower, three fourth engineers.

From fifty-one horsepower to one hundred and fifty, one third and two fourth engineers.

From one hundred and fifty-one horsepower to two hundred and fifty, one second and two fourth engineers.

From two hundred and fifty-one horsepower to three hundred and fifty, one second, one third, and one fourth engineers.

From three hundred and fifty-one horsepower to one thousand, one chief, one second, and one third engineers.

Every steamer having two or more engines of a combined horsepower of over three hundred and fifty horsepower, shall carry, in addition, a fourth engineer; and it shall be the duty of the engineers included under subsection (i) to attend to the ship's engines and all its accessories, as well as to the capstan, cargo winches, and fire engines. Every vessel carrying machinery other than that cited shall have one or more additional engineers, in the discretion of the Collector of Customs of the (Philippine Islands) Philippines, and it shall be the duty of the engineers included under subsection (j) to attend to the ship's engines with all their accessories, as well as to the capstan, cargo winches, servo-motor, electric-light dynamo, and fire engines.

Every vessel equipped with other machinery, such as an ice machine, cold storage plant, distilling apparatus for water, and so forth, shall have one or two additional engineers, in the discretion of
the Collector of Customs of the (Philippine Islands) Philippines; and
ships the engines whereof shall be of over one thousand horsepower
shall, in addition to the engineers required for one thousand
horsepower, have such subordinate engine-room personnel, of a rank
inferior to that of second engineer, as may, in the discretion of the
Collector of Customs of the (Philippine Islands) Philippines, be
necessary.

[2507–19(1001); 2614–10(1002).]

(k) Every motor or steam vessel of more than fifteen gross tons but
less than one hundred gross tons, operating for pleasure or any
purpose other than the transportation of passengers or freight
for hire or profit, shall be required to carry not less than one
licensed navigator and one licensed engineer. Motor or steam
vessels of fifteen gross ton or less shall be exempt from the
provisions of this subsection subject to such conditions as the
Insular Collector of Customs may require.

[3555–1(1003).]

SECTION 1204. Waters on which patron may navigate. — No person
shall be permitted to act as master or mate on any waters other than for which he
has been duly licensed as such patron, and no patron shall be permitted to act as
master on any vessel of a greater tonnage than for which he is licensed: Provided,
That when there are no licensed patrons available, the Insular Collector of Customs
may permit other licensed marine officers to act as master or mate on vessels of a
tonnage and in waters where, according to the law, vessels must navigate
commanded by licensed patrons, for a period not to exceed six months and subject
to such conditions as said official may prescribe.

[3976–1(1004).]

ARTICLE V

Coastwise Trade

SECTION 1205. Ports open to coastwise trade. — All ports and places in
the (Philippine Islands) Philippines shall be open to vessels lawfully engaged in the
coastwise trade, subject to the regulative provisions of law applicable in particular
cases.

[2657–1357.]
SECTION 1206. **Vessels eligible for coastwise trade.** — The right to engage in the Philippine coastwise trade is limited to vessels carrying a certificate of Philippine register.

[2657–1358.]

SECTION 1207. **License for coastwise trade.** — All vessels engaging in the coastwise trade except boats of five tons gross or less must be duly licensed annually.

[2657–1359.]

SECTION 1208. **Philippine coastwise emblem.** — Vessels engaged in the Philippine coastwise trade shall fly at the mainmast the Philippine coastwise emblem, consisting of a rectangular white flag with one blue and one red star ranged from staff to tip in the horizontal median line.

[2657–1360.]

SECTION 1209. **Transportation of passengers and merchandise between Philippine ports.** — Passengers shall not be received at one Philippine port for any other such port by a vessel not licensed for the coastwise trade, except upon special permission previously granted by the Insular Collector; and subject to the same qualification, merchandise embarked at a domestic port shall not be transported by water to any other port in the (Islands) Philippines, either directly or by way of a foreign port, or for any part of the voyage, in any other vessel than one licensed for the coastwise trade.

Passengers or merchandise arriving from abroad upon a foreign vessel may be carried by the same vessel through any port of entry to the port of destination in the (Islands) Philippines without change; and passengers departing from the (Islands) Philippines or merchandise intended for export may be carried in a foreign vessel through a Philippine port without change.

[2657–1361.]

SECTION 1210. **Clearance of foreign vessel to and from coastwise ports.** — Upon such reasonable conditions as he may impose, the Insular Collector may clear foreign vessels for any open coastwise port and authorize the conveyance therein of either merchandise or passengers brought from abroad upon such vessels; and he may likewise, upon such conditions as he may impose, allow a foreign vessel to embark cargo and passengers at any coastwise port and convey the same upon such vessel to a foreign port.
SECTION 1211. Requirement of manifest in coastwise trade. — Manifests shall be required for cargo and passengers transported from one place or port in the (Islands) Philippines to another only when one or both of such places is a port of entry.

SECTION 1212. Manifest required upon departure from port of entry. — Prior to departure from a port of entry the master of a vessel licensed for the coastwise trade shall make out and subscribe duplicate manifests of the whole of the cargo and all of the passengers taken on board such vessels, specifying in the cargo manifests the marks and numbers of packages, the port of destination, and the names of the consignees, together with such further information as may be required, and in the passenger manifests, the name, sex, age, residence, port of embarkation, and destination of all passengers, together with such further information as may be required. He shall deliver such manifests to the collector, or other customs official duly authorized, before whom he shall swear to the best of his knowledge and belief, in respect to the cargo manifests, that the goods therein described, if foreign, were imported legally and that the duties thereon have been paid or secured, and in respect to the passenger manifests, that the information therein contained is true and correct as to all passengers taken on board. Thereupon the said collector, or customs official, shall certify the same on the manifests, the original of which he shall return to the master with a permit specifying thereon, generally, the lading on board such vessel, and authorizing him to proceed to his port of destination, retaining the duplicates.

SECTION 1213. Manifests required prior to unlading at port of entry. — Within twenty-four hours after the arrival at a port of entry of a vessel engaged in the coastwise trade, and prior to the unlading of any part of the cargo, the master shall deliver to the collector of customs or other proper customs official complete manifests of all the cargo and passengers brought into said port, together with the clearance manifests of cargo and passengers for said port granted at any port or ports of entry from which said vessel may have cleared during the voyage.

SECTION 1214. Departure of vessel upon general manifest. — The Insular Collector may by regulation permit a vessel to depart coastwise from a port of entry upon the filing of a general manifest by the master thereof, the owners,
agents, or consignees being required to present the proper detailed manifest within forty-eight hours after the departure of the vessel.

[2657–1366.]

SECTION 1215. Bonding of carriers transporting merchandise in bond. — A carrier engaged in conveying dutiable merchandise in bond from a port of importation to other ports shall give security in the nature of a general transportation bond, in a sum not less than ten thousand pesos, conditioned that the principal shall transport and deliver without delay, and in accordance with law and regulation, to the collector of customs at the port of destination all merchandise in bond delivered to such carrier and that all proper charges and expenses incurred by the customs authorities or at their instance by reason of such shipments shall be duly paid.

[2657–1367.]

SECTION 1216. Manifests for transit cargo. — When transit cargo from a foreign port or other local ports is forwarded from the port of importation, separate manifests, in triplicate, shall be presented by each carrier.

[2657–1368.]

SECTION 1217. Bay and river license. — Annual licenses authorizing vessels to engage in the business of towing or carrying merchandise or passengers in the bays, harbors, rivers, and inland waters navigable from the sea shall be issued by the collectors of the various ports of entry under the conditions hereinbelow prescribed; and except as otherwise expressly provided, no vessel shall be permitted to engage in this character of business until the proper license therefore has been procured.

A bay and river license shall specify the particular port or other body of water in which the vessel in question may engage in business as aforesaid.

[2657–1369.]

SECTION 1218. Vessels eligible for bay and river license. — To be eligible for the bay and river license, a vessel must be built in the (Philippine Islands) Philippines or in the United States, and the ownership of such vessel must be vested in some one or more of the following classes of persons: (a) citizen of the United States; (b) citizens of (Philippine Islands) Philippines; (c) domestic corporation or companies seventy per centum of whose corporate capital belongs to citizens of the United States or of the (Philippines Islands) Philippines: Provided, That the present owners of vessels with bay and river license under
existing law who do not possess any of the requirements herein prescribed, may nevertheless continue operating such vessels as eligible for said bay and river license.

[2657–1370; 3472–1(1005); 4161–1(1006).]

SECTION 1219. Exemption of certain craft from requirement of bay and river license. — No bay and river license shall be required of any of the following classes of vessels:

(a) Vessels of three tons net or less.

(b) Yachts, launches, and other craft used exclusively for pleasure and recreation.

(c) Ship's boats and launches bearing the name and home port of the vessel plainly marked thereon.

(d) Vessels owned by the Government of the (Philippine Islands) Philippines or of the United States.

The exemption of a boat in either of the last three classes shall at once cease if it engages in the business of transporting cargo or passengers for hire.

[2657–1371.]

SECTION 1220. Revocation of license. — The Insular Collector may for cause at any time revoke any coastwise license or bay and river license.

[2657–1372.]

ARTICLE VI

Entrance of Vessels in Foreign Trade

SECTION 1221. Ports open to vessels engaged in foreign trade — Duty of vessel to make entry. — Vessels engaged in the foreign carrying trade shall touch at ports of entry only, except as otherwise specially allowed; and every such vessel arriving within a customs collection district of the (Philippine Islands) Philippines from a foreign port shall make entry at the port of entry for such district and shall be subject to the authority of the collector of customs of the port while within his jurisdiction.

The master of any war vessel or vessel employed by any foreign government shall not be required to report and enter on arrival in the (Philippine Islands) Philippines.
Islands) Philippines, unless engaged in the transportation of merchandise in the way of trade.

[2657–1373.]

SECTION 1222.  *Arrest of vessel departing before entry made.* — When a vessel arriving within the limits of a collection district from a foreign port departs or attempts to depart before entry shall be made, not being thereunto compelled by stress of weather, duress of enemies, or other necessity, the collector or surveyor of the port or the commander of any revenue cutter may arrest and bring back such vessel to the most convenient port.

[2657–1374.]

SECTION 1223.  *Control of customs officer over boarding or leaving of incoming vessel.* — Upon the arrival in port of any vessel engaged in foreign trade, it shall be unlawful for any person (except the pilot, consul, health officers, or customs officers) to board or leave the vessel without the permission of the customs officer in charge; and it shall likewise be unlawful for any tugboat, rowboat, or other craft to go along side and take any person aboard such vessel or take any person therefrom, except as aforesaid.

[2657–1375.]

SECTION 1224.  *Quarantine certificate for incoming vessel.* — Entry of a vessel from a port or place outside of the (Philippine Islands) Philippines shall not be permitted until it has obtained a quarantine certificate issued under the authority of the Bureau of Quarantine Service.

[2657–1376.]

SECTION 1225.  *Documents to be produced by master upon entry of vessel.* — For the purpose of making entry of a vessel engaged in foreign trade, the master thereof shall present the following documents, duly certified by him, to the boarding officer of customs.

(a) The original manifest of all cargo destined for the port, to be returned with boarding officer's indorsement.

(b) Three copies of the same manifest, one of which upon certification by the officer as to correctness of the copy shall be returned to the master.

(c) Two copies of store list.
(d) One copy of passenger list.

(e) One copy of the crew list.

(f) The original of all through cargo manifest, for deposit, while in port, with the customs officer in charge of the vessel.

(g) A passenger manifest of all aliens, in conformity with the requirement of the immigration laws in force in the (Philippine Islands) Philippines.

(h) The shipping articles and register of the vessel, if of Philippine register.

[2657–1377.]

SECTION 1226. Translation of manifest. — The cargo manifest and each copy thereof shall be accompanied by a translation into English, if originally written in a language other than English.

[2657–1378.]

SECTION 1227. Production of Philippine crew. — The master of a Philippine vessel returning from abroad shall produce the entire crew listed in the vessel's shipping articles; and if any member be missing, the master shall produce proof satisfactory to the collector that such member has died, absconded, has been forcibly impressed into other service, or has been discharged; and in case of discharge in a foreign country he shall produce a certificate from the consul, vice-consul, commercial agent, or vice-commercial agent of the United States there residing, showing that such discharge was effected with the consent of the representative of the United States aforesaid.

[2657–1379.]

SECTION 1228. Manifest required of vessel from foreign port. — Every vessel from a foreign port or place must have on board complete written or typewritten manifests of all her cargo.

All of the cargo intended to be landed at a port in the (Philippine Islands) Philippines must be described in separate manifests for each port of call therein. Each manifest shall include the port of departure and the port of delivery with the marks, numbers, quantity, and description of the packages and the names of the consignees thereof. Every vessel from a foreign port or place must have on board complete manifests of passengers, immigrants, and their baggage, in the prescribed
form, setting forth their destination and all particulars required by the immigration laws; and every such vessel shall have prepared for presentation to the proper customs official upon arrival in ports of the (Philippine Islands) Philippines, a complete list of all ship's stores then on board. If the vessel does not carry cargo, passengers, or immigrants, there must still be a manifest showing that no cargo is carried from the port of departure to the port of destination in the (Philippine Islands) Philippines.

A cargo manifest shall in no case be changed or altered, except after entry of the vessel, by means of an amendment by the master, consignee, or agent thereof, under oath, and attached to the original manifest.

[2657–1380.]

SECTION 1229. Manifests for Auditor and Collector — Papers to be deposited with consul. — Immediately after the arrival of a vessel from a foreign port, the master shall deliver or mail to the (Insular) Auditor General, Manila, a copy of the cargo manifest properly indorsed by the boarding officer; and within twenty-four hours after arrival he shall present to the collector of customs the original copy of the cargo manifest and, for inspection, the ship's register or other document in lieu thereof, together with the clearance and other papers granted to the vessel at the port of departure for the (Philippine Islands) Philippines.

If the vessel does not depart within forty-eight hours from the time of its arrival, the register and other shipping documents shall be deposited with the consul of the nation to which the vessel belongs.

The person acting for the vessel in the matters above specified shall furnish such evidence as may be required by the collector showing that the manifest has been supplied to the Auditor and, in a proper case, that the register has been deposited with the consul.

[2657–1381.]

SECTION 1230. Requirement as to delivery of mail. — A vessel arriving within a collection district in the (Philippine Islands) Philippines shall not be permitted to make entry or break bulk until it is made to appear, to the satisfaction of the collector of customs, that the master, consignee, or agent of the vessel is ready to deliver to the postmaster of the nearest post office all mail matter on board of such vessel and destined for that port. Collectors are authorized to examine and search vessels for mail matter carried contrary to law.

[2657–1382.]
SECTION 1231. *Time for unlading of cargo.* — Merchandise brought in a vessel from a foreign port shall not be unladen except during regular working hours on regular work days, without permission of the collector of customs and the payment of losses and overtime.

[2657–1383.]

SECTION 1232. *Discharge of ballast.* — When not brought to port as merchandise, ballast of no commercial value may be discharged upon permit granted by the collector for such purpose.

[2657–1384.]

SECTION 1233. *Record of arrival and entry of vessels.* — A record shall be made and kept open to public inspection in every customhouse of the dates of arrival and entry of all vessels.

[2657–1385.]

SECTION 1234. *Entry of transport or supply ships of the United States Army or Navy.* — The master or other officer in charge of a transport or supply ship of the United States Army or Navy, arriving from a foreign port at any port in the (Philippine Islands) Philippines shall, for the purpose of making entry of his vessel, present a manifest in duplicate, containing the following information, duly certified by him to the boarding officer or collector of customs:

(a) A list of all supplies of the United States Government, for use of the Army, Navy, or Public Health Service, or of the Government of the (Philippine Islands) Commonwealth of the Philippines.

(b) A list of all property of officers and enlisted men aboard, or of civilians carried as passengers.

(c) A list of all other goods, wares, merchandise, or effects on board.

(d) A list of all passengers on board, other than enlisted men of the Army, Navy, or other department of service, giving the name, sex, age, occupation, status, or rank, last permanent residence, port of embarkation, and destination, of each such passenger. The number of enlisted men on board should be stated, giving their designation, regiment, or department.
SECTION 1235. Delivery of cargo. — Cargo unladen from United States Army transports or supply ships may be delivered upon release by the collector of customs.

SECTION 1236. Stowaway arriving and leaving upon transport. — It shall be unlawful for any stowaway, not being a citizen of the (Philippine Islands) Philippines, to enter or attempt to enter the (Philippine Islands) Philippines from any vessel operated as a transport or supply ship of the United States Army arriving at any port of the (Philippine Islands) Philippines from any foreign port.

It shall also be unlawful for every person who conceals or attempts to conceal himself upon or goes on board any ship, vessel, launch, lighter, casco, or barge bound for a port of the United States or a foreign port, other than vessel used as a transport or supply ship of the United States Army, intending to obtain passage therein without payment of fare, and the aider or abetter of any such person shall be deemed to be a stowaway.

For the purposes hereof, the term "stowaway" shall include any person who has obtained transportation to the (Philippine Islands) Philippines, by deceit, concealment, evasion, or fraud, and without having paid or contracted to pay for such transportation, and who arrives in the (Philippine Islands) Philippines without apparent means of subsistence or who at the time of his arrival is likely to become a public charge.

SECTION 1237. Entrance of vessel through necessity. — When a vessel from a foreign port is compelled by stress of weather or other necessity to put into any other port than that of her destination, the master, together with the person next in command, within twenty-four hours after her arrival, shall make protest in the usual form, upon oath before a duly authorized person, setting forth the causes or circumstances of such necessity. This protest, if not made before the collector, must be produced to him, and a copy thereof lodged with him.

Within the same time the master shall make report to the collector; and if any part of the cargo was unladen from necessity or lost by casualty before arrival, and such fact is made to appear by sufficient proof to the collector of customs, he shall give his approbation and the unlading shall be deemed to have been lawfully effected.
SECTION 1238. Unlading of vessel in port from necessity. — If the situation is such as to require the unlading of the vessel pending sojourn in port, the collector of customs shall, upon sufficient proof of the exigency, grant a permit therefor, and the merchandise shall be unladen and stored under the supervision of the customs authorities.

At the request of the master of the vessel or of the owner thereof, the collector may grant permission to enter and pay the duties on and dispose of such part of the cargo as may be of perishable nature or as may be necessary to defray the expenses attending the vessel.

Upon departure, the cargo, or the residue thereof, may be reladen on board the vessel, and the vessel may proceed with the same to her destination, subject only to the charge for storing and safe-keeping of the merchandise and the fees for entrance and clearance.

No port charges shall be collected on vessels entering through stress of weather or other causes above described.

ARTICLE VII

Clearance of Vessels in Foreign Trade

SECTION 1239. Clearance of vessel for foreign port. — Before a clearance shall be granted to any vessel bound to a foreign port, the master, or other proper agent thereof, shall present to the collector of customs the following properly authenticated documents:

(a) A bill of health from the proper quarantine official or officer of the public health service in the port.

(b) Three copies of the manifest of export cargo, one of which upon certification by the customs officer as to correctness of the copy shall be returned to the master.

(c) Two copies of the passenger list, showing alien and other passengers.

(d) The register and shipping articles, if the vessel is of Philippine register.
(e) The consular certificate of entry, if the vessel is of foreign register, when required.

[2657–1390.]

(f) A certificate of the Bureau of Posts to the effect that it received timely notice of the sailing of the vessel: Provided, That the Collector of Customs shall not permit any vessel to sail for a foreign port if the master or agent thereof refuses to receive bags of mail delivered to the same by the Bureau of Posts for transportation for a reasonable compensation. In case the Director of Posts and said master or agent do not come to an agreement concerning the amount of the compensation to be paid for the carriage of the mail, the matter shall be submitted for decision to a board of referees composed of three members, appointed, respectively, by the Bureau of Posts, the agency of the company to which the vessel concerned belongs, and the Bureau of Customs, which board shall fix a reasonable rate of compensation.

[3046–1(1007).]

SECTION 1240. Manifest of export cargo to be delivered to Auditor. — This master shall prior to departure deliver or mail to the (Insular) Auditor General, Manila, the returned copy of the manifest of export cargo.

[2657–1391.]

SECTION 1241. Oath of master of departing vessel. — The master of such departing vessel shall also make oath to the effect:

(a) That all cargo conveyed on said vessel, with destination to the (Philippine Islands) Philippines, has been duly discharged or accounted for.

(b) That he has mailed or delivered to the (Insular) Auditor General, Manila, a true copy of the outgoing cargo manifest.

(c) That he has not received and will not convey any letters or other packets not inclosed in properly stamped envelopes sufficient to cover postage, except those relating to the cargo of the vessel, and that he has delivered at the proper foreign port all mails placed on board his vessel before her last clearance from the
That, if clearing without passengers, the vessel will not carry upon the instant voyage, from any Philippine port, any passengers or any class, or other person not entered upon the ship's articles.

[2657–1392.]

SECTION 1242. Extension of time for clearance. — At the time of clearance the master of a departing vessel shall be required to indicate the time of intended departure, and if the vessel should remain in port forty-eight hours after the time indicated the master shall report to the collector for an extension of time for departure, and without such extension the original clearance shall be of no effect.

[2657–1393.]

SECTION 1243. Lading of forest products. — A collector of customs shall not allow forest products to be laden aboard a vessel clearing for a foreign port until the shipper shall produce a receipt from an internal-revenue official showing that the forest charges upon such products have been paid or a certificate from a proper official of the Bureau of Forestry showing that the products were taken from private lands properly registered in the Bureau of Forestry.

[2657–1394.]

SECTION 1244. Lading of fibrous products. — A collector of customs shall not permit abaca, maguey; or sisal or other fibrous products for which standard grades have been established by the Director of Agriculture (now Plant Industry) to be laden aboard a vessel clearing for a foreign port, unless the shipment conforms to the requirements of law relative to the shipment of such fibers.

[2657–1395.]

SECTION 1245. Detention of warlike vessel containing arms and munitions. — Collectors shall detain any vessel of commercial register manifestly built for warlike purposes and about to depart from the (Philippine Islands) Philippines with a cargo consisting principally of arms and munitions of war, when the number of men shipped on board or other circumstances render it probable that such vessel is intended to be employed by the owner or owners to cruise or commit hostilities upon the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace, until
the decision of the (Governor-General) President of the (Islands) Philippines be had thereon, or until the owner or owners shall give bond or security, in double the value of the vessel and cargo, that she will not be so employed, if in the discretion of the collector of customs such bond will prevent the violation of the provisions of this section.

[2657–1396.]

ARTICLE VIII

Importation of Merchandise in General

SECTION 1246. Merchandise to be imported only through customhouse. — All merchandise introduced into the (Philippine Islands) Philippines, whether subject to duty or not, shall be entered through a customhouse at a port of entry.

[2657–1397.]

SECTION 1247. Special surveillance for protection of customs and prevention of smuggling. — In order to prevent smuggling and to secure the collection of the legal duties the customs service shall exercise surveillance over the coast, beginning when a vessel enters Philippine waters and concluding when the merchandise imported therein has been legally passed through the customhouse.

[2657–1398.]

SECTION 1248. When importation by sea begins and ends. — Importation by sea begins when the importing vessel enters the jurisdictional waters of the (Philippine Islands) Philippines with intention to unlade therein, and is not completed until the duties due upon the merchandise have been paid or secured to be paid at a port of entry and the legal permit for withdrawal shall have been granted, or, in case said merchandise is free of duty, until it has legally left the jurisdiction of the customs.

[2657–1399.]

SECTION 1249. Jurisdiction of collector over importation of merchandise. — The collector of customs of a port of entry shall cause all merchandise entering the jurisdiction of his district and destined for importation through his port to be entered at the customhouse, shall appraise and classify all such merchandise, and shall assess and collect the duties thereon, and shall hold possession of all imported merchandise upon which duties have not been paid or secured to be paid, disposing of the same according to law.
SECTION 1250. Jurisdiction of collector over merchandise of prohibited importation. — Where merchandise is of prohibited importation or subject to importation only upon conditions prescribed by law, it shall be the duty of the collector, conformably with the provisions of this chapter, to exercise such jurisdiction in respect thereto as will prevent importation or otherwise secure compliance with all legal requirements.

SECTION 1251. When duties accrue on imported merchandise. — Unless otherwise specially provided by law, duties shall accrue upon imported merchandise upon the arrival of the importing vessel within the jurisdictional waters of the (Philippine Islands) Philippines with intent to unlade.

SECTION 1252. Deposit of personal effects without payment of duty. — Trunks, packages, hand baggage, and other parcels containing dutiable personal effects, not regular merchandise, and belonging to bona fide travelers for curiosity or pleasure, may be left, in the discretion of the collector of customs, in the custody of the passenger and baggage division, or corresponding office of the customhouse, for a period not exceeding six months, without payment of duty, provided they do not leave the customs jurisdiction, and upon the departure of the owner are duly put on board and manifested as baggage on a vessel bound for a foreign port.

SECTION 1253. Landing of vessel's equipment under bond. — Upon the filing of a bond guaranteeing their reembarkation, the landing of sails, casks, chronometers, and other portions of the vessel's equipment shall be permitted, in order that the same may be repaired.

SECTION 1254. Merchandise to be received in general order stores. — Unless otherwise directed by the collector, all merchandise except bulk cargo shall be received in general order stores.

SECTION 1255. Limit of period for discharge. — The period within
which discharge should be effected is as follows:

Vessels of less than three hundred tons, eight working days after entry; vessels of three hundred tons and less than eight hundred tons, twelve working days after entry; vessels of eight hundred tons and upward, fifteen working days after entry.

The working days of a vessel shall be computed by excluding the date of entry, legal holidays and stormy days when, in the opinion of the collector, discharge of cargo is impracticable.

[2657–1406.]

SECTION 1256. Disposition of merchandise remaining on vessel after time for unlading. — Merchandise remaining on board any vessel after the expiration of the said period for discharge, and not reported for transshipment to another port, may be unladen by the customs authorities and store at the vessel's expense.

Merchandise so stored may, at any time within ninety days or such longer period as the Insular Collector shall approve, be claimed and entered. If not entered it shall be sold at public auction at the next ensuing regular sale, though at any time prior to sale it may be entered for consumption or warehouse, and be withdrawn upon payment of duty and expenses.

[2657–1407.]

SECTION 1257. Charges for storage and labor. — The charges for service rendered in connection with merchandise under the control of the customs authorities or upon the customs premises and the rates of storage in Government stores, or warehouses, shall be fixed and promulgated by the Insular Collector annually.

[2657–1408.]

SECTION 1258. Reshipment to foreign port. — Unless it shall appear by the invoice, bill of lading, and manifests, or other satisfactory evidence, that merchandise arriving in the (Philippine Islands) Philippines is destined for transshipment, no exportation thereof will be permitted except under entry for warehouse and exportation in bond and appraisement made.

[2657–1409.]

SECTION 1259. Handling of merchandise in which duty has not been
paid. — Except when done under customs supervision, all unlading or transshipment of the cargo of vessels from foreign ports, which do not discharge at a wharf, must be by bonded lighters; and likewise, on land, imported goods on which duty has not been paid shall be carried about and handled by bonded draymen or cartmen only.

[2657–1410.]

SECTION 1260. *Government plant for handling merchandise.* — A Government plant for handling merchandise on or around the customs premises shall be maintained at the port of Manila and at any other port of entry prescribed by the Insular Collector, when the proper conduct of the customs business shall so require.

Where such plants are established, it shall be their function to receive, land, and deliver imported merchandise, and to handle the same, so far as may be necessary, while on customs premises. Such plants shall also handle merchandise for export while on the customs premises, and in the discretion of the Insular Collector may deliver merchandise aboard vessels for export.

[2657–1411.]

SECTION 1261. *Sea stores dutiable as to excess only.* — An excess of sea stores in vessels arriving from foreign ports, and all articles purchased abroad for sale on board a vessel as saloon stores or supplies, are dutiable, but all sea stores and saloon stores or supplies not in excess of the proper requirements for the vessel in her voyage outside of the (Philippine Islands) Philippines shall not be deemed to be dutiable.

[2657–1412.]

SECTION 1262. *Transfer of surplus sea stores.* — Surplus sea stores shall not be transferred from one vessel to another, except to a vessel of the same line in active service in the foreign trade, and then only where such stores are *bona fide* sea stores and not cargo. In such cases the transfer may be allowed under customs supervision.

[2657–1413.]

SECTION 1263. *Duties upon surplus stores.* — Surplus stores landed must be entered for immediate consumption and not for warehouse, and are dutiable as imported merchandise. The surplus sea stores of a vessel of the (Philippine Islands) Philippines shall be dutiable on her changing from the foreign
to the coastwise trade.

The duties on excessive sea stores or saloon stores or supplies shall be paid forthwith by the master upon the determination of the same by the collector, and the decision of the latter upon such matter shall be final.

[2657–1414.]

SECTION 1264. Exclusive license for landing of passengers and baggage at Manila. — At the port of Manila the Insular Collector may select one person or firm to do, at reasonable rates, all the business of landing passengers and baggage for hire from incoming ships and to this end may enter into an exclusive contract for the period of one year.

This contract shall be made only after due advertisement for bids, such bids to cover the cost of landing passengers per person and luggage per piece, large and small. The lowest bidder who shall be, in the opinion of the Insular Collector, responsible and of good character shall be selected.

[2657–1415.]

SECTION 1265. Bond to be given. — The person or firm so selected shall, before entering upon the performance of such contract, execute a bond to the Government of the (Philippine Islands) Commonwealth of the Philippines, for the benefit of whom it may concern, conditioned (a) for the acquisition of a sufficient equipment of launches and other means of conveniently landing passengers and baggage, (b) for the landing of all the passengers and all the baggage as occasion may require during the entire year covered by the contract, and (c) for the prompt payment of all losses of baggage or other property so handled, due to negligence in the performance of the contract, the amount of such liability being finally determined by the Insular Collector.

[2657–1416.]

SECTION 1266. Supervision of Insular Collector over execution of contract. — The Insular Collector shall supervise the execution of the contract and the doing of business thereunder, and shall have the power upon breach of the contract or violation of any regulation concerning the same at once to annul the contract, awarding the privilege to another in the same manner as before.

[2657–1417.]

ARTICLE IX
SECTION 1267. By whom merchandise to be entered in customhouse. — Imported merchandise must be entered in the customhouse at the port of arrival either (a) by the importer, being holder of the bill of lading, (b) by any other holder of the bill of lading in due course, (c) by a customs broker acting under authority from a holder of the bill, or (d) by a person duly empowered to act as agent or attorney in fact for such holder.

SECTION 1268. Declaration upon entry of merchandise. — Except in case of informal entry, no entry of imported merchandise shall be effected until there shall be submitted to the collector of customs a written declaration, in such form as shall be prescribed by the Insular Collector, containing statements in substance as follows:

(a) That the entry delivered to the collector contains a just and true statement of all the merchandise which is the subject of the entry.

(b) That the invoice and entry contain a just and faithful account of the actual cost of said merchandise, including and specifying the value of all containers or coverings, and that nothing has been omitted therefrom or concealed whereby the Government of the (Philippine Islands) Commonwealth of the Philippines might be defrauded of any part of the duties lawfully due on the merchandise.

(c) That, to the best of the declarant's information and belief, the invoice and all bills of lading relating to the merchandise are the only ones in existence relating to the importation in question and that they are in the state in which they were actually received by him; and, furthermore,

(d) That, to the best of declarant's information and belief, the entry, invoice, and bill of lading, and the declaration thereon are in all respects genuine and true, and were made by the person by whom the same purport to have been made, respectively.

SECTION 1269. By whom declaration to be signed. — The declaration
shall be signed by the actual importer, consignee, or holder of the bill, by or for whom the entry is effected, if such person is an individual, or in case of a corporation, firm, or association, by its active manager, or by a licensed customs broker duly authorized to act for either of them. When it is impracticable to obtain a declaration thus signed, the collector may allow it to be signed by some person in interest having first and best knowledge of the facts. A collector of customs may also, in his discretion, require that the declaration shall be sworn to by the person signing the same.

[2657–1420.]

SECTION 1270. Bond for subsequent production of invoice. — When it is impossible to produce the proper invoice at the time entry is made the collector may accept a pro forma invoice and require a bond to be given for the subsequent production of the authentic invoice. In the case of goods dutiable ad valorem the bond shall be in an amount of not less than ten per centum of the estimated duties upon the importation, and in other cases not less than one hundred pesos.

[2657–1421.]

SECTION 1271. Form and contents of entries. — Entries shall be in duplicate, in writing, and in other respects in such form as shall be prescribed in the regulations. They shall be signed by the person making entry of the merchandise, and shall declare the names of the importing vessel and her master, her port of departure and date of arrival, the number and marks of packages, or the quantity, if in bulk, and the nature of the merchandise contained therein, and its value as set forth in a proper invoice to be presented in duplicate with the entry.

[2657–1422.]

SECTION 1272. Country of origin to be marked on package. — All articles of foreign manufacture, such as are usually or ordinarily marked, stamped, branded, or labeled, and all packages containing such or other imported articles, must respectively be plainly marked, stamped, branded, or labeled in legible words in a conspicuous place, so as to indicate the country of their origin and the quantity of their contents; and until so marked, stamped, branded, or labeled they shall not be delivered to the importer. Should any article of imported merchandise be marked, stamped, branded, or labeled so as to indicate a quantity, number, or measurement not actually contained in such article, no delivery of the same shall be made to the importer until the mark, stamp, brand, or label, as the case may be, shall be changed so as to conform to the facts of the case.

[2657–1423.]
SECTION 1273. Description of merchandise. — The description on the entry of the merchandise shall be in terms of tariff laws and in the currency of the invoice, and the values of the several classes of merchandise shall be separately placed under their respective rates of duty, as claimed by the importer, and the totals of each class duly shown. The rates of duty thus stated on the entry shall be advisory only and shall not govern the collector's classification for the assessment of duty.

[2657–1424.]

SECTION 1274. Entries in bond. — Entries in bond may be made for placing the merchandise in warehouse, or for its constructive warehousing and immediate transportation to other ports of the (Islands) Philippines without appraisement, or for constructive warehousing and immediate exportation; and merchandise in warehouse may be withdrawn either for consumption, exportation, or for transportation to another port of the (Islands) Philippines. Two of these objects may, in some cases, be combined in one withdrawal. Whenever goods are so transported in bond without appraisement they must be consigned to the care of the collector at the port of destination, who will allow entry to be made at his port by the actual consignee.

[2657–1425.]

SECTION 1275. Entry of merchandise in part for consumption and in part for warehousing. — Entries of merchandise covered by one bill of lading may be made simultaneously for both consumption and warehouse. Where an intent to export the merchandise is shown by the bill of lading and invoice, the whole or a part of a bill of lading (not less than one package) may be entered for warehouse and immediate exportation. In this case the collector may designate the vessel in which the merchandise is laden as constructively a warehouse, in order to facilitate the direct transfer of the goods to the exporting vessel. The same procedure may apply to goods entered for warehouse and immediate transportation.

Merchandise received at any port from another port of the (Islands) Philippines on an entry for immediate transportation without appraisement may be entered at the port of delivery either for consumption or warehouse.

[2657–1426.]

ARTICLE X

Examination and Appraisal of Merchandise and Liquidation of Duties
SECTION 1276. *Designation of packages to be examined.* — Unless the collector, from the character and description of the merchandise, is of the opinion that the examination of a less or greater proportion of packages will amply protect the revenues, there shall be designated and sent to appraisers' stores, for examination and appraisal, at least one package of every invoice, and one package at least of every ten packages of merchandise imported.

[2657–1427.]

SECTION 1277. *Bond upon delivery of unexamined packages.* — To effect immediate delivery of packages not ordered for examination, the collector may accept a bond in such sum and with such conditions as shall be sufficient to safeguard the revenue.

If such security is not supplied, all the packages shall be held until the return is made and duties paid.

[2657–1428.]

SECTION 1278. *Return of examining officer.* — The examining officer shall compare the cases designated for examination and their contents with the invoice and shall make return of the description of the goods covered thereby, whether the quantities are correct, and, in case of merchandise dutiable *ad valorem*, whether the prices named show the correct value of the merchandise.

[2657–1429.]

SECTION 1279. *Appraiser's samples.* — Appraisers shall see that good and sufficient samples of all lines of merchandise which may be readily sampled are retained for official purposes; but samples of merchandise identical in quality, material, and values shall not be retained, if their return is desired, longer than may be required for use in contested cases.

The quantity and value of samples taken shall be noted on the face of the entry.

[2657–1430.]

SECTION 1280. *Duties of appraisers.* — Under the orders of collectors of customs, appraisers shall appraise the merchandise in the unit of quantity in which the merchandise is usually bought and sold, and supervise the appraisal and classification of all merchandise, goods, wares, and effects, of whatever description, whether dutiable or free, which may be presented to them in proper form or for the appraisal or classification of which the proper order may have been
Appraisers shall be responsible to the collectors of customs for the correct appraisal of all such goods; that the amounts, classes, and values returned by them are in all respects accurate and correct, and that the paragraphs, subparagraphs, rules, and dispositions of the tariff, and of this title, and the rules and instructions of the Insular Collector in respect thereto have been correctly applied and followed.

[2657–1431; 3876–1(1008).]

SECTION 1281. Employment of persons to assist in appraisement of merchandise. — When necessary to the proper accomplishment of the examination of any merchandise, the collector may summon not more than two disinterested business men or persons versed in the particular matter and require them to assist the examining officer or appraiser in appraising or ascertaining the value or proper description thereof.

[2657–1432.]

SECTION 1282. Proceedings and report of appraisers. — Appraisers and persons discharging their functions shall, by all reasonable ways and means, ascertain, estimate, and appraise the actual market value of the merchandise, as required by law, any invoice or affidavit thereto or statement of cost, or of cost of production to the contrary notwithstanding, and after revising and correcting the reports of the examiners as they may judge proper, shall report in writing on the face of the entry the prices so determined.

Appraisers shall describe all merchandise on the face of the entry in such terms as will enable the collector to pass upon the appraisal and classification of the same, and shall note thereon the measurements and quantities, and any disagreement with the declaration.

[2657–1433.]

SECTION 1283. Readjustment of appraisals and returns. — Such appraisal or return once made may not be altered or modified in any manner, except:

(a) Within one year after payment of the duties, upon statement of error in conformity with section one thousand three hundred hereof, approved by the collector.

(b) Within fifteen days after such payment, upon request for
reappraisal addressed to the Insular Collector by the collector of customs, if the latter should deem the appraisement to be too low.

(c) Upon request for reappraisal, in the form of protest, addressed to the collector of customs by the party in interest, if the latter should be dissatisfied with the appraisal or return.

[2657–1434.]

SECTION 1284. Liquidation and record of entries. — Upon receipt of the returns of the appraisers and the report of the weights, gauge, or quantity, if the collector shall approve the same, the liquidation shall be made on the face of the entry showing the particulars thereof, be signed with the initials of the liquidating clerk, approved by the chief liquidator, and recorded in the record of liquidations.

A daily record of all entries liquidated shall be posted in the public corridor of the customhouse, stating the name of the vessel, the port from which she arrived, and the date of her arrival, the name of the importer, and the serial number and date of the entry. A daily record must also be kept by the collector of all additional duties found upon liquidation, and notice thereof promptly sent to the parties in interest.

[2657–1435.]

SECTION 1285. Tentative liquidation. — If to determine the exact amount due under the law in whole or in part some future action is required, the liquidation shall be deemed to be tentative as to the items or items affected and shall to that extent be subject to future and final readjustment and settlement. The entry in such case shall be stamped "Tentative liquidation."

[2657–1436.]

SECTION 1286. Assessment of duty on less than entered value. — Duty shall not be assessed in any case upon an amount less than the entered value, unless by direction of the Insular Collector in cases in which the importer certifies at the time of entry that the entered value is higher than the foreign market value and that the goods are so entered in order to meet increases made by the appraiser in similar cases then pending on request for reappraisal; and the lower assessment shall be allowed only when the importer's contention is sustained by final decision, and it shall appear that the action of the importer on entry was taken in good faith, and after due diligence and inquiry on his part.
SECTION 1287. Finality of liquidation. — When merchandise has been entered and passed free of duty or final adjustment of duties made, with subsequent delivery, such entry and passage free of duty or settlement of duties will, after the expiration of one year from the time of entry, in the absence of fraud and in the absence of protest, be final and conclusive upon all parties, unless the liquidation was merely tentative.

ARTICLE XI

Surcharges Imposable by Collector

SECTION 1288. Failure to pay liquidated charges. — For failure to pay the amount of liquidated charges of a liquidation within five working days after the notice of liquidation has been publicly posted in the customhouse, a surcharge of five per centum of the total amount or balance found due the revenue on liquidation may, in the discretion of the collector of customs, be added thereto and collected therewith.

SECTION 1289. Failure to supply invoice. — When an entry of merchandise valued at more than two hundred pesos is permitted by the collector to be effected upon pro forma invoice, the collector, instead of requiring a bond for the subsequent production of the authentic invoice, may, if the importer prefers, impose a surcharge of not less than ten pesos nor more than an amount equal to twenty-five per centum of the duties upon the importation.

SECTION 1290. Undervaluation and misdescription in entry. — When imported merchandise shall be so declared and entered as to the value or classification thereof that the taxes, if estimated on the face of the entry, would be less by ten per centum than by law should be collected, or when the dutiable weight, measurement, or quantity of imported merchandise is found upon examination to exceed by ten per centum or more the entered weight, measurement, or quantity, a surcharge may, in the discretion of the collector of customs and subject to the approval by the Secretary of Finance, be imposed upon the importer of not less than the additional amount required to pay the full tax on merchandise, and not more than five times such additional amount so required.
SECTION 1291. Refusal of party to give evidence or submit documents for examination. — When the owner, importer or consignee of any imported merchandise, or the agent of either, refuses upon the citation or demand of any customs officer having lawful authority therein, to appear, make oath, or submit himself to examination, or to answer any material question propounded at such examination, or refuses to produce records, accounts, or invoices pertaining to the value, classification, or disposition of the merchandise in question and deemed material in appraising the same, the collector may, in his discretion, assess a surcharge of sixteen per centum ad valorem on the merchandise which is the subject of the importation.

SECTION 1292. Failure to declare baggage. — Whenever any article subject to duty is found in the baggage of any person arriving within the (Philippine Islands) Philippines, which was not at the time for making entry of such baggage mentioned to the collector or other proper customs official before whom such entry was made by the person making entry, such article shall be seized, and the person in whose baggage it is found may be required to pay treble the value of such article unless it shall be established to the satisfaction of the collector that the failure to mention or declare was without fraud.

ARTICLE XII

Abatements and Refunds on Original Examination

SECTION 1293. Free entry on reimportation of certain merchandise. — Salvage gear and salvage apparatus held in the (Philippine Islands) Philippines and exported therefrom for temporary use abroad may, if identified prior to exportation and upon reimportation, be reimported without the payment of import duties except upon any dutiable repairs procured abroad. The same rule shall be applicable to any article admitted to free entry; but dutiable merchandise imported and afterwards exported shall be liable to duty on every subsequent importation.

SECTION 1294. Abatement for damage incurred during voyage. — Except as herein specially provided, no abatement of duties will be made on account of damage incurred or deterioration suffered during the voyage of
importation; and duties will be assessed on the actual quantity imported, as shown by the returns of weighers, gaugers, measurers, or appraisers, as the case may be.

[2657–1445.]

SECTION 1295. Abatement or refund of duty on missing package. — When any package or packages appearing on the manifest or bill of lading are missing, a remission or refund of the duty thereon shall be made if it be shown by proof satisfactory to the collector that the package or packages in question have not been imported into the (Philippine Islands) Philippines.

[2657–1446.]

SECTION 1296. Abatement or refund for deficiency in contents of package. — If, on the opening of any package, a deficiency or absence of any article, or of part of the contents thereof, as called for by the invoice shall be found to exist, such deficiency shall be certified to the collector by the appraiser; and upon the production of proof satisfactory to the collector showing that the shortage occurred before the arrival of the merchandise in the (Philippine Islands) Philippines, the proper abatement or refund of the duty shall be made.

[2657–1447.]

SECTION 1297. Abatement or refund of duties on goods lost or destroyed after arrival. — Collectors of customs may abate or refund the amount of duties accruing or paid, and may likewise make a corresponding allowance or credit on the entry bond, or other document concerned, upon satisfactory proof of the injury, destruction, or loss by theft, fire, or other casualty of any merchandise as follows:

(a) While within the limits of any port of entry prior to unlading under customs supervision.

(b) While remaining in customs custody after unlading.

(c) While in transit under bond from the port of entry to any other port in the (Philippine Islands) Philippines.

(d) While released under bond to export, except in case of loss by theft.

[2657–1448.]

SECTION 1298. Abatement of duty on animals dying or injured before arrival. — Where animals which are the subject of importation die or suffer injury
before arrival, and the same appears or is satisfactorily shown to the collector, the
duty shall be correspondingly abated by him, provided the carcass of any dead
animal remaining on board be removed in the manner required by the collector and
at the expense of the importer.

[2657–1449.]

SECTION 1299. Investigation required in cases of abatements and
refunds. — In all cases of allowances, abatements, or refund of duties, collectors
of customs shall cause an examination and report in writing to be made as to any
facts discovered tending to account for the discrepancy or differences adjusted, and
the import entry shall be posted to show his final action.

[2657–1450.]

SECTION 1300. Correction of errors — Refund of excessive payments. —
Manifest clerical errors made in an invoice or entry, errors in return of weight,
measure, and gauge, when duly certified to by the surveyor or examining officer
(when there are such officers at the port), and errors in the distribution of charges
on invoices not involving any question of law and certified to by the examining
officer, may be corrected in the computation of duties, if such errors be discovered
before the liquidation, or, if discovered after liquidation, upon written notice of
error from the importer, or upon statement of error certified by the collector.

Collectors are authorized to reliquidate entries and collect additional
charges, or make refunds on statement or error, within the statutory time limit, for
the purpose of correcting erroneous action on the original entry.

[2657–1451.]

SECTION 1301. Claim for refund and mode of payment. — All claims for
refund of duties shall be made in writing, and forwarded to the collector of
customs to whom such duties were paid; and upon receipt of claims for refund,
collectors of customs will verify the same by the records of their office, and if
found to be correct and in accordance with law, will certify the same to the Insular
Collector with their recommendations in the case, together with all necessary
papers and documents. Upon receipt by the Insular Collector of any claim for
refund so forwarded, he shall draw a warrant in payment and settlement thereof, if
found correct.

[2657–1452.]

ARTICLE XIII
Warehousing of Merchandise

SECTION 1302. Establishment and supervision of warehouses. — When the business of the port requires such facilities, collectors of customs shall designate and establish warehouses for use as general order stores, public and private bonded warehouses, sheds, or yards, or for other purposes.

All such warehouses and premises shall be subject to the supervision of the collector who shall impose such conditions as may be deemed necessary for the protection of the revenue and of the merchandise stored therein.

[2657–1453.]

SECTION 1303. Responsibility of Government. — The Government assumes no legal responsibility in respect to the safe-keeping of merchandise stored in any customs or bonded warehouse.

[2657–1454.]

SECTION 1304. Bonded warehouses. — Application for the establishment of bonded warehouses must be made in writing to the collector, describing the premises, the location, and capacity of the same, and the purpose for which the building is to be used.

Upon receipt of such application the collector shall cause an examination of the premises to be made, with reference particularly to its location, construction, and means provided for the safe-keeping of merchandise, and if found satisfactory he may authorize its establishment, and accept a bond for its proper operation and maintenance.

Collectors shall appoint storekeepers for such bonded warehouses, whose salaries shall be collected from owners of warehouses where the service is rendered.

[2657–1455.]

SECTION 1305. Charges for storage in bonded warehouses. — The rates of storage in public or private bonded warehouses shall be subject to arrangement between the importer and the warehouse proprietor, but such rates shall not be in excess of the customary charges fixed by the collector of the port for such warehouses.

[2657–1456.]
SECTION 1306. Discontinuance of warehouses. — Any warehouse may be discontinued by the collector at any time when conditions so warrant, or in case of a private warehouse, upon receipt of written request to that effect from the proprietors or occupants of the premises, provided all the requirements of the law and regulations have been complied with on the part of the principals. Where dutiable merchandise is stored in such premises the same must be removed at the risk and expense of the proprietors, and the premises shall not be surrendered, nor discontinuance authorized, until after a careful examination of the accounts of the warehouse and a comparison thereof with the books of the customhouse.

[2657–1457.]

SECTION 1307. Entry of goods for warehousing. — The entry of goods for warehousing shall be in duplicate in the prescribed form, and shall be verified as in the entry of merchandise for consumption.

[2657–1458.]

SECTION 1308. Warehousing bond. — The entry for warehousing having been examined and the duties determined thereon, the collector shall take a bond from the importer, in double the amount of such duties, conditioned for the withdrawal of the merchandise within the period prescribed by law and for the payment of any duties and charges to which the merchandise shall be then subject.

[2657–1459.]

SECTION 1309. Delivery upon order of importer. — The importer of record may authorize delivery to another person than himself by writing upon the face of the withdrawal his order to such effect.

The importer shall not by the transfer of any merchandise under bond be relieved either personally or upon the warehousing bond. Both principal and sureties shall continue liable until the duties are paid or the merchandise exported, unless by assignment the merchandise covered by the bond is transferred to another party who shall accompany his assignment with a new warehousing bond.

[2657–1460.]

SECTION 1310. Withdrawal of merchandise from bonded warehouse. — Merchandise in bond may be withdrawn at any time for consumption, for transportation to another port, for exportation, or for delivery on board a vessel of the United States or a foreign vessel for use on board such vessel as ships' stores after liquidation of the entry. The withdrawal must be made by the person or firm
named in the original warehouse entry, or by a person or firm duly authorized by
the former, whose authority must appear in writing upon the face of the
withdrawal.

[2657–1461.]

SECTION 1311. Limit to period of storage in bonded warehouse. —
Merchandise duly entered for warehousing may remain in bonded warehouses for a
period of two years from the time of arrival, which period may be further extended
for not more than one year by the Insular Collector whenever sufficient reasons for
such extension are presented to him. Merchandise not withdrawn at the completion
of the prescribed period shall be sold at auction by the Collector.

[2657–1462.]

SECTION 1312. Export bond. — Upon withdrawal for export, a bond
shall be required in double the amount of the duties, conditioned for the
exportation of the merchandise, and for the production of proof of the landing of
same beyond the limits of the (Philippine Islands) Philippines.

[2657–1463.]

SECTION 1313. Duties on goods deposited in warehouse. — Duties
based upon the weight of merchandise deposited in any public or private bonded
warehouse shall be levied and collected upon the weight thereof at the time of its
entry into the warehouse.

[2657–1464.]

SECTION 1314. Duty on merchandise withdrawn from bonded
warehouse. — All merchandise withdrawn from bonded warehouses of any class
shall be subject to the rate of duty in force at the time of its withdrawal.

[2657–1465.]

ARTICLE XIV

Delivery of Merchandise

SECTION 1315. Delivery of merchandise to holder of bill of lading. — A
collector of customs who makes delivery, upon the surrender of the bill of lading,
to a person who by the terms thereof appears to be the true consignee or lawful
holder of the bill shall not be liable on account of any defect in the bill or
irregularity in its negotiation, unless he has notice of the same.
SECTION 1316. Delivery of merchandise without production of bill of lading. — No collector of customs in any port of entry in the (Philippine Islands) Philippines other than Manila shall deliver imported merchandise to any person without the surrender by such person of the bill of lading covering said merchandise, except on written order of the carrier or agent of the importing vessel, in which case neither the Government of the (Philippine Islands) Philippines nor the collector of customs shall be held responsible for any damages arising from wrongful delivery of the merchandise: Provided, however, That where delivery of merchandise is made against such written order of the carrier or agent of the vessel, the collector of customs may, for the customs purposes, require the production of an exact copy of the bill of lading therefor, or the original bill of lading where entry of the merchandise is made under section twelve of the Philippine Tariff Act of nineteen hundred and nine, as amended, and to that end may accept bond or bonds conditioned for the subsequent production of the proper document.

SECTION 1317. Withholding delivery pending satisfaction of lien. — When a collector of customs is duly notified in writing of a lien for freight, lighterage, or general average upon any imported merchandise in his custody, he shall withhold the delivery of the same until satisfied that the claim has been paid or secured.

If the amount of freight or lighterage depends upon the quantity or weight of the merchandise imported, and there is a disagreement between the parties filing the lien and the importer as to the sum due, the collector may deliver the merchandise upon payment of the freight or lighterage due on the quantity or weight actually landed, as shown by the returns of the proper officer or otherwise to his satisfaction.

SECTION 1318. Customs expenses constituting charge on merchandise. — All expenses incurred by the customs service for the carriage or storage of merchandise and other necessary operations in connection therewith, or incident to its seizure, shall be charged against such merchandise, and shall constitute a lien upon it.
SECTION 1319. Fine as charge on merchandise. — No delivery of imported merchandise which is liable for any fine or surcharge imposed under the customs laws shall be made until the same has been paid or secured.

[2657–1470.]

ARTICLE XV

Abandonment of Merchandise

SECTION 1320. Abandonment of imported merchandise. — The owner of any imported merchandise may, within ten days after entry, abandon to the Government all or a part of the merchandise included in an invoice, and be relieved from the payment of duties thereon, provided the portion so abandoned shall amount to ten per centum or more of the total of the invoice, and be not less than one package. The property so abandoned shall be delivered by the importer at such place within the port of arrival as the collector of customs may direct; and on the failure of the importer to comply with the directions of the collector in this respect, the importer shall be liable for any expense incident to the disposition of the property.

[2657–1471.]

SECTION 1321. When abandonment express and when implied. — Abandonment is said to be express when it is made by the interested party in writing, directed to the collector of customs.

Abandonment is said to be implied when from the verbal statements, actions, or omissions of the interested party an intention to abandon is clearly indicated.

[2657–1472.]

SECTION 1322. Effect of abandonment. — By abandonment the party by whom the abandonment is made renounces his interest and property right in the merchandise.

[2657–1473.]

SECTION 1323. When implied abandonment takes effect — Notice. — An implied abandonment shall not take effect until the property shall be declared by the collector to have been abandoned and notice given to the party in interest as in seizure cases.
SECTION 1324. Right of owner to reclaim property. — When the interested party appears, in case of an implied abandonment, at any time before the abandoned property has been sold or otherwise disposed of, he shall be allowed to reclaim the property upon payment of the corresponding duties, storage charges, and other expenses which have been incurred by the merchandise.

ARTICLE XVI

Derelict and Wrecked Merchandise

SECTION 1325. Forwarding of cargo and remains of wrecked vessel. — When vessels are wrecked in the waters of the (Philippine Islands) Philippines, application must be made to the Insular Collector by the original owners or consignees of the cargo, or by the underwriters, in case of abandonment to them, for permission to forward the goods saved from the wreck to the ports of destination, in other conveyances, without entry at the customhouse in the district in which the merchandise was cast ashore or unladen. On receipt of such permission, the merchandise may be so forwarded, with particular manifests thereof, duly certified by the customs officer in charge of the goods.

If the owner of the vessel wishes to export the remains of the wreck, he may be permitted to do so upon proper examination and inspection.

The remains of a wrecked vessel shall be considered to be not only the hull and rigging of the same but also all ship's stores and articles of equipment, such as sails, ropes, chains, anchors, and so forth.

SECTION 1326. Derelict and wrecked merchandise. — All merchandise picked up at sea, derelict, or recovered from abandoned wrecks, shall be taken possession of in the port or district where it shall first arrive, and be retained in the custody of the collector, and if not claimed and entered, as it may be, by the owner, underwriter, or salvor, shall be dealt with as unclaimed property.

When such goods are brought into port by lighters or other craft each such vessel shall make entry by manifest of her cargo.

If, in case of a wreck, there be no customhouse at the point where the vessel is wrecked, the coastguard or customs official nearest the scene of the wreck shall
render all possible aid in saving the crew and cargo of the vessel, taking charge of
the merchandise saved and giving immediate notice to the nearest customhouse.

In order to prevent any attempt to defraud the revenue, the collector shall be
represented at the saving of the cargo by customs inspectors detailed for that
purpose, who shall examine and countersign the inventory made of such cargo,
receiving an authorized copy of the same.

Merchandise and salvage from foreign vessels picked up at sea, derelict, or
taken from a wreck, is *prima facie* dutiable and may be entered for consumption or
warehousing. If claimed to be of Philippine production, and consequently free,
proof must be adduced as in ordinary cases of reimportation of merchandise.
Foreign merchandise landed from a vessel in distress is dutiable if sold or disposed
of in the (Philippine Islands) Philippines.

Before any merchandise which has been taken from a recent wreck shall be
admitted to entry, the same shall be appraised, and the owner or importer shall
have the same right of appeal as in other cases.

No part of a Philippine vessel or her equipment, wrecked either in
Philippine or foreign waters, shall be subject to duty.

[2657–1477.]

SECTION 1327. Restoration of vessel to navigation. — Where the
derelict or wrecked vessel is refitted for navigation she may, upon compliance with
the necessary procedure, become a Philippine vessel or be cleared to a foreign port.

[2657–1478.]

SECTION 1328. Person qualified to make oath as master of derelict. —
Any person bringing in a derelict vessel, whether alien or not, may take the
master's oath.

[2657–1479.]

ARTICLE XVII

Search, Seizure, and Arrest

SECTION 1329. Persons having police authority. — For the effectuation
of the customs laws, the following persons are authorized to effect searches,
seizures, and arrests conformably with the provisions of said laws:
(a) (Insular) National officials of the Bureau of Customs, collectors of customs, deputy collectors, surveyors, inspectors, and secret-service agents of the Bureau of Customs.

(b) Officers of any revenue cutter.

(c) Any person thereunto especially authorized in writing by the Insular Collector.

(d) Officers generally empowered by law to effect arrests and execute the process of courts, when acting under direction of a collector of customs.

(e) Any person thereunto especially authorized by a collector of customs, subject to the restrictions stated in the next succeeding section hereof.

Persons exercising the powers hereinabove conferred shall, in the exercise thereof, have the same authority, be entitled to the same protection, and be governed by the same rules of law, not inconsistent with the provisions of this article, as other office

ers exercising police power in general.

[2657–1480.]

SECTION 1330. Place where authority may be exercised. — Persons acting under authority conferred pursuant to subsection (e) of the preceding section may exercise their authority within the limits of the collection district only and in or upon the particular vessel, or in the particular place, or in respect to the particular merchandise specified in the appointment. All such appointments shall be in writing, and the original shall be filed in the customhouse of the district where made.

All other persons exercising the powers hereinabove contemplated may exercise the same at any place within the jurisdiction of the Bureau of Customs.

[2657–1481.]

SECTION 1331. Exercise of power of seizure. — It shall be within the power of a customs officer or person authorized as aforesaid, and it shall be his duty, to make seizure of any vessel, cargo, merchandise, animal, or other species of movable property when the same is subject to forfeiture or liable for any fine imposed under the customs laws, and also to arrest any person subject to arrest for a violation of any customs law, such power to be exercised in conformity with the
law and the provisions of this chapter.

[2657–1482.]

SECTION 1332. Duty of officer to disclose official character. — It shall be the duty of any person exercising authority as aforesaid, upon being questioned at the time of the exercise thereof, to make known his official character as an officer of the Government, and if his authority is derived from special authorization in writing to exhibit the same for inspection, if demanded.

[2657–1483.]

SECTION 1333. Authority to require assistance. — Any one exercising police authority under the customs laws may demand assistance of any person within the distance of three miles, where such assistance shall be necessary to effect any search, seizure, or arrest which may be lawfully made or attempted by him; and in the exercise of such power the protection of the law shall extend to all persons acting with him or under his directions. It shall be the duty of any person upon whom such requisition is made to give such lawful assistance in the matter as may be required.

[2657–1484.]

SECTION 1334. Right of police officer to enter inclosure. — For the more effectual discharge of his official duties, any person exercising the powers contemplated in this article may, either in the night or in the day time, enter, pass through, or search any land or inclosure or any warehouse, store, or other building, not being a dwelling house proper.

A warehouse, store, or other building or inclosure used for the keeping or storage of goods does not become a dwelling house within the meaning hereof merely by reason of the fact that a person employed as watchman lives in the place, nor will the fact that his family stays there with him alter the case.

[2657–1485.]

SECTION 1335. Search of dwelling house. — A dwelling house may be entered and searched only upon warrant issued by a judge or justice of the peace, upon sworn application showing probable cause and particularly describing the place to be searched and the person or thing to be seized.

[2657–1486.]

SECTION 1336. Right to search vessels and persons or merchandise
conveyed therein. — It shall be lawful for any officer or person exercising police authority under the provisions of this article to go aboard any vessel within the limits of any collection district of the (Philippine Islands) Philippines, and to inspect, search, and examine the same, and any person, trunk, package, box, or envelope on board, and to this end to hail and stop such vessel if under way, to use all necessary force to compel compliance; and if it shall appear that any breach or violation of the laws of the (Philippine Islands) Philippines has been committed, whereby or in consequence of which such vessels, or the merchandise, or any part thereof, on board of or imported by such vessel, is liable to forfeiture, to make seizure of the same or any, part thereof.

The power of search hereinabove given shall extend to the removal of any false bottom, partition, bulkhead, or other obstruction, so far as may be necessary to enable the officer to discover whether any dutiable or forfeitable object may be concealed by the same.

No proceeding hereunder shall give rise to any claim for the damage thereby caused to merchandise or vessel.

[2657–1487.]

SECTION 1337. Right to search vehicles, beasts, and persons. — It shall also be lawful for a person exercising authority as aforesaid to open and examine any box, trunk, envelope, or other container, wherever found, in which he may have reasonable cause to suspect the presence of dutiable merchandise or merchandise introduced into the (Philippine Islands) Philippines contrary to law, and likewise to stop, search, and examine any vehicle, beast, or person reasonably suspected of holding or conveying such merchandise as aforesaid.

[2657–1488.]

SECTION 1338. Search of persons arriving from foreign countries. — All persons coming into the (Philippine Islands) Philippines from foreign countries shall be liable to detention and search by the customs authorities under such regulations as may be prescribed relative thereto.

Female inspectors may be employed for the examination and search of persons of their own sex.

[2657–1489.]

ARTICLE XVIII

Administrative Fines and Forfeitures
SECTION 1339. Unlawful navigation of unregistered vessel. — When any vessel shall be unlawfully used or navigated in Philippine waters without having been first duly registered in the Bureau of Customs, or application therefor made as required by law, such vessel shall be fined in a sum not exceeding double the annual license fee for which the vessel is liable.

[2657–1490.]

SECTION 1340. Vessel engaging in coastwise trade without license. — Any vessel engaging in the coastwise trade, without having procured the requisite license therefor, shall, if laden with merchandise of the growth, product, and manufacture of the (Philippine Islands) Philippines only, or in ballast, be fined in a sum not exceeding one thousand pesos.

[2657–1491.]

SECTION 1341. Vessel navigating without complement of officers. — If any Philippine vessel shall navigate without its full complement of duly licensed or certificated officers, the same not being due to an emergency beyond control of the master, owner, or agent, such vessel shall be fined, not oftener than once in thirty days, in a sum not exceeding one thousand pesos.

[2657–1492.]

SECTION 1342. Vessel entering closed port. — Any vessel entering a place closed to the coastwise trade by proclamation of the (Governor-General) President of the Philippines, not being impelled thereto by stress of weather or other necessity, shall be fined in a sum not exceeding one thousand pesos.

[2657–1493.]

SECTION 1343. Vessel engaging in bay and river business without license. — A vessel engaging in the business of towing or of transporting passengers or freight in any harbor, bay, river, or any inland water navigable from the sea, without having procured the requisite license therefor, shall be fined in a sum not exceeding five hundred pesos.

[2657–1494.]

SECTION 1344. Vessel departing before entry made. — If a vessel arriving within the limits of a collection district from a foreign port shall depart or attempt to depart before entry shall be made, the same not being due to stress of weather, pursuit or duress of enemies, or other necessity, such vessel shall be fined
SECTION 1345. Obstruction of boarding officer. — If the master of any vessel arriving at a Philippine port shall obstruct or hinder any officer in lawfully going on board such vessel for the purpose of carrying into effect any of the customs laws, or shall intentionally cause any such officer to be so obstructed or hindered, the vessel shall be fined in a sum not exceeding one thousand pesos.

SECTION 1346. Unlawful boarding or leaving of vessel. — If the master of any vessel engaged in the foreign trade, upon arriving at a Philippine port, shall permit any person unlawfully to board or leave the vessel without the permission of the customs officer in charge, such vessel shall be fined in a sum not exceeding two hundred pesos.

Any vessel which goes alongside of such arriving vessel and puts any person aboard thereof or takes any person therefrom, except as allowed by law or regulation, shall be subject to the same fine.

SECTION 1347. Failure to deliver or receive mail. — If the master of a vessel arriving at a Philippine port shall fail or refuse to deliver to the postmaster of the nearest post office, as by law or contract required, all mail matter on board such vessel and destined for the particular port, the vessel shall be fined in a sum not exceeding two hundred pesos.

When any vessel which is required by law or contract to carry mail matter departs from a port or place where mail should be received, without giving the postmaster or other postal official a reasonable opportunity to deliver to the vessel, or its proper officer, or agent, any mail matter addressed to or destined for the port or place to which the vessel is bound, such vessel shall be subject to the same fine as in the preceding paragraph provided.

SECTION 1348. Unauthorized removal of life-saving equipment. — When any life-saving equipment shall be removed from a Philippine vessel contrary to law or regulation, such vessel shall be fined in a sum not exceeding one thousand pesos.
SECTION 1349. Unlading of cargo before arrival at port of destination. — If, after the arrival of any vessel bound to the (Philippine Islands) Philippines from a foreign port within the limits of any collection district of the (Philippine Islands) Philippines, the master shall permit any part of the cargo to be unladen before her arrival at her port of destination, and without authority from a proper customs officer, such vessel shall be fined in a sum not exceeding one thousand pesos, unless the unlading was rendered necessary by stress of weather, accident, or other necessity; and if due to necessity, the subsequent approval of the proper collector of customs must be obtained.

SECTION 1350. Unlading of cargo at improper time or place after arrival. — When any vessel, after arrival at her port of destination in the (Philippines Islands) Philippines, shall discharge cargo at any other time or place than such as shall be designated by the collector of customs, such vessel shall be fined in a sum not exceeding two thousand pesos.

SECTION 1351. Failure to produce members of crew. — When the master of a Philippine vessel returning from abroad shall fail to produce and have forthcoming, as by law required, all members of the crew listed in the vessel's shipping articles, the vessel shall be fined in the sum not exceeding five hundred pesos for each member absent and unaccounted for.

SECTION 1352. Failure to exhibit or deposit documents. — When the master of a vessel engaged in foreign trade fails to exhibit to the collector at the time of entry of his vessel the register, or other paper in lieu thereof, together with the clearance and other papers granted by the customs officials to his vessel at the port of departure for the (Philippine Islands) Philippines, or fails to exhibit any certificate or other document required to be then exhibited, such vessel shall be fined in a sum not exceeding one thousand pesos.

Such vessel shall also be liable to the aforesaid fine if the master, within forty-eight hours after arrival, shall fail to deliver to the proper consular officer of his nation such documents as are required by law to be deposited with him, or if after having made such deposit, the master shall fail to produce to the Insular Collector the required evidence that the same has been effected.
SECTION 1353. Bringing of unmanifested arms or explosives. — Any vessel arriving at a port in the (Philippine Islands) Philippines, having firearms, gunpowder, cartridges, dynamite, or any other class of explosives or munitions of war concealed on board his vessel or not contained in the ship's manifest, shall be liable to a fine of not exceeding four thousand pesos.

SECTION 1354. Failure to supply requisite manifests. — If any vessel shall enter or depart from a port of entry without the submission of proper manifests to the customs authorities, or shall enter or depart conveying unmanifested cargo other than as stated in the next preceding section hereof, such vessel shall be fined in a sum not exceeding five thousand pesos.

The same fine shall be imposed upon any arriving or departing vessel if the master shall fail to deliver or mail to the (Insular) Auditor General a true copy of the manifest of the incoming or outgoing cargo, as required by law.

SECTION 1355. Disappearance of manifested article. — When any package or article named on the manifest shall not be duly forthcoming on the arrival of the vessel, the vessel shall be fined in a sum not exceeding five hundred pesos, unless it shall appear that the entry was erroneous and was made without fraudulent intent or that the disappearance of the package or article in question was not due to the negligence of the vessel.

The vessel shall be liable to the same fine when a package or article listed in the manifest is found to disagree materially in marks, character, or otherwise with the description thereof in the manifest.

SECTION 1356. Discrepancy between actual and declared weight of manifested article. — If the gross weight of any article or package described in the manifest of an importing vessel is found to exceed by more than ten per centum the gross weight as declared in the manifest or bill of lading thereof, and the collector shall be of opinion that such discrepancy was due to the carelessness or incompetency of the master, owner, or employee of the vessel, a fine of not more than twelve and one-half per centum of the value of the package or article in respect to which the deficiency exists may be imposed upon the importing vessel.
SECTION 1357. Delivery of cargo not agreeing with master's report. — When a vessel from a foreign port is compelled by necessity to put into another port than the port of her destination and permission is granted by the collector of customs for the unloading of the vessel or the delivery of any part of her cargo, and it shall be found that the delivery of the cargo does not agree with the master's report, and the discrepancy is not satisfactorily explained, the vessel shall be fined in a sum not exceeding one thousand pesos.

SECTION 1358. Breaking of seal placed by customs officer. — If any seal placed by a customs officer upon any vessel, or compartment thereof, or upon any box, trunk, or other package of merchandise on board of any vessel, shall be broken or destroyed, the vessel shall be fined in a sum not exceeding one thousand pesos for each seal so broken or destroyed.

SECTION 1359. Breaking of lock or fastening placed by customs officer. — If any lock or other fastening placed by a customs officer upon any hatch, door, or other means of communication with the hold of a vessel, or other part thereof, for the security of the same during the nighttime, shall be unlawfully opened, broken, or removed, or if any of the merchandise or packages contained in the hold or in other compartment so secured shall be clandestinely abstracted and landed, the vessel shall be fined in a sum not exceeding one thousand pesos.

SECTION 1360. Disappearance of trunk or package specially noted by customs officer. — When any box, trunk, or other package of merchandise shall be found by a customs officer on any incoming vessel separate from the residue of the cargo or in any unusual or improper place on such vessel and the same shall be noted by him, with proper description, and the attention of the master or other responsible officer of the vessel shall be directed thereto, the vessel shall be fined in a sum of not exceeding four hundred pesos for every such package which may subsequently be missing and unaccounted for upon the arrival of the vessel at the port of entry.

SECTION 1361. False statement of vessel's destination. — When the
master of a vessel laden with merchandise and arriving from a foreign port shall make a false statement as to the next destination of such vessel, when information concerning the same is required of him by a customs officer, such vessel shall be fined in a sum not exceeding one thousand pesos; and the circumstance that a vessel after clearing for a certain port of destination, goes to some other port, not being impelled thereto by necessity, shall be prima facie proof that the original statement of the vessel's actual destination was false.

[2657–1512.]

SECTION 1362. Injury to buoys and beacons. — When any buoy or beacon maintained in Philippine waters shall be damaged, misplaced, or destroyed by reason of any vessel or other floating object being made fast thereto, or as a consequence of the negligent navigation or control thereof, such offending vessel, or the owner or person in control of other object by which the damage is caused, shall be subject to a fine of not more than two hundred pesos, to which may be added the expense of repairing or replacing the same.

[2657–1513.]

SECTION 1363. Property subject to forfeiture under customs laws. — Vessels, cargo merchandise, and other objects and things shall, under the conditions hereinbelow specified, be subject to forfeiture:

(a) Any vessel, including cargo which shall be unlawfully engaged in the importation of merchandise into any Philippine port or place except a port of entry; and any vessel which, being of less than thirty tons burden, shall be engaged in the importation of merchandise into any Philippine port or place whatever, except into a port of the Sulu Sea where importation in such vessel may be authorized by the Insular Collector, with the approval of the Department Head.

(b) Any vessel engaging in the coastwise trade without license which shall have on board merchandise of foreign growth, product, or manufacture beyond the amount necessary for sea stores, the same not having been properly entered or legally imported.

(c) Any vessel to which shall be transferred cargo unladen contrary to law prior to the arrival of the importing vessel at her port of destination.
(d) Any part of the cargo of a vessel arriving from a foreign port which shall be unladen before arrival at the vessel's port of destination and without authority from the proper customs official; but the forfeiture shall not occur if such unloading, shall be due to accident, stress of weather, or other necessity and the subsequent approval of a collector shall be obtained in the manner required by law or regulation.

(e) Any merchandise which shall be fraudulently concealed in or removed from any public or private warehouse under customs supervision.

(f) Any merchandise of prohibited importation or exportation, the importation or exportation of which is effected or attempted contrary to law.

(g) Unmanifested merchandise found on any vessel, a manifest therefor being required.

(h) Sea stores adjudged by the collector to be excessive, when the duties assessed by the collector thereon are not paid or secured forthwith upon assessment of the same.

(i) Any package of imported merchandise which is found by the examining officer to contain any article not specified in the invoice, provided the collector of customs is of the opinion that the omission of such article from the invoice was caused with fraudulent intent.

(j) Boxes, cases, trunks, envelopes, and other containers of whatever character which shall be used as the receptacle to contain or conceal merchandise which is itself subject to forfeiture under the customs laws or which is designed be misleading as to the character of such merchandise.

(k) Any beast actually being used for the conveyance of merchandise forfeitable under the customs laws, with its equipage or trappings, and any vehicle similarly used, together with its equipage and appurtenances, including the beast, team, or other motive power drawing or propelling the same; but the forfeiture shall not occur unless it appears that the owner of the means of conveyance used as aforesaid, or his agent in charge
thereof at the time, was cognizant of the unlawful act.

(l) Any money or thing of value offered as a bribe or for the purpose of exerting improper influence over a customs officer or employee.

(m) Any merchandise the importation or exportation of which is effected or attempted in any of the ways or under any of the conditions hereinbelow described:

1. Upon importation or exportation, either consummate or frustrate, without going through a customhouse.

2. Upon the failure of a person entering merchandise which has arrived from abroad in baggage to declare the same before the proper customs officer.

3. Upon the wrongful making by the owner, importer, exporter, or consignee of any merchandise, or by the agent of either, of any false declaration or affidavit, touching such merchandise and in connection with the importation or exportation of the same.

4. Upon the wrongful making or delivery by the same person or persons, of any false invoice, letter or paper touching such merchandise and in connection with the importation or exportation of the same.

5. Upon the causing or procurrence, by the same person or persons, of any merchandise to be entered or passed at any customhouse by any other fraudulent practice, device, or omission by means whereof the Government is or might be deprived of its lawful duties on such merchandise.

[2657–1514; 3856–1(1012).]

SECTION 1364. Conditions affecting forfeiture of merchandise. — As regards imported and exported merchandise, or merchandise whereof the importation or exportation is merely attempted, the forfeiture shall occur only when and while the merchandise is in the custody of the customs authorities or in the hands or subject to the control of the importer, exporter, original owner, consignee, agent, or other person affecting the importation, entry or exportation in question, or in the hands or subject to the control of some person who shall
receive, conceal, buy, sell, or transport the same, or aid in any of such acts, with
knowledge that the merchandise was imported, or was the subject of an attempt at
importation or exportation, contrary to law.

[2657–1515.]

SECTION 1365. *Imposition of fine in lieu of forfeiture.* — Where property
is subject to forfeiture, the Insular Collector may, if in his opinion the public
interests so require, waive the forfeiture and in lieu thereof impose a fine upon the
property in such amount as the nature of the case shall indicate as proper.

[2657–1516.]

SECTION 1366. *Enforcement of administrative fines and forfeitures.* —
Administrative fines and forfeitures shall be enforced by seizure of the vessel or
other property subject to the fine or forfeiture in question and by subsequent
proceedings in conformity with the provisions of articles nineteen and twenty of
this chapter.

[2657–1517.]

SECTION 1367. *Seizure of vessel for delinquency of owner or officer.* —
When the owner, agent, master, or other responsible officer of any vessel shall
become liable to be fined under the customs laws on account of a delinquency in
the discharge of a duty imposed on him with reference to the vessel in question, the
vessel itself may be ruined and subjected in an administrative proceeding to the
satisfaction of the fine to which such responsible party would have been subject.

[2657–1518.]

**ARTICLE XIX**

*Administrative and Judicial Proceedings*

SECTION 1368. *Supervision and control over judicial proceedings.* — In
the absence of special provision, judicial actions and proceedings instituted on
behalf of the Government under the authority of the customs laws shall be subject
to the supervision and control of the Insular Collector.

[2657–1519.]

SECTION 1369. *Authority of Insular Collector to make compromises.* —
The Insular Collector of Customs may compromise any case or proceeding arising
under the customs laws, and may refund money erroneously or illegally received,
or fines imposed without authority.

[2657–1520.]

SECTION 1370. Protest and payment upon protest in civil matters. — When a ruling or decision of a customs officer is made in any civil matter whereby liability for duties, fees, or other money charge is settled or determined — not including the fixing of fines in seizure cases — the party adversely affected by such action may make protest by presenting to the collector of customs, at the time when payment of the amount claimed to be due the Government is made, or within thirty days thereafter, a written protest setting forth his objections to the ruling or decision in question, together with the reasons therefor. No protest shall be received or considered in any such case unless payment of the amount claimed to be due has first been made.

[2657–1521; 3686–1(1013).]

SECTION 1371. Protest exclusive remedy in protestable case. — In any case which is subject to protest, the party interested adversely to the Government is required to make protest, if he desires to have the action of the collector reviewed; and if he does not pursue this remedy the action of the collector shall be final and conclusive against him, unless the matter be correctable for manifest error in the manner prescribed in section one thousand three hundred hereof.

[2657–1522.]

SECTION 1372. Form and scope of protest. — Every protest shall point out the particular decision or ruling of the collector to which exception is taken or objection made, and shall indicate with reasonable precision the particular ground or grounds upon which the protesting party bases his claim for relief.

The scope of a protest shall be limited to the subject matter of a single adjustment or other independent transaction; but any number of issues may be raised in a protest with reference to the particular item or items constituting the subject matter of the protest.

"Single adjustment," as hereinabove used, has reference to the entire content of one liquidation, including all duties, surcharges, or fines incident thereto.

[2657–1523.]

SECTION 1373. Samples to be furnished by protesting parties. — Importers filing protests involving questions of fact must, if the nature of the merchandise permits, upon demand, supply the collector with samples of the
merchandise covered thereby. Such samples shall be verified by the officer who is immediately responsible for the classification against which the protests are filed, and shall be transmitted to the Insular Collector with the protests to which they belong.

[2657–1524.]

SECTION 1374.  Warrant for detention of property — Bond. — Upon the making of any seizure, the collector shall issue a warrant for the detention of the property; and if any proper party in interest desires to secure the release of the property for legitimate use, the collector may surrender it upon the giving of a sufficient bond, in an amount to be fixed by him, conditioned for the payment of any fine, expenses, and costs which may be adjudged in the case.

[2657–1525.]

SECTION 1375.  Notification of owner. — The collector of customs shall give a written notice of the seizure to the owner of the property or his agent and shall give to him an opportunity to be heard in reference to the delinquency which was the occasion of such seizure.

For the purpose of giving such notice and for the purposes of all other proceedings in the matter of such seizure, the importer, consignee, or person holding the bill of lading shall be deemed to be the "owner" of the merchandise included in the bill.

For the same purposes "agent" shall be deemed to include not only any agent in fact of the owner of the seized property but also, if the owner or his agent in fact is unknown or cannot be reached, any person having responsible possession of the property at the time of the seizure.

[2657–1526.]

SECTION 1376.  Notification of unknown owner. — Notice to an unknown owner shall be effected by the posting of notice in writing for ten days in the public corridor of the customhouse of the district in which the seizure was made, and in the discretion of the Insular Collector by such publication in a newspaper or by such other notice as he shall consider desirable.

[2657–1527.]

SECTION 1377.  Description and appraisement of seized property. — The collector shall also cause a list and particular description of the property seized to be prepared and an appraisement of the same at its value in the local market to be
made by at least two appraising officers under the revenue laws, if there are such officers at or near the place of seizure, but if there are not, then by two competent and disinterested citizens of the (Philippine Islands) Philippines, to be selected by him for that purpose, residing at or near the place of seizure, which list and appraisement shall be properly attested by such collector and the persons making the appraisal.

[2657–1523.]

SECTION 1378. Report of seizure to Insular Collector and Auditor. — When a seizure shall be made for any purpose, the collector of the district wherein the seizure is effected shall immediately make report thereof to the Insular Collector and the (Insular) Auditor General.

[2657–1529.]

SECTION 1379. Action by collector in protest and seizure cases. — When a proper protest is presented in a case where protest is required, the collector shall reexamine the matter thus presented; and if the protest be sustained, in whole or in part, he shall enter the appropriate order, the entry being reliquidated, in case of importations, if necessary.

In seizure cases the collector of customs, after giving a hearing with reference to the offense or delinquency which was the occasion of the seizure, shall in writing make a declaration of forfeiture or fix the amount of the fine which in his opinion should be imposed, or take such other action as may be proper.

[2657–1530.]

SECTION 1380. Review by Insular Collector. — The person aggrieved by the decision of the collector of customs in any matter presented upon protest or by his action in any case of seizure may, within fifteen days after notification in writing by the collector of his action or decision, give written notice to the collector signifying his desire to have the matter reviewed by the Insular Collector.

Thereupon the collector of customs shall forthwith transmit all the papers in the cause to the Insular Collector, who shall approve, modify, or reverse the action of his subordinate and shall take such steps and make such order or orders as may be necessary to give effect to his decision.

[2657–1531.]

SECTION 1381. Proceedings in case of property belonging to unknown parties. — If, within ten days after any seizure, no owner or agent can be found or
appears before the collector of customs to claim the property, the collector of customs, after fixing the amount of the fine which his judgment ought to be imposed, or making a declaration of forfeiture, as the case may require, shall forthwith transmit all the papers in the cause to the Insular Collector, by whom appropriate action shall be taken in the premises.

[2657–1532.]

SECTION 1382. Notice of decision of Insular Collector. — Written notice of the decision made by the Insular Collector shall be given to the party or parties by whom the cause was brought before him for review, and in seizure cases such notice shall be effectuated by personal service, if practicable.

[2657–1533.]

SECTION 1383. Review in Court of First Instance. — The party aggrieved by the decision of the Insular Collector in any matter brought before him upon protest or by his action or decision in any case of seizure may procure the cause to be removed for review into the Court of First Instance sitting in the City of Manila, in the manner and within the period hereinafter prescribed.

Unless the proper party in interest shall procure the cause to be thus removed into court for review, the action or decision of the Insular Collector shall be final and conclusive against him.

[2657–1534.]

SECTION 1384. By whom cause may be removed into court. — The removal of a cause into court may be had at the instance of the protesting party or, in case of seizure, at the instance of the owner or agent of the seized property. If the decision of the Insular Collector is adverse to the Government, the cause may also be removed, in the manner hereinafter specified, by order of the Department Head.

[2657–1535.]

SECTION 1385. Procedure incident to removal of cause into court. — A party other than the Government, desiring a removal into court shall, within fifteen days after notification of the decision of the Insular Collector, give notice in writing either directly to the Insular Collector or to the collector of customs of the port where the controversy arose, signifying his desire to have the cause reviewed in the Court of First Instance at Manila. He shall also, within the same period, pay to the same officer the filing fee of the Court of First Instance.
The collector of customs shall thereupon, in cases where the notice is given to him, forward such notice and the filing fee to the Insular Collector; and the latter shall forthwith transmit the same to the clerk of the Court of First Instance in the City of Manila, as he shall also do in cases where the notice is given and fee paid directly to himself, and in either event he shall transmit therewith to said clerk all the papers in the cause, including, in case of importations, the entry, invoices, exhibits, and other documents connected therewith.

[2657–1536.]

SECTION 1386. Removal upon order of Department Head. — Upon making any decision which may be removed upon the order of the Department Head, the Insular Collector shall immediately transmit a copy of such decision to him and also to the (Insular) Auditor General; and if within fifteen days thereafter the Department Head shall certify that in his opinion the decision ought to be revised by the Court of First Instance in the City of Manila, it shall be the duty of the Insular Collector, upon notification thereof to transmit the original record to said court in the same manner as upon removal by a party other than the Government.

[2657–1537.]

SECTION 1387. Determination of cause by Court of First Instance at Manila. — A cause removed to the Court of First Instance at Manila, as above contemplated, shall be deemed to be at issue upon the filing of the record therein and the giving of due notice to the adverse party when the removal is effected by the Government.

[2657–1538.]

SECTION 1388. Settlement of cause by payment of fine or redemption of forfeited property. — If, in any seizure case, the owner or agent shall, while the cause is yet before the collector of the district of seizure, pay to such collector the fine imposed by him or, in case of forfeiture, shall pay the appraised value of the property, or if after removal of the cause, he shall pay to the Insular Collector the amount of the fine as finally determined by him or, in case of forfeiture, shall pay the appraised value of the property, such property shall be forthwith surrendered, and all liability which may or might attach to the property by virtue of the offense which was the occasion of the seizure and all liability which might have been incurred under any bond given by the owner or agent in respect to such property shall thereupon be deemed to be discharged.

Redemption of forfeited property shall not be allowed in any case where the
importation is absolutely prohibited or where the surrender of the property to the person offering to redeem the same would be contrary to law.

[2657–1539.]

SECTION 1389. Right of protest in such cases. — Where payment is made or redemption effected as allowed under the preceding section, the party making payment or effecting the redemption may, if he desires to test the validity of the proceedings, make formal protest at the time of making such payment or effecting such redemption, or within fifteen days thereafter, and make claim for the repayment of the whole or any part of the sum so paid by him, whereupon the proceedings shall take the same course as in ordinary cases of protest against customs duties and charges generally.

[2657–1540.]

SECTION 1390. Disposition of cases arising at port of Manila. — In cases which arise at the port of Manila the rulings and decisions therein, made by the Insular Collector in the exercise of the functions of collector of customs of the port, shall be removable immediately to the Court of First Instance in the City of Manila under the same conditions as cases which come to him for review from other ports; and the same provisions concerning the time and manner of the transfer of the cause shall apply so far as the same may be applicable.

[2657–1541.]

SECTION 1391. Precedence of customs cause in Court of First Instance. — A customs cause removed into the Court of First Instance in the City of Manila shall be set for advanced hearing as the exigency of the matter may require and shall be determined upon the record, including the competent proof already taken, and such other evidence as either party may see fit to adduce, — all subject to the same right of exception and appeal to the Supreme Court, by either party, as in other cases.

[2657–1542.]

SECTION 1392(1014). Duty of Attorney-General to render assistance in court causes. — When the Insular Collector so requests, it shall be the duty of the Attorney-General, or some person detailed from his office for that purpose, to aid in the presentation of cases before the Court of First Instance.

[2657–1543.]

SECTION 1393. Supervisory authority of Insular Collector and of
Department Head in certain cases. — If in any case involving the assessment of duties the importer shall fail to protest the decision of the collector of customs and the Insular Collector shall be of the opinion that the decision was erroneous and unfavorable to the Government, the latter may order a reliquidation; and if the decision of the Insular Collector in any unprotested case should, in the opinion of the Department Head, be erroneous and unfavorable to the Government, the Department Head may require the Insular Collector to order a reliquidation or he may, if in his opinion the public interest requires, direct the Insular Collector to certify the cause to the Court of First Instance at Manila, in the manner provided in section one thousand three hundred and eighty-six hereof, there to be reviewed by the court as other customs cases removed thereto.

Except as in the preceding paragraph provided the supervisory authority of the Department Head over the Bureau of Customs shall not extend to the administrative revisal of the decisions of the Insular Collector in matters removable into court.

[2657–1544.]

ARTICLE XX

Sale or Other Disposition of Property in Customs Custody

SECTION 1394. Place for sale or other disposition of property. — Property within the purview of this article shall be sold, or otherwise disposed of, upon the order of the collector of customs of the port where the property in question may be held, unless the Insular Collector shall direct its conveyance for such purpose to some other port.

[2657–1545.]

SECTION 1395. Property subject to sale. — Property in customs custody shall be subject to sale under the conditions hereinbelow expressed:

(a) Abandoned merchandise.

(b) Bonded merchandise upon which the duties have not been paid within the period prescribed by law.

(c) Merchandise of which entry is not made within the period allowed therefor; or which, having been entered, is not claimed within the ninety days allowed for the payment of duties.

(d) Seized property, other than contraband, after liability to sale has
been established by proper administrative or judicial proceedings in conformity with the provisions of this chapter.

(e) Any merchandise upon which there is a valid lien for customs duties, internal-revenue tax, or other dues or charges enforcible by the Bureau of Customs, after the expiration of the period allowed for the satisfaction of the same.

[2657–1546.]

SECTION 1396. Mode of sale. — In the absence of special provision, property subject to sale by the customs authorities shall be sold at public auction after ten days' notice conspicuously posted at the port and such other advertisement as may appear to the collector to be advisable in the particular case.

[2657–1547.]

SECTION 1397. Disposition of proceeds. — From the proceeds of property sold by the customs authorities the following charges shall be paid in the order named:

(a) The expenses of appraisal, advertisement, and sale.

(b) Storage dues.

(c) Duties at tariff rates for all except abandoned and forfeited goods.

(d) Any other charges due the Government in connection with the goods.

(e) Any sum of freight, lighterage, or general average, on the voyage of importation, of which due notice shall have been given to the collector.

[2657–1548.]

SECTION 1398. Disposition of surplus. — In the case of abandoned and forfeited goods no part of the surplus proceeds shall be returned to the owner of the merchandise. In case of the sale of other property, any surplus remaining after the satisfaction of all lawful charges as aforesaid shall be paid by the collector to the owner, if known, otherwise it shall be retained by the collector for ten days subject to the call of the owner. Upon the failure of the owner to make demand
within this period, the collector shall deposit such surplus with the (Insular) Treasurer of the Philippines as a special deposit, to be paid to the proper claimant demanding the same within one year thereafter, upon such evidence and in such manner as the (Insular) Auditor General shall prescribe.

In all such cases the collector shall fully report his action in the matter, together with all the particulars, to the Insular Collector and to the (Insular) Auditor General.

After one year all such special deposits unclaimed and unpaid shall be covered into the (Insular) National Treasury as customs receipts.

[2657–1549.]

SECTION 1399. Disposition of merchandise liable to deterioration. — Merchandise of a perishable nature shall not be deposited in a bonded warehouse; and, if it is not immediately entered for export or for transportation from the vessel in which imported or entered for consumption and the duties paid thereon, may be sold at public auction, after such public notice, not exceeding three days, as the necessities of the case permit.

When seizure shall be made of property which, in the opinion of the collector, is liable to perish or waste, or to be greatly reduced in value by keeping, or which cannot be kept without great disproportionate expense, whether such property consist of live animals or merchandise, the appraisers, if requested by the collector or officer making the seizure, at the time when such appraisal is made, shall certify in their appraisal their belief that the property seized is liable to speedy deterioration, or that the expense of its keeping will largely reduce the net proceeds of the sale; and in case the appraisers thus certify, such collector may proceed to advertise and sell the same at auction, upon such notice as he shall deem to be reasonable.

The same disposition may be made of any warehoused merchandise when in the opinion of the collector it is likely from depreciation, damage, leakage, or other cause to become insufficient to pay the duties and other charges corresponding thereto, if it should be permitted to remain and be subjected to sale in usual course.

[2657–1550.]

SECTION 1400. Disposition of things injurious to public health. — When merchandise, which in the opinion of the collector constitutes a menace to public health, shall be seized or otherwise come into the custody of the Bureau of Customs, the collector of the port shall, if the matter is not disposable under the
provisions of law relating to food and drugs, appoint a board of three to examine
the merchandise. In the absence of controlling reason, one member of this board
shall be a representative of the (Philippine Health Service) Bureau of Health or the
local health officer, the other two being responsible officers of the Bureau of
Customs and at least one an appraiser. Such board shall examine said merchandise,
and if the same shall be found to be unfit for use or sale or a menace to the public
health, the board shall so report in writing to the collector, who shall forthwith
approve its destruction in such manner as the case may require.

If such merchandise is found to be fit for use or sale and to have
commercial value, it shall be disposed of in the manner provided for perishable
property.

The health authorities at port of entry shall collaborate with collectors of
customs upon such occasions with all reasonable dispatch.

[2657–1551.]

SECTION 1401. Disposition of contraband. — Articles of prohibited
importation or exportation, known as contraband, shall, in the absence of special
provision, be dealt with as follows:

(a) If the article in question is highly dangerous to be kept or
handled, it may be forthwith destroyed.

(b) Contraband coin or bullion shall accrue to the goldstandard
fund in specie, subject to the payment of the expenses incident
to seizure, including the reward to the informer.

(c) Other contraband of commercial value and capable of legitimate
use may be sold under such restrictions as will insure its use for
legitimate purposes only; but if the thing is unfit for use or the
collector is of the opinion that, if sold, it would be used for
unlawful purposes, it may be destroyed in such manner as the
collector shall direct.

[2657–1552.]

SECTION 1402. Establishment of contraband character of merchandise.
— For the purpose of ascertaining and establishing the contraband character of
merchandise, the collector of the port may appoint a board of three, at least two of
whom shall be officers of the Bureau of Customs, to examine and report to him
upon the matter.
SECTION 1403. Disposition of property remaining unsold for want of bidders. — When any property exposed to sale by the customs authorities remains unsold for want of bidders and the collector shall be of the opinion that further attempt to sell at auction is inadvisable, he shall appoint a board of three, at least two of whom shall be officers of the Bureau of Customs, and if said board shall report that the property is of no commercial value, or unfit for use or sale, or a menace to the public health, it shall be destroyed; but if found to be fit for use or sale and to have commercial value, it shall be disposed of to the best advantage, in the discretion of the collector, at public or private sale, or otherwise, as may be practicable.

SECTION 1404. Disposition of dangerous explosives. — Gunpowder or other dangerous or explosive substances, except firecrackers, shall not be deposited in a bonded warehouse, and when not entered for immediate use, transportation, or export, shall be subject to such disposition, in the discretion of the Department Head, as is consistent with the public safety.

Expenses incurred in such disposition shall constitute a lien on the goods and a charge against the owner.

ARTICLE XXI

Miscellaneous Administrative Provisions

SECTION 1405. Duty of collector of customs to report rulings to Insular Collector. — When any new or unsettled question shall be determined by a collector of customs, he shall, if the matter is not otherwise carried upon for review in ordinary course, notify the Insular Collector of his decision and submit an adequate statement of facts involved.

SECTION 1406. Application of established ruling or decision. — A customs ruling or decision which determines the construction or application of any provision of law imposing customs duties shall not be administratively reversed or modified unless at least sixty days public notice shall be given in the form of a published tariff decision.
SECTION 1407. *Reduction of proof to writing.* — When proof is taken in any proceeding or matter under the authority of the Bureau of Customs, either party may require that the same be reduced to writing; and when so taken it shall be filed in the office of the collector of customs and preserved for use or reference until final decision.

SECTION 1408. *Collector of customs not liable in respect of ruling in customs cases.* — No collector or other officer of customs shall be in any way personally liable for or on account of any official ruling or decision as to which the person claiming to be aggrieved has the right to obtain either an administrative or judicial review under the provisions of this chapter; and except for a misdelivery of merchandise, a collector of customs shall not, in the absence of his own abuse of authority, be liable to any person for a loss occasioned either by his own official act or the act of his subordinates.

SECTION 1409. *Obstruction of customs premises.* — No person shall obstruct a customhouse, warehouse, office; wharf, street, or other premises under the control of the Bureau of Customs, or any of the approaches to such houses or premises.

SECTION 1410. *Interests prohibited to be held by customs employees.* — No person employed under the authority of the Government of the (Philippine Islands) Commonwealth of the Philippines in the collection of duties or imports, exports, or tonnage dues shall own, either in whole or in part, any vessel, or act as attorney, agent, or consignee for the owner of any vessel or of any cargo or lading on board the same; nor shall any such person import or be concerned, directly or indirectly, in the importation of any merchandise for sale into the (Philippine Islands) Philippines.

SECTION 1411. *Reward for information concerning fraud upon the revenue.* — When any person except a customs officer or employee or other public official, shall furnish definite information concerning any fraud upon the customs revenue, by whomsoever perpetrated or contemplated, which shall result in the
recovery of revenue, the conviction of the guilty party, or the imposition of any surcharge, fine or penalty, or the forfeiture incurred of any of the property enumerated in section thirteen hundred and sixty-three of this Code, such person shall be rewarded in accordance with the following schedule but not exceeding in any case the sum of ten thousand pesos:

(a) Where a surcharge or a fine, judicial or administrative, is collected, fifty per centum of such surcharge or fine;

(b) In cases where no such surcharge or fine is imposed, fifty per centum of the additional revenue recovered by the Government and collected by reason of the information given;

(c) When the offender has chosen to compromise his violation of the law and his offer of compromise is accepted by the Insular Collector of Customs, fifty per centum of such compromise;

(d) In cases of forfeiture and subsequent release of the goods, seized, fifty per centum of such administrative fine as the Insular Collector of Customs may actually impose and collect in lieu of forfeiture;

(e) In case of public sale of property seized as the result of the information so furnished, fifty per centum of the proceeds of the sale after deducting only the charges specified in subsections (a) and (e) of section thirteen hundred and ninety-seven of this Code.

The Insular Collector of Customs, with the approval of the Department Head, shall prescribe such regulations as may be necessary for the enforcement of this section.

It shall be the duty of all persons in the employ of the Bureau of Customs and of all masters or other officers, owners, or agents, of vessels trading with or within the (Philippine Islands) Philippines, to report to a collector of customs at the earliest practicable moment of all information in their possession concerning any fraud upon the customs revenues, contemplated or perpetrated.

There is hereby appropriated out of the current collections for surcharges, fines, penalties and proceeds of sales of forfeited goods made by the Bureau of Customs, the sums necessary for the payment of rewards as authorized in this section.
SECTION 1412. *Reward in case of forfeiture of coin or bullion.* — When contraband coin or bullion shall accrue to the gold-standard fund as a consequence of forfeiture, a sum equivalent to one-third of its value shall be paid from said fund to the person, if any such there be, upon whose information, given to the proper authorities, the seizure was made.

SECTION 1413. *Authority of laws and regulations of Treasury Department of United States.* — If any case shall arise not provided for by the laws or regulations of the Bureau of Customs, and involving the application of the Tariff Act or the collection of customs duties, the laws of the United States and the regulations of the Treasury Department thereof, shall, so far as may be practicable, be followed and applied in the analogous cases, if not inconsistent with the provisions of this chapter.

ARTICLE XXII

*Customs Fees and Charges*

SECTION 1414. *Fixed fees.* — For acts done, services rendered, and documents issued by the Bureau of Customs, the following fixed fees shall be charged and collected, by requiring the affixture of documentary customs stamps in the proper amount to the instrument which is the subject of the charge or other paper indicated as the proper recipient of the stamp and by the cancellation of such stamp in a manner to be prescribed by the Insular Collector; and no instrument or paper subject to such charge shall be issued or granted by any customs official until the proper stamp has been affixed and canceled:

(a) For each certificate of Philippine register:

1. In case of a vessel of less than fifteen tons gross P2.50
2. In case of a vessel of from fifteen to five hundred tons gross 5.00
3. In case of a vessel of more than five hundred tons gross 10.00

b) For each certificate of ownership:

1. In case of a vessel of fifteen tons gross
2. In case of a vessel of more than fifteen tons gross 5.00

(c) For each entrance from a foreign port 4.00

(d) For each clearance to a foreign port 4.00

(e) For each coastwise entrance or clearance (to be charged at ports of entry only)

1. In case of a vessel of from six to seventy-five tons net P0.50
2. In case of a vessel of more than seventy-five but not more than one hundred and twenty-five tons net 1.00
3. In case of a vessel of more than one hundred and twenty-five but not more than two hundred tons net 2.00
4. In case of a vessel of more than two hundred but not more than three hundred tons net 3.00
5. In case of a vessel of more than three hundred tons net 4.00

(f) For each coastwise license or renewal thereof:

1. In case of a vessel propelled in whole or in part by steam or other mechanical motive power, per registered net ton 1.50
2. In case of a sailing vessel or vessel not propelled by steam or other mechanical motive power, per registered net ton 1.00

(g) For each bay and river license, or renewal thereof, per registered ton net 1.00

(h) For each permit to transfer vessel from one class to another 5.00

(i) For each annual certificate of inspection and for each special permit to operate vessels:

1. In case of a vessel of from six to one hundred tons gross 2.00
2. In case of a vessel of more than one hundred but not more than five hundred tons gross 5.00
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<td>In case of a vessel of more than five hundred tons gross</td>
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<td>For each bill of health accepted</td>
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<td>For each permit for transfer of Chinese crew</td>
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<td>For each permit (to others than passengers) to take cigars aboard ship, per thousand cigars</td>
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<td>(o)</td>
<td>For each permit (to others than passengers) to take cigarettes aboard ship, per thousand cigarettes</td>
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<td>For each original import or export entry, exceeding fifty pesos in value</td>
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<td>For each certificate of residence</td>
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<td>For each duplicate original landing certificate of residence and each duplicate original's special return certificate</td>
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<td>For each miscellaneous affidavit relative to immigration to be used in lieu of other</td>
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immigration certificates to establish the right of an immigrant to enter or return to this country 20.00

(z) For examination and licensing of a customs or immigration broker to be paid once only 20.00

(AA) For each protest filed, the fee to be returned if the protest is decided in whole or in part in favor of the Protestant 2.00

(BB) For all certificates not hereinabove specified, exclusive of such as are made in the course of routine administration in the Bureau and which do not subserve any special pecuniary interest of the party concerned therein 2.00

[2657–1565; 4056–1(1016); 4206–1(1017).]

SECTION 1415. Miscellaneous charges. — When any article shall be sold or service rendered by the Bureau of Customs in a matter for which a charge may be legally made, no fee therefor being fixed by law, such charge shall be made as may from time to time be prescribed by regulation or order of the Insular Collector, approved by the Department Head; and the payment of such charges may be required to be made by the affixture and cancellation of documentary stamps.

Among the charges which may be thus fixed are these: pilot fees, fees for the admeasurement of vessels, the fees incident to the registration or copying of documents in the exercise of the function of commercial register, and such other charges as may be proper in connection with the performance of the duties pertaining to the office of captain of port.

[2657–1566.]

SECTION 1416. Effect of failure to stamp document. — An instrument, document, or paper requiring a stamp or stamps as provided in this article shall not be received or recognized by any customs official, or admitted as evidence in any court of law, or be held valid for any purpose until the requisite stamp or stamps have been affixed thereto and properly canceled.

[2657–1567.]

ARTICLE XXIII
SECTION 1417. Tonnage dues on vessels engaged in Philippine trade. — There shall be collected at all ports and places in the Philippines from any vessel coming from or going to a port or place outside of the territory of the Philippines, irrespective of nationality, twelve and one-half centavos per net ton as expressed in her certificate of registry, or thirty-five centavos per thousand kilograms of merchandise discharged or laden in Philippine ports, at the option of the master or the consignee of the vessel: Provided, however, That the President may, by executive order, increase the tonnage dues to an amount not exceeding five pesos per net ton as expressed in the certificates of registry of such vessels, and suspend the privilege above granted to the masters or consignees of vessels to exercise the option of selecting as basis for the payment of the said tonnage dues between registered net tonnage and the amount of cargo discharged or laden.

[2657–1568; C.A. 497–1(1018).]

SECTION 1418. Vessels exempt from tonnage dues. — The following shall be exempted from the payment of the dues herein established:

(a) Vessels not discharging or lading cargo and discharging and lading only passengers and their baggage;

(b) Vessels belonging to the Government of the United States and to foreign governments, or chartered by the same, if not engaged in trade;

(c) Vessels in distress; and

(d) Yachts of the United States, the (Philippine Islands) Philippines, or any foreign nation which imposes no tonnage or equivalent taxes on United States and Philippine yachts.

[2657–1569.]

ARTICLE XXIV

Words and Phrases Defined

SECTION 1419. Words and phrases defined. — Words and phrases used in this chapter shall be taken in sense defined below:

"Foreign port" means a port or place outside the jurisdiction of the (Philippine Islands) Philippines.
"Port of entry" is a domestic port open to both foreign and coastwise trade. The term includes principal ports of entry and subports of entry. A principal port of entry is the chief port of entry of the collection district wherein it is situated and is the permanent station of the collector of customs of such port. Subports of entry are under the administrative jurisdiction of the principal port of entry of the district.

"Coastwise ports" are such domestic ports as are open to the coastwise trade only. These include all ports, harbors, and places not ports of entry.

"Vessels" includes every sort of boat, craft, or other artificial contrivance used, or capable of being used, as a means of transportation on water.

"Merchandise," when used with reference to importations or exportations, includes goods, wares, and in general anything that may be made the subject of importation or exportation.

"Transit cargo" is merchandise arriving at any port from another port or place noted in the carrier's manifest and destined for transshipment to another local port or to a foreign port.

"Seized property" means any property seized or held for the satisfaction of any administrative fine or for the enforcement of any forfeiture under the customs laws.

"Customs law" includes not only the provisions of the Customs Law and regulations pursuant thereto but all other laws and regulations which are subject to enforcement by the Bureau of Customs or otherwise within its jurisdiction.

[2657–1570.]

CHAPTER 40

Bureau of Internal Revenue(1019)

PRELIMINARY ARTICLE

Title of Chapter

SECTION 1420.(1020) Title of chapter. (Repealed)

ARTICLE I

Organization of Bureau
SECTION 1421.(1021)  Chief officials of Bureau of Internal Revenue. (Repealed)

SECTION 1422.(1022)  City assessor and collector of Manila. (Repealed)

SECTION 1423.(1023)  Powers and duties of Bureau. (Repealed)

SECTION 1424.(1024)  Specific provisions to be contained in regulations. (Repealed)

SECTION 1425.(1025)  Forms, certificates, and appliances supplied by the Collector of Internal Revenue. (Repealed)

SECTION 1426.(1026)  Agents and deputies for collection of internal revenue. (Repealed)

SECTION 1427.(1027)  Expenses for collection to be borne by provinces. (Repealed)

SECTION 1428.(1028)  Internal-revenue inspection districts. (Repealed)

SECTION 1429.(1029)  Duties of internal-revenue agents. (Repealed)

SECTION 1430.(1030)  Authority of agent's assistant. (Repealed)

SECTION 1431.(1031)  Assignment of storekeepers to warehouses. (Repealed)

SECTION 1432.(1032)  Assignment of internal-revenue agents to special duties. (Repealed)

SECTION 1433.(1033)  Reports of violation of law. (Repealed)

SECTION 1434.(1034)  Authority of internal-revenue officers to make arrests and seizures. (Repealed)

SECTION 1435.(1035)  Power of Collector of Internal Revenue in making assessments. (Repealed)

SECTION 1436.(1036)  Authority of officers to administer oaths and take testimony. (Repealed)

SECTION 1437.(1037)  Contents of Collector's annual report. (Repealed)

ARTICLE II
Sources of Internal Revenue

SECTION 1438.(1038)  Sources of taxes. (Repealed)

ARTICLE III

Cedula Tax

SECTION 1439.(1039)  Persons liable to cedula tax. (Repealed)
SECTION 1440.(1040)  Amount of the cedula tax. (Repealed)
SECTION 1441.(1041)  Increase of tax in case of delinquency. (Repealed)
SECTION 1442.(1042)  Payment of arrearages. (Repealed)
SECTION 1443.(1043)  Time for payment of cedula tax — When delinquency occurs. (Repealed)
SECTION 1444.(1044)  Extension of time for payment of cedula tax. (Repealed)
SECTION 1445.(1045)  Remission of tax in Department of Mindanao and Sulu. (Repealed)
SECTION 1446.(1046)  Payment of cedula tax in province other than that of domicile. (Repealed)
SECTION 1447.(1047)  Presentation of cedula certificate upon certain occasions. (Repealed)
SECTION 1448.(1048)  Secondary certificate in lieu of destroyed cedula certificate. (Repealed)

ARTICLE IV

Documentary Stamp Tax

SECTION 1449.(1049)  Stamp tax upon documents and papers. (Repealed)
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SECTION 1464.(1064) Amount of tax on business. (Repealed)

SECTION 1465.(1065) Words and phrases defined. (Repealed)

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[2657-1653; 2835-7(1099).]

SECTION 1498-A. Tax on saccharine. (Repealed)

ARTICLE VII

Taxes on Resources of Banks, Receipts of Insurance Companies, and Receipts of Corporations Paying Franchise Tax
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SECTION 1518.(1119) No charge for products lawfully removed under gratuitous license. (Repealed)

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ARTICLE IX

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SECTION 1521.(1122) Sealing and licensing of weights and measures. (Repealed)

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SECTION 1526.(1127) Form and duration of license for use of weights and measures. (Repealed)

SECTION 1527.(1128) Secondary standards preserved by provincial treasurers — Testing of same. (Repealed)
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SECTION 1529.(1130) Inspectors of weights and measures. (Repealed)

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SECTION 1531.(1132) Destruction of defective instrument of weight or measure. (Repealed)

SECTION 1532.(1133) Testing of instruments used in Government work. (Repealed)

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ARTICLE X

Ad valorem Tax on Output of Mines

SECTION 1534.(1135) Rate and basis of tax on mines. (Repealed)

SECTION 1535.(1136) Time and manner of collection. (Repealed)

ARTICLE XI

Tax on Inheritances, Legacies, and Other Acquisitions Mortis Causa

SECTION 1536. Conditions and Rate of Taxation. — Every transmission by virtue of inheritance, devise, bequest, gift mortis causa or advance in anticipation of inheritance, devise, or bequest of real property located in the Philippine Islands and real rights in such property; of any franchise which must be exercised in the Philippine Islands; of any shares, obligations, or bonds issued by any corporation or sociedad anonima organized or constituted in the Philippine Islands in accordance with its laws; of any shames or rights in any partnership, business, or industry established in the Philippine Islands, or of any personal property located in the Philippine Islands shall be subject to the following tax:

(a) When the surviving spouse, a legitimate, recognized natural or adopted child or legitimate descendant of any of them is the beneficiary, there shall be collected upon the share which corresponds to each beneficiary in the inventoried property a tax according to following schedule:

One per centum upon the first ten thousand pesos; two per centum upon the
amount by which such share exceeds ten thousand pesos and does not exceed thirty thousand pesos; three per centum upon the amount by which such share exceeds thirty thousand pesos and does not exceed sixty thousand pesos; four per centum upon the amount by which such share exceeds sixty thousand pesos and does not exceed one hundred thousand pesos; five per centum upon the amount by which such share exceeds one hundred thousand pesos and does not exceed one hundred and fifty thousand pesos; six per centum upon the amount by which such share exceeds one hundred and fifty thousand pesos and does not exceed two hundred and fifty thousand pesos; seven per centum upon the amount by which such share exceeds two hundred and fifty thousand pesos and does not exceed four hundred thousand pesos; eight per centum upon the amount by which such share exceeds four hundred thousand pesos and does not exceed six hundred thousand pesos; nine per centum upon the amount by which such share exceeds six hundred thousand pesos and does not exceed one million pesos; ten per centum upon the amount by which such share exceeds one million pesos and does not exceed one million five hundred thousand pesos; eleven per centum upon the amount by which such share exceeds one million five hundred thousand pesos and does not exceed two million five hundred thousand pesos; twelve per centum upon the amount by which such share exceeds two million five hundred thousand pesos and does not exceed four million pesos; thirteen per centum upon the amount by which such share exceeds four million pesos and does not exceed six million pesos; fourteen per centum upon the amount by which such share exceeds six million pesos and does not exceed ten million pesos; and fifteen per centum upon the amount by which such share exceeds ten million pesos and does not exceed fifteen million pesos; and sixteen per centum upon the amount by which such share exceeds fifteen million pesos.

(b) When either of the legitimate parents of the deceased; a legitimate brother or a sister of the same, the father or mother who had recognized him as a natural child, or any descendant not included in the next preceding paragraph is the beneficiary, there shall be collected the same tax fixed in the paragraph next preceding with an increase of one hundred per centum.

c) When other relatives not included in the two next preceding subsections are beneficiaries there shall be collected the tax fixed in subsection (a) with an increase of two hundred per centum.

d) When strangers are beneficiaries there shall be collected the tax fixed in subsection (a) with an increase of three hundred per centum, stranger being deemed, for the purposes of this tax, those relatives by consanguinity of the seventh or more remote degree in collateral line, and all relatives by affinity with the exception of the spouse: Provided, That in cases of property which by the will
of the testator should be divided among the poor, without the designation of any particular persons, or which should be disposed of for masses and pious works for the benefit of his soul there shall be collected the tax at the rate fixed in this paragraph upon the total amount of said property.

In case the property is transmitted to the heirs subject to the usufructuary interest, use or habitation or annuity of a third person, the tax shall be based on the value of the inventoried property less that of the usufruct, use or habitation or annuity determined as hereinafter provided.

[2601–1(1137); 2835–110(1138); 3031–1(1139).]

SECTION 1537. Payment of Tax Antecedent to the Transfer of Shares, Bonds or Rights. — There shall not be transferred to any new owner in the books of any corporation, sociedad anonima, partnership, business, or industry organized or established in the Philippine Islands, any shares, obligations, bonds, or rights by way of gift mortis causa, legacy, or inheritance unless it is shown that the tax fixed in this article and due thereon has been paid.

[2601–2(1140); 2835–11(1141).]

SECTION 1538. Exemption in Favor of Surviving Spouse and children. — The portions of the surviving spouse, a legitimate child, and a recognized natural or adopted child, shall be wholly exempt from tax in so far as not in excess of three thousand pesos each.

[2601–3(1142).]

SECTION 1539. Deductions to be Made in Determining Net Taxable Amount. — In order to determine the net sum which must bear the tax, when an inheritance is concerned, there shall be deduct the expenses of the funeral and burial of the deceased, the proper capital of the surviving spouse, and his or her part of the gains (gananciales), the proven debts, exempt portions, the judicial expenses of the testamentary or intestate proceedings, and claims against insolvent persons.

[2601–4(1143).]

SECTION 1540. Additions of Gifts and Advances. — After the afore-mentioned deductions have been made, there shall be added to the resulting amount the value of all gifts or advances made by the predecessor to any of those who, after his death, shall prove to be his heirs, devises, legatees, or donees mortis causa.
SECTION 1541. Rule of Taxation when Beneficiaries Belong to Different Classes. — When divers persons not included in the same class or group of section one thousand five hundred and thirty-six hereof are beneficiaries, each share shall be subject to the scale of taxation which corresponds to the person taking.

SECTION 1542. Determination of value of usufructs, annuities, and real property. (Repealed)

SECTION 1543. Exemption of certain acquisitions and transmissions. (Repealed)

SECTION 1544. When return to be filed and tax to be paid. (Repealed)

SECTION 1545. Liability of heirs for the payment of tax. (Repealed)

SECTION 1546. Payment before delivery by executor or administrator. (Repealed)

SECTION 1547. Duties of certain officers and debtors. (Repealed)

SECTION 1548. Restitution of Tax upon Satisfaction of Outstanding Obligation. — If, after the payment of the tax, new obligations of the testator shall appear, and the persons interested shall have satisfied them by order of the court, they shall have a right to the restitution of the proportional part of the tax paid.

ARTICLE XII

Administrative Provisions Relative to Persons and Establishments Subject to Privilege Taxes

SECTION 1549. Registration of name or style with provincial treasurer. (Repealed)

SECTION 1550. Sign to be exhibited by distiller or rectifier. (Repealed)

SECTION 1551. Sign to be exhibited by manufacturer of products of tobacco. (Repealed)
SECTION 1552. (1150) Exhibition of certificate of payment at place of business. (Repealed)

ARTICLE XIII

Administrative Provisions Regulating Business of Persons Dealing in Articles Subject to Specific Tax

SECTION 1553. (1151) Extent of supervision over establishments producing taxable output. (Repealed)

SECTION 1554. (1152) Records to be kept by manufacturers — Assessments based thereon. (Repealed)

SECTION 1555. (1153) Premises subject to approval by Collector. (Repealed)

SECTION 1556. (1154) Labels and form of packages prescribed by Collector. (Repealed)

SECTION 1557. (1155) Removal of articles after payment of tax. (Repealed)

SECTION 1558. (1156) Storage of goods in internal-revenue bonded warehouse. (Repealed)

SECTION 1559. (1157) Proof of exportation — Exporter's bond. (Repealed)

SECTION 1560. (1158) Manufacturer's and importers' bonds. (Repealed)

SECTION 1561. (1159) Records to be kept by wholesale dealers. (Repealed)

SECTION 1562. (1160) Records to be kept by dealers in leaf tobacco. (Repealed)

SECTION 1563. (1161) Preservation of invoices and stamps. (Repealed)

SECTION 1564. (1162) Information to be given by manufacturers of distilling apparatus. (Repealed)

SECTION 1565. (1163) Establishment of distillery warehouses. (Repealed)
SECTION 1566.(1164)  Custody of distillery warehouse. (Repealed)

SECTION 1567.(1165)  Limitation on quantity of spirits removed from warehouse. (Repealed)

SECTION 1568.(1166)  Requirement incident to process of denaturing alcohol. (Repealed)

SECTION 1569.(1167)  Recovery of alcohol for use in arts and industries. (Repealed)

SECTION 1570.(1168)  Supervision over rectification and compounding of liquors. (Repealed)

SECTION 1571.(1169)  Authority of officer in searching for taxable articles. (Repealed)

SECTION 1572.(1170)  Detention of package containing taxable articles. (Repealed)

SECTION 1573.(1171)  Inscription to be placed on skimmed milk. (Repealed)

ARTICLE XIV

Administrative Provisions Relative to Prohibited Drugs

SECTION 1574.(1172)  Words and phrases defined. (Repealed)

SECTION 1575.(1173)  Lawful possession and uses of prohibited drugs specified. (Repealed)

SECTION 1576.(1174)  Importation of opium — Storage of same. (Repealed)

SECTION 1577.(1175)  Record to be kept by physicians, pharmacists, dentists, and veterinarians — Inspection of same. (Repealed)

ARTICLE XV

Remedies in General

SECTION 1578.(1176)  Injunction not available to restrain collection of tax. (Repealed)
SECTION 1579.(1177) Recovery of tax paid under protest. (Repealed)

SECTION 1580.(1178) Action to contest forfeiture of chattel. (Repealed)

SECTION 1581.(1179) Form and mode of proceeding in actions arising under Internal Revenue Law. (Repealed)

SECTION 1582.(1180) Authority of Collector to make compromises and to refund taxes. (Repealed)

SECTION 1583.(1181) Satisfaction of judgment recovered against treasurer or other officer. (Repealed)

SECTION 1584.(1182) Remedy for enforcement of statutory penal provisions. (Repealed)

SECTION 1585.(1183) Remedy for enforcement of forfeitures. (Repealed)

SECTION 1586.(1184) When property to be sold or destroyed. (Repealed)

SECTION 1587.(1185) Disposition of funds recovered in legal proceedings or obtained from forfeitures. (Repealed)

ARTICLE XVI

Civil Remedies for Collection of Taxes

SECTION 1588.(1186) Nature and extent of tax lien. (Repealed)

SECTION 1589.(1187) Civil remedies for collection of delinquent taxes. (Repealed)

SECTION 1590.(1188) Distraint of personal property. (Repealed)

SECTION 1591.(1189) Mode of procedure and disposition of proceeds. (Repealed)

SECTION 1592.(1190) Release of distrained property upon payment prior to sale. (Repealed)

SECTION 1593.(1191) Report of sale to Bureau of Internal Revenue. (Repealed)

SECTION 1594.(1192) Purchase by Government at sale upon distraint.
(Repealed)

SECTION 1595.(1193)  
Levy on real estate after exhaustion of personalty. (Repealed)

SECTION 1596.(1194)  
Advertisement and sale. (Repealed)

SECTION 1597.(1195)  
Redemption by delinquent. (Repealed)

SECTION 1598.(1196)  
Final deed to purchaser. (Repealed)

SECTION 1599.(1197)  
Forfeiture to Government for want of bidder. (Repealed)

SECTION 1600.(1198)  
Resale of real estate taken for taxes. (Repealed)

SECTION 1601.(1199)  
Further distraint or levy. (Repealed)

CHAPTER 41

Bureau of Treasury

ARTICLE I

Organization of Bureau

SECTION 1602.  Chief Officials of Bureau of Treasury. — The Bureau of the Treasury shall have one chief and one assistant chief. These officers shall be respectively the Treasurer of the (Philippine Islands) Philippines and the Assistant Treasurer of the (Philippine Islands) Philippines.

For brevity they may be designated as the Treasurer and Assistant Treasurer, when the full title of the office otherwise appears in the document or paper requiring signature; and for purposes of discrimination the term "National Treasurer" may be used.

[2657–1760.]

SECTION 1603.  Functions of Bureau of Treasury. — The Bureau of the Treasury shall be charged with the safe-keeping of governmental funds, the supervision of the currency, and generally with the administration of the laws of the United States and of the (Philippine Islands) Philippines relating to coinage and currency in (said Islands) the Philippines, and any other laws or parts of laws that may be expressly placed within its jurisdiction.
SECTION 1604. Treasurer as Custodian of Government Funds. — The (Insular) Treasurer of the Philippines shall receive for safekeeping all funds which by law may be covered into the (Insular) National Treasury or deposited therein, whether revenues and receipts of the Government or trust and depositary funds either of the Government of the (Philippine Islands) Philippines or of the United States. He shall likewise receive special deposits of money or securities from individuals in connection with or relating to governmental transactions.

SECTION 1605. Branches of Philippine Treasury in United States. — The (Governor-General) President of the Philippines may in his discretion designate such depositaries of the Philippine Government in the United States as he may deem advisable to be branches of the Philippine Treasury.

SECTION 1606. Permanent Record of Financial Transactions of Treasury — Report Regarding Currency and Exchange Standard Fund. — The (Insular) Treasurer of the Philippines shall keep proper accounts of all financial transactions of his Bureau in permanent books of record. He shall keep separate accounts in said books dealing with the financial operations of the Government in coinage and currency matters and in the administration of the exchange standard fund including therein detailed statements relating to the issuance and redemption of silver certificates, and shall make a monthly statement of the same to the Secretary of Finance.

SECTION 1607(1201). Investment of Lendable Funds by (Insular) Treasurer of the Philippines. — The (Insular) Treasurer of the Philippines shall have administrative control over the loan and investment of such lendable funds in the (Insular) National Treasury as are hereinbelow specified; and with the approval of the (Governor-General) President of the Philippines such funds shall be available for investment by him upon deposit at interest with Government depositaries, upon loans (for periods not exceeding ten years in any instance) to provincial and municipal governments for the construction of public works of a permanent character and for the payment of the provincial or municipal share of the cost of duly authorized cadastral surveys, and generally upon such loans and investments as are authorized for the funds of the Postal Savings Bank.
The following funds are declared to be lendable under the provisions of this section:

(a) Sinking funds created by (insular) national appropriation.
(b) The property-insurance fund.
(c) The fidelity fund.
(d) The land-registration assurance fund.
(e) The provincial and municipal public-improvement fund.
(f) Any other fund which may hereafter be declared by law to be subject to loan or investment under the provisions of this section.

No loan from any sinking fund shall be made for a period extending beyond the time when the bond or obligation secured should be extinguished.

[2657–1765.]

SECTION 1608. **Treasurer's Daily Statement to Auditor.** — The Treasurer shall render to the Auditor, in such form and detail as the latter shall require, daily accounts of the receipts and disbursements of treasury funds, exhibiting the paid warrants to the Auditor for examination.

[2657–1766.]

SECTION 1609. **Treasurer's Monthly Report to Secretary of War.** — The Treasurer shall forward to the Secretary of War, and the Secretary of Finance, through the (Bureau of Audits) General Auditing Office, not later than ten days after the expiration of each month, a report, of moneys received and disbursed during such month.

[2657–1767.]

**ARTICLE II**

*Philippine Coins*

SECTION 1610. **Terms Defined.** — "Silver peso" or peso means the metallic silver peso coined and issued by the Philippine Government under the authority of this Act or of the laws enacted by the Congress of the United States.
"Certificates of indebtedness" means the certificate of indebtedness issued under this Act and by authority of section six of an Act of Congress, approved March second, nineteen hundred and three, entitled "An Act to establish a standard of value and to provide for a coinage system in the Philippine Islands," as amended.

"Treasury certificate" means the certificate issued by authority of this Act, as well as certificates known either as "treasury certificates" or as "silver certificates" issued by authority of law before this Act became effective.

[2657–1775; 2776–1(1202); 3058–1(1203).]

SECTION 1611. Unit of Monetary Value in (Philippine Islands) Philippines. — The unit of monetary value in the (Philippine Islands) Philippines shall be the peso; two pesos shall be equal in value to one dollar in any currency which is legal tender for public and private debts in the United States.

[2657–1770; 2776–1(1204); 3058–1(1205); 4199–1(1206).]

SECTION 1612. Legal Tender. — The Philippine peso and half-pesos including Philippine Treasury certificates of any denomination shall be legal tender at the rate of one dollar for two pesos for all debts public and private. Philippine subsidiary coins of twenty centavos and ten centavos shall be legal tender in amounts not exceeding twenty pesos. Philippine minor coins of nickel and copper shall be legal tender in amounts not exceeding two pesos.

[2657–1771; 2776–1(1207); 3058–1(1208); 4199–1(1209).]

SECTION 1613. Weight and Fineness of Philippine Coins. — The lawful weight and fineness of Philippine coins shall be as follows, and all coins hereafter coined shall be minted in accordance therewith:

The peso shall be equal to one hundred centavos and shall contain twenty grams of silver eight hundred thousandths fine.

The fifty-centavo piece shall contain ten grams of silver seven hundred and fifty thousandths fine.

The twenty-centavo piece shall contain four grams of silver seven hundred and fifty thousandths fine.

The ten-centavo piece shall contain two grams of silver seven hundred and fifty thousandths fine.
The alloy of the above-mentioned silver coins shall be copper.

The five centavo piece shall contain four grams and eighty-seven centigrams of an alloy composed of seventy-five per cent of copper and twenty-five per cent of nickel.

The one-centavo piece shall contain five grams and one hundred and eighty-four milligrams of an alloy composed of ninety-five per cent of copper and five per cent of tin and zinc.

[2657–1769; 2776–1(1210); 3058–1(1211).]

SECTION 1614. *Coinage and Recoinage of Philippine Coins.* — At the request of the (Insular) Treasurer of the Philippines and with the approval of the Secretary of Finance and of the (Governor-General) President of the Philippines, the coins authorized under the provisions of section sixteen hundred and thirteen may be coined in the amounts necessary to meet the legitimate demands of commerce.

The coinage may be executed in the Mint of the (Philippine Islands) Philippines, or in any of the mints of the United States by contract between the Government of the (Philippine Islands) Commonwealth of the Philippines and the Secretary of the Treasury of the United States, upon the recommendation of the Secretary of Finance and the order of the (Governor-General) President of the Philippines, for which purpose the reasonable cost of the work shall be paid. The Secretary of Finance with the approval of the (Governor-General) President of the Philippines, shall prescribe the designs and inscriptions for said coins, showing that they are of the (Philippine Islands) Philippines, their value, and the year of coinage.

Philippine coins having greater weight of fineness than those prescribed herein if paid to any Government office or treasury or to any bank doing business in the (Philippine Islands) Philippines or Philippine coins mutilated or otherwise unfit for circulation if paid into any treasury of the Government shall not be reissued but shall be retained for coinage in accordance with this law.

[2657–1772; 2776–1(1212); 3058–1(1213).]

**ARTICLE III**

*Stamping of Counterfeit Coin*

SECTION 1615. *Word "False" to be Stamped on Counterfeit Coin.* — When counterfeit coin is presented at the (Insular) National Treasury or at any
bank doing business in the (Philippine Islands) Philippines or when such coin comes into the official custody of any employee of such Treasury or bank, the word "false" shall be stamped thereon in characters clearly legible to casual inspection and with such instrument as may be prescribed by the (Insular) Treasurer of the Philippines.

[2657–1773; 2776–1(1214); 3058–1(1215).]

ARTICLE IV

Exchanges and Redemption of Currency and Exchanges of Drafts for Currency by (Insular) Treasurer of the Philippines and Provincial Treasurers

SECTION 1616. Exchange of Silver Pesos for Subsidiary Coins. — Philippine silver pesos and half pesos shall be exchangeable in sums of ten pesos or any multiple thereof at the Treasury of the (Philippine Islands) Philippines and at the offices of provincial treasurers for subsidiary current coins of silver, and minor coins of nickel or copper of equivalent face amount.

[2657–1774; 2776–1(1216); 3058–1(1217).]

SECTION 1617. Duty of (Insular) Treasurer of the Philippines to Receive Worn or Mutilated Currency of United States. — When worn or mutilated circulating notes issued by the Treasurer of the United States or by any institution organized under the laws of the United States, are presented at the Philippine Treasury in such condition that they will be received and redeemed by the Treasury of the United States, they shall be received by the (Insular) Treasurer of the Philippines at their face value, or at such value as would be allowed upon redemption by the Treasurer of the United States, and shall be transmitted by him to the disbursing agent in Washington with instructions for their presentation at the Treasury of the United States for redemption.

[2657–1775; 2776–1(1218); 3058–1(1219).]

SECTION 1618. Exchange Drawn Between (Insular) Treasurer of the Philippines and Provincial Treasurers. — The (Insular) Treasurer of the Philippines may exchange for Philippine currency, offered in sums of not less than five hundred pesos, demand drafts and telegraphic transfers for equivalent amounts upon funds in the hands of any provincial treasurer, when the same can be done without embarrassment to the provincial treasury; and a provincial treasurer may exchange for Philippine currency, offered in like sums, demand drafts and telegraphic transfers upon the (Insular) National Treasury.
SECTION 1619. Exchange Between Provincial Treasurers. — Subject to the regulations of the Bureau of the Treasury, any provincial treasurer may exchange for Philippine currency, offered in sums of not less than five hundred pesos, demand drafts and telegraphic transfers for equivalent amounts upon another provincial treasurer.

SECTION 1620. Rates of (Insular) National Exchange. — For exchange sold under the last preceding two sections, a premium shall be charged at a rate to be fixed from time to time by the Secretary of Finance, and the premium for exchange sold by provincial treasurers shall accrue to the general fund of the respective province.

ARTICLE V
Maintenance of Parity

SECTION 1621. Powers and Duties of (Insular) Treasurer of the Philippines in Respect to Maintenance of Parity. — For the purpose of maintaining the parity of the Philippine peso with the legal tender currency of the United States, and of keeping the currency equal in volume only to the demands of trade, the (Insular) Treasurer of the Philippines is hereby authorized and directed —

(a) On demand, at the (Insular) National Treasury in Manila, to sell for Philippine currency offered in sums of not less than ten thousand pesos, or currency issued by and/or under the authority of the United States, offered in sums of not less than five thousand dollars, exchange for equivalent amounts on the "Exchange Standard Fund" deposited in the United States, charging for the same such a premium as may from time to time be determined by the Secretary of Finance with the approval of the (Governor-General) President of the Philippines; and the (Insular) Treasurer of the Philippines is further authorized and directed to instruct any depositories of funds of the Philippine Government in the United States to sell on demand, in sums of not less than ten thousand pesos, exchange against the "Exchange Standard Fund" in the (Philippine Islands) Philippines, charging for the same such a premium as may from
time to time be determined by the Secretary of Finance with the approval of the (Governor-General) President of the Philippines, rendering accounts therefor to the (Insular) Treasurer of the Philippines and the (Insular) Auditor General. All such dealings in exchange shall constitute operations through the "Exchange Standard Fund" hereinafter provided for.

[2776–1(1226); 2939–2(1227); 3058–1(1228); 4199–1(1229).]

(b) To exchange at par, on the approval of the Secretary of Finance, currency issued by and/or under the authority of the United States, for Philippine currency, and Philippine currency for currency issued by and/or under the authority of the United States.

c) To withdraw from circulation Philippine currency received in the (Insular) National Treasury in Manila in the manner provided in paragraphs (a) and (b) of this section until said Philippine currency is paid out in response to the demands upon it by the sale of exchange in the United States as provided in paragraph (a) of this section or until said Philippine currency is needed at the (Insular) National Treasury for the purpose of effecting exchanges of said Philippine currency for currency issued by and/or under the authority of the United States as provided by paragraph (b) of this section.

d) To withdraw from circulation currency issued by and/or under the authority of the United States and United States gold coin and gold bars received in the (Philippine Islands) Philippines by the (Insular) Treasurer of the Philippines in exchange for Philippine currency, or for exchange sold on the "Exchange Standard Fund" in the United States, under paragraphs (a) and (b) of this section. The money so obtained shall become part of the "Exchange Standard Fund."

[2657–1779; 2776–1(1230); 2939–2(1231); 3058–1(1232); 4199–1(1233).]

ARTICLE VI

"Exchange Standard Fund"

SECTION 1622. How Constituted. — There is hereby constituted in the (Insular) National Treasury a separate and trust fund, designated as the "Exchange
Standard Fund," which shall at all times be maintained in a sum not less than fifteen per centum of the money of the Government of the (Philippine Islands) Commonwealth of the Philippines in circulation and available for circulation, including both coin and treasury certificates. If at any time and for any reason said fund shall fall below the minimum hereinabove fixed, the deficiency shall be made up out of any funds then in the (Insular) National Treasury or thereafter paid into the Treasury, not specifically appropriated to meet the payment of the principal, sinking fund, or interest of the public debt, and such amount shall be considered as automatically appropriated for this purpose, and the (Insular) Treasurer of the Philippines is hereby authorized and directed to transfer the necessary amount to the "Exchange Standard Fund" to make good any such deficiency therein.

In determining the minimum limitation of the "Exchange Standard Fund" for any purposes in this Act, the proceeds of outstanding certificates of indebtedness shall not be counted as a part of the fund.

To the fund there shall be added from time to time the following:

(a) All profits of seigniorage made by the (Insular) National Government in the purchase of bullion and the coinage therefrom, and the issue of Philippine pesos and subsidiary and minor coins, as well as all profits derived from the recoinage of the Philippine coins of greater weight and fineness than those prescribed by this Act.

(b) All profits from the sale of exchange by the (Insular) National Government between the (Philippine Islands) Philippines and the United States for the purpose of maintaining the parity of the Philippine peso.

(c) All premiums arising from the sale of interisland telegraphic transfers and demand drafts by the (Insular) Treasurer of the Philippines in Manila upon provincial treasurers.

(d) All net proceeds of forfeitures of silver coin or bullion the exportation or importation of which is attempted or effected contrary to law.

(e) All interest or other profit from deposits made from the "Exchange Standard Fund" in accordance with law.

(f) All other receipts derived by the (Insular) National Government from the exercise of the functions of furnishing a currency for
the (Philippine Islands) Philippines.

Such fund shall not be used to pay any of the expenses of the Government of the (Philippine Islands) Philippines or to satisfy any of the appropriations of said Government except only such expenses as follows:

(a) Those connected with the purchase of bullion, the coinage of the same into money of the (Philippine Islands) Philippines and those expenses which are incidental to such coinage;

(b) Those connected with the putting of the money into circulation, including the preparation, issue, and destruction of treasury certificates, and including additional compensation to the members of the committee provided for in section sixteen hundred and twenty-five, paragraph (g), of this Act;

(c) Those connected with the carrying on of such transactions, by exchange or otherwise, as may be authorized by law to maintain the circulation of the currency of the (Philippine Islands) Philippines, to maintain the parity of the Philippine peso with the legal tender currency of the United States, and to maintain the parity of value between the peso and subsidiary and minor coins.

[2657–1781; 2776–1(1234); 2939–4(1235); 3058–1(1236); 4199–1(1237).]

SECTION 1623. How Held. — The "Exchange Standard Fund" shall be held in the vaults of the (Insular) National Treasury in Manila or may in part be held in the form of deposits with the Secretary of the Treasury of the United States and/or with such Federal Reserve Banks or member banks of the Federal Reserve System in the United States as may be designated from time to time by the (Governor-General) President of the Philippines to be branches of the Philippine Treasury for receiving such deposits: Provided, That no portion of the fund shall ever be deposited in any bank doing business in the (Philippine Islands) Philippines or in any branch or agency outside of (said Islands) the Philippines of a bank doing business in (said Islands) the Philippines or in any bank doing business outside (said Islands) the Philippines which may be controlled by a bank doing business in (said Islands) the Philippines through the ownership of stock therein or otherwise: And provided, further, That not more than twenty per centum of the fund shall be deposited with any single depository in the United States except (1) with the Secretary of the Treasury of the United States, or (2) with the bank where the (Insular) Treasurer of the Philippines keeps his deposit in current account in connection with his exchange operations. Such portion of the fund as is held in the
Treasury at Manila shall be physically segregated in the vaults of the (Insular) National Treasury and be kept separate and detached from all other funds in such vaults, and shall be under the same joint custody of the committee as provided for the reserve vault in paragraph (e) of section sixteen hundred and twenty-five of this Act.

[2657–1783; 2776–1(1238); 2939–3(1239); 3058–1(1240); 4199–1(1241).]

SECTION 1624. Insufficiency of the Fund and Surplus Accumulations. — Should the minimum of the "Exchange Standard Fund" as hereinbefore constituted be insufficient to maintain the parity of the Philippine peso, it may be augmented by the proceeds of the sale of certificates of indebtedness as provided by Act of Congress of March second, nineteen hundred and three, as amended. Such proceeds shall then constitute a part of said fund. As the public interest permits, the (Governor-General) President of the Philippines, upon the recommendation of the Secretary of Finance, may direct the payment from the fund of the principal and interest of all or any part of the certificates of indebtedness at any time outstanding.

The "Exchange Standard Fund" shall be increased in amount through the additions provided for in section sixteen hundred and twenty-two of this Act until the amount of the said fund shall be equal to twenty-five per centum of the money of the (Philippine Islands) Philippines in circulation and available for circulations, including both coin and treasury certificates. Any surplus which may accumulate in the said fund in excess of the said twenty-five per centum may be transferred, in whole or in part, to the general fund of the (Insular) National Treasury upon the recommendation of the Secretary of Finance and the approval of the (Governor-General) President of the Philippines: Provided, That in calculating the twenty-five per centum the proceeds of the sale of outstanding certificates of indebtedness shall not be included: And provided, further, That no surplus shall be so transferred while certificates of indebtedness are outstanding.

[2657–1782; 2776–1(1242); 2939–4(1243); 3058–1(1244); 4199–1(1245).]

ARTICLE VII

Issuance of Treasury Certificates and Maintenance of Fund to Protect the Same

SECTION 1625. Manner in Which Treasury Certificates Are to be Dealt With. — Treasury certificates shall be prepared and delivered to the Treasurer of the (Philippine Islands) Philippines, safeguard, issued, withdrawn, and cancelled or destroyed, and a record of such transactions shall be kept as hereinbelow provided.
(a) The necessary drawings, designs, plates, and engravings for such certificates shall be approved by the (Governor-General) President of the Philippines upon the recommendation of the Secretary of Finance, and the printing thereof shall be made and executed through the Secretary of the Treasury of the United States, upon request of the (Governor-General) President of the Philippines.

(b) Such certificates, when completed at the Bureau of Engraving and Printing at Washington, shall be delivered to the Bureau of Insular Affairs of the War Department at Washington, the Chief of which Bureau shall receipt therefor in the name of the Government of the Philippines. After having verified the count thereof, the Chief of the Bureau of Insular Affairs shall thereupon transmit such certificates to the Treasurer of the (Philippine Islands) Philippines, and shall also give notice to the Auditor for the (Philippine Islands) Philippines of the denominations and amount of treasury certificates transmitted to such Treasurer. Upon delivery of such certificates to the Treasurer of the (Philippine Islands) Philippines, the Auditor shall receive from such Treasurer a receipt in duplicate of the denominations and amount of the certificates so received upon verifying the count thereof, and of the duplicate receipts so received the Auditor shall retain one, and the other shall be transmitted by the Auditor with his counter-signature to the Chief of the Bureau of Insular Affairs at Washington.

(c) Upon receiving such certificate, the Treasurer of the (Philippines Islands) Philippines shall preserve the same free from all opportunity for loss by theft, and the certificates, in packages of convenient size inclosed in paper strips upon which are printed the denomination and amount inclosed therein, shall be deposited in a vault, called the reserve vault, where they shall remain until required for circulation. While the certificates remain in the reserve vault, they shall not be considered as available cash for the Government, and shall not appear as such on the books of the Treasury, though the Reserve Vault Committee shall be held responsible for the same as money.

(d) Upon the delivery to the Auditor for the (Philippine Islands) Philippines of the receipt of the Treasurer for the completed certificate transmitted to the Treasury by the Chief of the Bureau of Insular Affairs at Washington, the Auditor for the (Philippine Islands) Philippines shall enter upon a book kept by him for that purpose, the denominations, serial numbers, and amounts delivered to the Treasurer of the (Philippine Islands) Philippines. The Treasurer of the (Philippine Islands) Philippines shall keep separate accounts in which shall be recorded the amount and the denomination of the certificates which are put into and withdrawn from said reserve vault. The Treasurer of the (Philippine Islands) Philippines shall furnish a transcript of the foregoing entries to the (Insular)
(e) The reserve vault wherein such certificates are deposited shall be under the joint custody of a committee composed of the (Insular) Treasurer of the Philippines, the (Insular) Auditor General, and such other person as may be designated by the (Governor-General) President of the Philippines, and it shall be the duty of the (Insular) Treasurer of the Philippines and the (Insular) Auditor General to keep a book record of the amount and denomination of all treasury certificates placed in or removed from such vault, and they shall each take and duly preserve a receipt from the official to whom such certificates are released.

(f) For the purpose of making the exchange of treasury certificates for silver coin as permitted in section sixteen hundred and twenty-six of this Act, the (Insular) Treasurer of the Philippines may from time to time withdraw treasury certificates from the reserve vault. When so withdrawn said certificates shall be exchanged for an equivalent par amount of silver coin which silver coin shall immediately be transferred to the "Treasury Certificates Fund": Provided, however, That the (Insular) Treasurer of the Philippines may from time to time withdraw treasury certificates from the reserve vault for the purpose of exchanging the same for an equivalent par amount of silver coin from the general fund, and exchange of treasury certificates for silver coin as provided for in the above-mentioned section may be made from any certificates in the general fund: And provided, further, That whenever and for whatever reason there shall accumulate in the general fund an amount of treasury certificates larger than said Treasurer deems necessary such excess of said certificates may be redeemed from the "Treasury Certificate Fund" and such redeemed certificates shall be retired immediately and placed in the reserve vault with other unissued certificates. All moneys in the (Insular) National Treasury which do not form a part of the "Exchange Standard Fund" or the "Treasury Certificate Fund" shall be considered as available for circulation.

(g) When treasury certificates mutilated or otherwise unfit for circulation shall be paid into the (Insular) National Treasury they shall not be reissued but shall be retained in the Treasury for destruction. From time to time when a sufficient amount of such certificates shall have accumulated, a committee of accountants to be designated by the Secretary of Finance shall sort, verify, and count said certificates and shall in the presence of the Secretary of Finance, the (Insular) Treasurer of the Philippines, the (Insular) Auditor General, and a representative of the (Governor-General) President of the Philippines after noting the amounts and denominations of such certificates completely destroy the same by burning. Thereafter the (Insular) Treasurer of the Philippines shall be credited on these accounts in accordance with this action and the credit allowed shall be based upon the written report of the committee of accountants attested by the Secretary of
Finance, the (Insular) Auditor General and the representative of the (Governor-General) President of the Philippines. Certificates mutilated or unfit for circulation pending their destruction shall be held under the joint custody of the Reserve Vault Committee referred to in paragraph (e) of this section: Provided, That from time to time said Committee may place a sufficient amount of said certificates under the custody of the Treasurer to facilitate the sorting, counting, and verifying of the same while the reserve vault remains closed.

[2657–1780; 2776–1(1246); 2939–5(1247); 3058–1(1248).]

SECTION 1626. **Issuance of Treasury Certificates.** — The Treasurer of the (Philippine Islands) Philippines is hereby authorized, in his discretion, to receive at the (Insular) National Treasury or at any of its branches, deposits of silver pesos or half pesos authorized herein, in sums of not less than twenty pesos, and to issue therefor treasury certificates of an equivalent face amount, in denominations of not less than one peso, nor more than five hundred pesos. Coins so received shall be retained in the Treasury and held for the payment of such certificates, on demand, and used for no other purpose, and shall constitute a separate and trust fund in the (Insular) National Treasury, to be known as the "Treasury Certificate Fund."

The "Treasury Certificate Fund" shall at all times be equivalent in amount to one hundred per centum of all treasury certificates in circulation and available for circulation, and shall be constituted of silver coins received in exchange for the Treasury certificates, and shall be held in the vaults of the (Insular) National Treasury in Manila, and not elsewhere: Provided, however, That when the Government's supply of silver coin is insufficient to meet the demands of trade, legal tender currency of the United States may be substituted temporarily for silver pesos in the fund to such an extent as may be found necessary to release silver coins for circulation, pending the purchase of silver bullion for the coinage of silver coins, which silver coins shall immediately be substituted for the United States legal tender currency placed in the fund: And provided, further, That as first set up and established by the provisions of this Act and thereafter until the (Governor-General) President of the Philippines in writing may direct the purchase of silver bullion for the coinage of additional silver coins, the "Treasury Certificate Fund" instead of being constituted wholly of silver coins held in the vaults of the (Insular) National Treasury in Manila, may be constituted in part of legal tender currency of the United States held in Manila or dollar deposit with the Secretary of the Treasury of the United States or with such Federal Reserve Banks or member banks of the Federal Reserve System in the United States as may from time to time be designated by the (Governor-General) President of the Philippines to be branches of the Philippine Treasury for receiving such deposits. The "Treasury
Certificate Fund" shall be segregated physically from all other funds in the (Insular) National Treasury, and it shall be held under the joint custody of the Reserve Vault Committee.

[2657–1784; 2776–1(1249); 3058–1(1250); 4199–1(1251).]

SECTION 1627. Reports of (Insular) Treasurer of the Philippines Upon Condition of the "Exchange Standard Fund" and the "Treasury Certificate Fund." — At the opening of each regular session of the (Legislature) National Assembly, the (Insular) Treasurer of the Philippines shall submit to the Secretary of Finance, who will transmit the same to the (Governor-General) President of the Philippines, a special report containing a detailed statement of the amount and sources of the "Exchange Standard Fund" and the "Treasury Certificate Fund" and of all the operations of the Treasury relating to said funds during the preceding year. Upon approval by the (Governor-General) President of the Philippines a copy of such report shall be transmitted to (each House of the Legislature) the National Assembly.

The (Insular) Treasurer of the Philippines shall also submit to the (Governor-General) President of the Philippines, through the Secretary of Finance, a monthly report containing a detailed statement of all operations of the Treasury relating to such funds.

[2657–1785; 2776–1(1252); 3058–1(1253); 4199–1(1254).]

ARTICLE VIII

Supervision Over Mutual Benefit, Relief and Benevolent Societies and Associations

SECTION 1628. Mutual Benefit, Relief, and Benevolent Society or Association Defined. — Any society or association, whether incorporated or not, formed or organized for the purpose of paying sick benefits to members, or of furnishing support to members while out of employment, or of furnishing professional assistance to members, or of paying to relatives of deceased members a fixed or any sum of money, irrespective of whether such aim or purpose is carried out by means of fixed dues, assessments, or voluntary contributions, or of providing for any method of accident or life insurance among its members out of dues or assessments collected from the membership, and any society or association making either or any of such purposes incidental features of its organization on the basis of fixed dues or assessments specifically provided for to meet such incidental features, shall be known as mutual benefit, relief, and benevolent society or association within the purview of this article: Provided, however, That any business enterprise or undertaking the controlling interest of which belongs to a
mutual benefit, relief, and benevolent society or association shall be subject to the same supervision and examination by the (Insular) Treasurer of the Philippines as prescribed in this article.

[2657–1795; 3519–4(1255); 3612–2(1256).]

SECTION 1628-A. Power to Require Testimony and Document. — The (Insular) Treasurer of the Philippines may require of any person, society, order, or association such testimony or documents as will enable him to determine whether or not a society or association comes within the purview of this article, or which may otherwise be needed by him for the proper enforcement of said article. Copies of the constitution and by-laws of a society or association, or of amendments thereto, whether printed or not, shall when duly certified by the secretary or corresponding officer of the society or association, be prima facie evidence of the legal adoption of such constitution and by-laws or amendments.

[3612–2(1257).]

SECTION 1628-B. License — Preservation of Records. — Every mutual benefit, relief, and benevolent society or association shall, before transacting business, apply to the (Insular) Treasurer of the Philippines for a license permitting such society or association to transact business, and shall file with the application a certified copy of its articles of incorporation, by-laws, and rules if incorporated, or, if not incorporated, certified copies of its constitution, by-laws and rules, and shall from time to time file with the office of the (Insular) Treasurer of the Philippines duly certified copies of every amendment to, or revision of, the said articles of incorporation, constitution, by-laws, and rules within thirty days after the passage or adoption of such amendment or revision.

Any society or association holding a license from the (Insular) Treasurer of the Philippines to transact business but which has ceased to operate as such for a period of one year or more shall, before resuming business coming within the scope of the provisions of this article, either through reorganization, re-amendments of its constitution and by-laws or otherwise, be required to apply for a new license from the (Insular) Treasurer of the Philippines: Provided, That societies or associations already existing upon the approval of this Act shall be required to obtain license as required by the provisions of this section within six months after the approval of this Act.

Any officer, agent, or other person transacting business or in any way acting for any such society or subordinate body thereof, before the issuance of the new license required herein, shall be subject to the penalties provided for in section two thousand seven hundred and forty-three of this Code.
All mutual benefit, relief, and benevolent societies or associations shall keep and carefully preserve a record of all transactions and the minutes of all meetings of, or resolutions adopted by, the directors, officers, or members, which shall be open to the inspection of any director, officer, or member of the society or association.

[3612–2(1258).]

SECTION 1628-C. Duties of (Insular) Treasurer of the Philippines — Appeal From His Decision — Promulgation of Rules and Regulations. — The (Insular) Treasurer of the Philippines shall see that all provisions of this article are faithfully complied with, and he may direct to any agent, officer, or other person in charge of any society or association coming within the purview of this article, any inquiry or recommendation touching the financial affairs thereof and such agent, officer, or other person shall be bound to make prompt and explicit answer to such inquiry or recommendation.

The (Insular) Treasurer of the Philippines may take exception to any provision of the articles of incorporation, constitution, by-laws, or rules, or to any amendment or revision thereof, of a mutual benefit, relief, and benevolent society or association applying for a license or filing said amendment or revision if, in his opinion, such provision of the articles of incorporation, constitution, by-laws, or rules, or such amendment or revision thereof is (1) contrary to any law in force in the (Philippine Islands) Philippines, or (2) financially unsound, or (3) oppressive or discriminatory in application against any class of the membership of the society or association, or (4) unjust or unreasonable. If he takes exception to any provision of the articles of incorporation, constitution, by-laws, or rules, he shall not issue the license solicited. If exception is taken to any amendment or revision of the articles of incorporation, constitution, by-laws, or rules, such exception shall render the amendment or revision concerned null and void unless appealed from. In either case, he shall notify the society or association of his exception in writing and the reasons therefor. If he finds that the provisions of the articles of incorporation, constitution, by-laws, and rules of any applicant society or association meet with the requirements of the law, he shall issue the license applied for.

The society or association or any person who deems himself aggrieved by the decision of the (Insular) Treasurer of the Philippines may appeal therefrom to the Secretary of Finance without prejudice to any proper court action.

The (Insular) Treasurer of the Philippines shall, subject to the approval of the Secretary of Finance, issue such circulars, rules and regulations and instructions as he may from time to time deem necessary to secure enforcement of
the provisions of this article.

[3612–2(1259).]

SECTION 1628-D. Distribution of Funds. — Every provision of statutes of any mutual benefit, relief, and benevolent society or association requiring the payment of dues or assessments by the members, in whatever form, shall distinctly state the purpose of same, and the portion thereof which may be used for expenses.

[3612–2(1260).]

SECTION 1628-E. Death Benefit and Other Relief Funds Kept Separate. — The death benefit and other relief funds, including the net accretions thereof, and the moneys collected for relief purposes of any form, of any society or association shall be available only for the purpose of paying the benefit expressly authorized to be paid out of said funds and the expenses directly connected with the operation thereof.

[3612–2(1261).]

SECTION 1628-F. Benefits Not Attachable. — No money or other benefit, charity or relief, or aid to be paid, provided or rendered, by any such society or association shall be liable to attachment, garnishment or other process, or be seized, taken, appropriated, or applied by any legal or equitable process or operation of law to pay any debt or liability of a member or beneficiary, or any other person who may have a right thereunder, either before or after payment.

[3612–2(1262).]

SECTION 1628-G. Investment of Benefit and Other Relief Funds. — No mutual benefit, relief, and benevolent society or association shall invest its benefit and other relief funds except such portion thereof as shall not be required to meet pending claims and other obligations of said funds which portion may be invested only in any of the ways provided herein and in no other manner:

(a) In interest-bearing deposits in any bank doing business in the (Philippine Islands) Philippines.

(b) In loans to members secured by real estate mortgages, duly registered under "The Land Registration Act," or "Cadastral Act," in amounts not to exceed sixty per centum of the real or assessed value of the security, whichever may be the smaller: Provided, however, That no such loan to any member shall
exceed five per centum of the assets of the funds mentioned in the first paragraph of this section: And provided, further, That the maximum maturity period of any loan so granted shall be five years, unless such loan is made payable in monthly, quarterly, semi-annual, or annual installments, in which case, the maximum maturity shall be ten years.

(c) In bonds and other evidences of debt of the Government of the United States or of the (Philippine Islands) Philippines or of the City of Manila or of any province or city or municipality in the (Philippine Islands) Philippines authorized by law to issue bonds at the reasonable market value thereof, and in such other securities as may be approved by the (Insular) Treasurer of the Philippines.

Every society shall render to the (Insular) Treasurer of the Philippines a monthly statement, in such form and detail as may be required by him, of all investments made under this section.

3612–2(1263).]

SECTION 1628-H. Voluntary Dissolution. — No mutual benefit, relief, and benevolent society or association shall be dissolved without first notifying the (Insular) Treasurer of the Philippines and furnishing him with a copy of the resolution authorizing the dissolution, duly adopted by the affirmative vote of two-thirds of the members at a meeting called for that purpose, and balance sheet as of the date of the resolution.

3612–2(1264).]

SECTION 1629. Annual Report to (Insular) Treasurer of the Philippines. — Such societies or associations shall annually, within the month of January, make a full sworn report to the (Insular) Treasurer of the Philippines of their financial condition, accompanied by a general statement of their receipts and disbursements: Provided, That at the request of any authorized officer of such societies or associations, the (Insular) Treasurer of the Philippines may grant an extension of time not to exceed three months within which such report and statement shall be submitted to him.

[2657–1796; 3212–2(1265); 3519–4(1266); 3612–3(1267).]

SECTION 1630. Examination by (Insular) Treasurer of the Philippines Into Financial Condition of Society — Authority to Take Testimony. — Once every
two years, and whenever he deems it proper or necessary, the said (Insular) Treasurer of the Philippines, either by himself or his duly authorized representative, must make a careful examination into the financial affairs and condition of such society or association, verify the resources and moneys on hand, check up the expenditures and ascertain its ability to meet its liabilities and to properly carry out the purpose stated in its articles of incorporation, if incorporated, or its constitution, by-laws, rules, or regulations. In the course of such examination, the (Insular) Treasurer of the Philippines or his duly authorized representative shall have authority to administer oaths and take testimony or evidence in any matter having relation to the affairs of the society or association concerned or its business enterprise or undertaking. The (Insular) Treasurer of the Philippines shall charge thirty pesos for each examination of such association or society if the assets thereof are in excess of five thousand pesos.

[2657–1797; 3212–3(1268); 3519–4(1269); 3612–4(1270).]

SECTION 1631. Place of Conducting Examination. — Such examination and inspection by the (Insular) Treasurer of the Philippines shall be had in the province in which such society or association or branch thereof has its principal place of business, and the (Insular) Treasurer of the Philippines may call upon the (Attorney-General) Solicitor-General to assist in the conduct of the examination, either in person or by deputy or agent of the (Attorney-General) Solicitor-General duly authorized.

[2657–1798; 3519–4(1271); 3612–5(1272).]

SECTION 1631-A. Transcript of (Insular) Treasurer of the Philippines' Records as Evidence of Liability. — A transcript of the report of findings of the (Insular) Treasurer of the Philippines, and of any person he may appoint, as a result of the examination made in accordance with the provisions of this article, with regard to the shortage of an officer, agent, employee, or member, of a society or association, shall be prima facie evidence against such officer, employee, agent, or member; and the refusal, neglect, or failure of such officer, employee, agent, or member, entrusted with funds or property of the society to produce same on demand by the (Insular) Treasurer of the Philippines, or any person he may so appoint, shall be prima facie evidence that such funds or property, as the case may be, have been appropriated by the defaulting officer, employee, agent, or member, as the case may be, for his personal use and benefit.

[3612–6(1273).]

SECTION 1632. Publicity of Information Obtained in Investigation. — The information obtained by the (Insular) Treasurer of the Philippines or the
(Attorney-General) Solicitor-General, or the deputy of either, in the exercise and performance of their powers and duties in connection with the inspection assigned to said officers by this article, shall be deemed public records and shall be open to inspection by the public during office hours, and certified copies of said records may be made for such purposes as the party concerned may contemplate.

[2657–1799; 3212–4(1274); 3519–4(1275).]

SECTION 1633(1276). Revocation of License — Insolvency Proceedings. — Whenever the (Insular) Treasurer of the Philippines shall find that the society or association has failed to comply with any of the provisions of this article or of any other law or regulation obligatory upon it, or with any recommendations made by the said official in connection with the results of the examination conducted into its business affairs, or that it has exceeded its powers or conducted business fraudulently, or that its condition is one of insolvency and its finances could not be rehabilitated within three months after it has been so found insolvent, or it otherwise appears that the society cannot, through mismanagement, inefficiency, or incompetency of its officers, or indifference of its members, or for any other cause, properly carry out the purposes for which it was organized, the (Insular) Treasurer of the Philippines shall forthwith revoke its license and forbid it to continue its operation: Provided, however, That an association shall be deemed insolvent within the meaning of this section whenever its assets are insufficient for the payment of its debts, or its death benefit and other relief funds cannot meet the liabilities or obligations properly chargeable thereto under its articles of incorporation, constitution, by-laws, rules, or regulations: And provided, further, That should said societies or association whose licenses to transact business have been revoked either due to insolvency or other causes hereinabove enumerated, fail, within sixty days after such revocation, to show cause convincing to the (Insular) Treasurer of the Philippines why said license should be renewed, the latter shall inform the Secretary of Finance of the facts, and should the Secretary of Finance find the statements of the (Insular) Treasurer of the Philippines to be true, he shall direct the said Treasurer to take charge of its assets, and report the same to the (Attorney-General) Solicitor-General, who shall, in the name of the (Insular) National Government, file a petition in the Court of First Instance of the province or city where the principal office of such society or association or branch thereof, as the case may be, is situated to dissolve the society or association, or branch, sell its property, collect its assets, and distribute the proceeds to the persons by law entitled to receive the same. In the settlement of the affairs of the organization it shall be within the discretion of the court either to appoint the (Insular) Treasurer of the Philippines as the agent of the organization to close up the affairs of the organization or to appoint a receiver who shall discharge the same duty.
CHAPTER 41-A

Bureau of Banking

SECTION 1634. Chief Official of the Bureau of Banking; His Duties, Powers and Jurisdiction. — The Bureau of Banking shall have one chief to be known as Bank Commissioner and shall be charged with the supervision and inspection of banks and banking institutions. The terms "bank" and "banking institution" as used in this chapter shall include banker, banks, mortgage banks, savings banks, commercial banks, trust companies, building and loan associations, and all other corporations, companies, partnerships, and associations performing banking functions.

It shall be the duty of the Bank Commissioner to perform the duties imposed upon him by this chapter and see that all laws relating to banking and to banking institutions are duly executed. He shall have authority to issue such orders, instructions, and regulations as he may consider necessary to carry out the provisions of the law governing banking institutions and the supervision thereof, and to forbid a banking institution to transact business which is unlawful or, in his opinion, prejudicial to the creditors of such institution, and to require any banking institution to conduct its business in a lawful and safe manner, but all regulations of a general character must first be approved by the Secretary of Finance. Any banking institution may appeal from any order or instruction issued by the Bank Commissioner to the Secretary of Finance in accordance with section 79(C) of the Administrative Code and may appeal from the decision of the Secretary of Finance to the (Governor-General) President of the Philippines.

The Bank Commissioner and the examiners of the Bureau of Banking are hereby authorized to administer oaths to any director, officer, or employee of any banking institution and to compel the presentation of all books, documents, papers or records necessary in his or their judgment to ascertain the facts relative to the true condition of any banking institution.

SECTION 1635. Prohibitions. — The Bank Commissioner and all employees of the Bureau of Banking are hereby prohibited from:

(a) Being an officer, director, employee, or stockholder, directly or indirectly of any banking institution subject to supervision or inspection by the bureau.
(b) Receiving, except with the written approval of the Secretary of Finance, any loan, advance, gifts, or thing of value from any such banking institution or from any officer, director, or employee thereof;

c) Revealing in any manner, except under orders of the court, information relating to the condition or business of any such banking institution. This prohibition shall not be held to apply to the giving of information to the Secretary of Finance, the (Governor-General) President of the Philippines, or to any person authorized by either of them in writing to receive such information.

[3519–5(1280).]

SECTION 1636. Report of Certain Institutions to Bank Commissioner. —
Every bank and banking institution shall at least four times in each year make a report in writing to the Bank Commissioner. Such report, which shall be of a past date designated by the Bank Commissioner, shall show the actual financial condition of the institution making the report, and shall contain such information as may be required in the regulations of the Bureau of Banking, or may be called for by the Bank Commissioner in special inquiries. As of the same dates, each bank or trust company, or building and loan association shall publish a condensed statement in such form as may be prescribed by the Bureau of Banking of its financial condition, at least once in some newspaper of general circulation published principally in English or Spanish, and located in or nearest the city where the principal office, in the case of a domestic institution, or the principal branch or agency in the case of a foreign banking corporation, is located, but if no newspaper be published in the same province, then in a newspaper in the City of Manila.

When made by a corporation doing business in the (Philippine Islands) Philippines as a branch of a principal institution in another country, such report shall specifically state all the details of the business conducted during the preceding quarter in the Philippine branch thereof, and shall also report the financial condition of its principal at the latest practicable period prior to the date of such report.

Forms of reports shall be supplied by the Bank Commissioner to all institutions of which reports are required in the (Islands) Philippines, and it shall be the duty of Bank Commissioner therein to require the statement of such matter, as nearly as may be, as in the United States is required to be stated in the reports by
national banks to the Comptroller of the currency under the laws and regulations therein prevailing.

[3519–5(1281); 3703–1(1282).]

SECTION 1637(1283). Examinations Into Condition of Institutions. — It shall be the duty of the Bank Commissioner, personally or by deputy, at least once in every twelve months, and at such other times as he may deem expedient, to make an examination of the books of every institution within the purview of this chapter in order to ascertain its cash and available assets in the (Philippine Islands) Philippines, and its general condition and method of doing business, and to make report of the same to the Secretary of Finance, who will transmit a copy of said report to the (Governor-General) President of the Philippines.

Every such institution shall afford to the Bank Commissioner, and to his authorized deputy, full opportunity to examine its books, its cash, its available assets, and general condition, at any time when requested so to do by the Commissioner: Provided, however, That none of the reports and other papers relative to the examination of banking institutions shall be open to inspection by the public except in so far as such publicity shall be incidental to the proceedings hereinafter authorized or necessary for the prosecution of violations in connection with the business of the bank.

Within the first ten days of January and July of each year, every banking institution and every mutual building and loan association shall pay a fee to the Bank Commissioner in an amount equivalent to one-seventy-sixth of one per cent of the average total assets of such banking institution and/or mutual building and loan association during the preceding six months, but in no case shall such fee be less than fifty pesos: Provided, however, That the aggregate of such fees collected in any one year shall not exceed sixty-five thousand pesos. In the event that the proportion of fees based upon the average total assets of all banking institutions and/or mutual building and loan associations shall aggregate an amount in excess of sixty-five thousand pesos, in any one year, the ratio of the fee to the average total assets of all such banking institutions and/or mutual building and loan associations shall correspondingly be reduced. The Bank Commissioner shall, by regulation, prescribe the manner of determining the average total assets of banking institutions and mutual building and loan associations for the purpose of the payment of fees.

[3519–5(1284).]

SECTION 1638. Proceedings to Suspend Operation of Offending Institutions — Petition of (Attorney-General) Solicitor-General. — When the
owner, agent, manager, or other responsible officer in charge of any institution within the purview of this chapter shall willfully refuse to file a report hereinabove required or to permit an examination of its affairs, as specified in the next preceding section hereof, it shall be the duty of the Bank Commissioner forthwith to give written information of such delinquency to the (Attorney-General) Solicitor-General, whose duty it shall be to address a petition to the Secretary of Finance praying that the offending institution be forbidden to continue the doing of business in the (Philippine Islands) Philippines, and also to institute criminal proceedings against the offending party.

Upon receiving such petition, it shall be the duty of the Secretary of Finance to investigate the facts set forth in said petition by hearing upon due notice to the institution in question, and if he finds them to be true, he may, with the approval of the (Governor-General) President of the Philippines, forthwith forbid it to continue to do business in the Islands and direct the Bank Commissioner to take charge of its affairs, liquidate its assets, and settle its obligations in the order of their legal priority.

The certificate of the Secretary of Finance to the effect that he finds the facts set forth in such petition to be true, and has directed the Bank Commissioner to perform the duties prescribed above, shall be a sufficient warrant and justification for the Bank Commissioner in performing all the duties therein prescribed.

[3519–5(1285).]

SECTION 1639. Proceedings Upon Insolvency — Authority of Bank Commissioner to Take Charge of Assets. — When upon examination by the Bank Commissioner or his examiners or agents into the condition of any such institution it shall be disclosed to him that the condition of the same is one of insolvency, or that its continuance in business will involve probable loss to depositors or patrons, it shall be the duty of the Bank Commissioner forthwith, in writing, to inform the Secretary of Finance of the facts, and if the Secretary of Finance finds the statements of the Bank Commissioner to be true, he shall, with the approval of the (Governor-General) President of the Philippines, forthwith forbid the institution to do business in the Islands and shall direct the Bank Commissioner to take charge of its assets and proceed according to law.

The Bank Commissioner shall thereupon determine within thirty days whether the institution may be reorganized or otherwise placed in such a condition so that it may be permitted to resume business with safety to its creditors and shall prescribe the conditions under which such resumption of business shall take place. In such case the reasonable expenses, fees, and commissions of the Bureau of
Banking in the administration of the banking institution shall be determined by the Secretary of Finance and shall be paid out of the assets of the banking institution.

At any time within ten days after the Bank Commissioner has taken charge of the assets of any banking institution, such banking institution may apply to the court of first instance for an order requiring the Bank Commissioner to show cause why he should not be enjoined from continuing such charge of its assets and the court may direct the Bank Commissioner to refrain from further proceedings and to surrender charge of its assets.

If the Bank Commissioner shall determine that the banking institution cannot resume business with safety to its creditors, he shall forthwith by the Solicitor-General file a petition in the Court of First Instance reciting the proceedings which have been taken and praying the assistance and supervision of the court in the liquidation of the affairs of the same. The Bank Commissioner shall thereafter, under the supervision of the court and with all convenient speed, reduce the assets of the banking institution to money.

SECTION 1640. *Proceedings Upon Violation of Laws, Regulations, Instructions, Etc.* — Whenever a banking institution is persisting in the violation of its charter or by-laws or any law, or the orders, instructions, and regulations legally issued by the Bank Commissioner, or, whenever such institution is persisting in carrying on its business in an unlawful or unsafe manner, the Bank Commissioner shall, by the Solicitor-General, file a petition in the Court of First Instance praying the assistance of the court to compel the banking institution to discontinue the violations or practices objected to in the petition of the Bank Commissioner. The Bank Commissioner may with the approval of the court take such action as the court may deem necessary to compel the banking institution complained against to discontinue said violations or practices as set forth in the Bank Commissioner's petition, and, if necessary, the Bank Commissioner may, under order of the court, proceed to liquidate the business of the institution.

SECTION 1641. *Distribution of Assets.* — In the case of the liquidation of a bank or banking institution, after payment of the costs of the proceedings, including reasonable expenses, commissions and fees of the Bank Commissioner, to be allowed by the court, the Bank Commissioner shall pay the debts of the institution, under decree of the court in the order of their legal priority.
SECTION 1642. Disposition of Fees and Commissions. — All costs, fees, and commissions earned by the Bank Commissioner and his deputies in winding up the affairs and administering the assets of an institution under this chapter shall be used to pay the salaries of the clerks and other employees whose employment is rendered necessary in the discharge of the trust, together with other additional expenses caused thereby. The balance of commissions, fees, and costs earned, after the payment of all expenses, shall be available for meeting the ordinary expenses of the Bureau of Banking.

CHAPTER 42

Bureau of Printing

SECTION 1643. Chief Officials of Bureau of Printing. — The Bureau of Printing shall have one chief and one assistant chief, to be known respectively as the Director of Printing and the Assistant Director of Printing.

SECTION 1644. Function of Bureau of Printing. — The Bureau of Printing shall be charged with the execution of all printing and binding, including work incidental to those processes, required by the (Insular) National Government and such other work of the same character as said Bureau may, by law or by order of the Secretary of Finance, be authorized to undertake, and shall have the control and operation of all branch printing and bookbinding offices maintained for the accomplishment of such service.

SECTION 1645. Requisition for Work to be Done by Bureau of Printing. — All Government work done in the Bureau of Printing, except such as is required for the Bureau itself, shall be ordered on blanks prepared for that purpose by the Director of Printing, and these blanks shall be numbered consecutively in a series for the (Governor-General) President of the Philippines and one for each Department, and must be approved by the (Governor-General) President of the Philippines or the Secretary of the Department for which the work is to be done, as the case may be, and the (Governor-General) President of the Philippines or the Secretary approving the requisition shall specify and determine the number of copies to be printed.
No Bureau or Office shall purchase any material for the use of the Bureau of Printing in connection with requisitions for printing and binding without the prior approval of the proper Head of Department.

[2657–1972.]

SECTION 1646. Printing of Forms Having Money Value. — Requisitions for the printing of official stamps, tickets, certificates, and other forms (except cedulas) which possess a face money value shall be forwarded to the Bureau of Printing through the Department Head of the Bureau or Office for which the work is required and through the (Bureau of Audits) General Auditing Office, and such printing shall be executed by the Bureau of Printing, after approval of the requisition by the (Insular) Auditor General, under the supervision of a committee designated by the latter. The (Insular) Auditor General shall be the custodian of all drawings, plates, or copy and proofs of whatever nature prepared for or utilized in such printing, and they shall be properly safeguarded by him when not in actual use by the aforesaid committee during the time employed in printing.

[2657–1973.]

SECTION 1647. Supervision of Director Over Printing of Blank Forms. — The Director of Printing shall carefully examine all requisitions for the printing of blank forms and shall make such suggestions to the office from which they emanate as will secure good workmanship and general uniformity in the forms used for the same general purpose as well as economy in the cost of production.

The Bureau of Printing may keep printed forms in stock, as deemed expedient by the (Insular) Auditor General in the case of accounting forms and by the proper Department Head in case of other forms.

[2657–1974.]

SECTION 1648. Forms and Style of Printing and Binding Government work. — The forms and style in which the printing and binding of Government work shall be executed and the material and the size of type to be used shall be determined by the Director of Printing, subject to the supervision of the Secretary of Finance, having proper regard for uniformity, economy, workmanship, and the purposes for which the work is needed. The printing on stationery shall conform to such requirements as are prescribed by the (Governor-General) President of the Philippines. Any requisition for apparently unnecessary printing or for printing which is believed to be unnecessarily costly shall be especially called to the attention of the Department Head of the Office making such requisition.
SECTION 1649. Stereotyping and Electrotyping. — The Director of Printing may cause matter to be stereotyped or electrotyped when a large number of copies will be needed, or there is reason to believe that there will be a demand for the printing of other copies after the first order shall have been exhausted.

SECTION 1650. Preservation of Copies of Printed Matter. — There shall be preserved in the Bureau of Printing at least one copy of each form, sheets, document, pamphlet, or volume printed, numbered according to the numbers of the orders under which they are printed.

SECTION 1651. Price of Government Publications. — The prices at which documents, pamphlets, or publications of the (Insular) National Government may be sold shall be fixed, after recommendation of the Director of Printing, by the Head of the Department for which the printing is done, by whom also shall be determined whether the same shall be vendible to the public at large.

SECTION 1652. Sale or Distribution. — The publications of the (Insular) National Government shall be sold or distributed by the Bureau of Printing, or if in the judgment of the proper Head of Department the public interests so demand, in whole or in part by the Bureau or Office for which the printing was done.

SECTION 1653. Free Distribution. — There shall be no free distribution of any public document, pamphlet, or publication except by express authority of the Head of Department having executive supervision over the Bureau of Printing.

SECTION 1654. Filling of Orders Given by Private Parties for Additional Work or Additional Product. — The Director of Printing is authorized, as the requirements of Government work will permit, to execute for private persons, on the product of the Bureau, such additional work as may be requested; and, with the approval of the Department Head, he shall furnish, to applicants giving notice before the matter is put to press, such number of copies of bills, reports, and documents as may be ordered, not exceeding two hundred and fifty to any one...
applicant.

[2657–1981.]

SECTION 1655. Charges for Work Done or Service Rendered by Bureau of Printing. — Government work shall be done the Bureau of Printing at cost, which may include a reasonable fixed surcharge to cover elements of expense properly distributable over the entire product of the plant. Where salable documents or publications are retained for distribution by the Bureau, an additional charge may be made for storage. Work done for private parties or the United States Government shall be done upon terms fixed by the Director of Printing, with the approval of the Department Head.

[2657–1982.]

SECTION 1656. Extra Compensation for Overtime Work. — Technical employees of the Bureau of Printing and other employees whose services are required to facilitate the accomplishment of technical work shall be paid, for overtime work on regular work days, twenty per centum more, and on holidays one hundred per centum more, than they receive for the same amount of ordinary day labor.

[2657–1983.]

SECTION 1657. Increase of Compensation for Native Craftsmen. — Native craftsmen from the date of their entrance into the service, and native apprentices from the date of their entrance into the third year of apprenticeship, for each year of honest, faithful, satisfactory, and continuous service in the Bureau of Printing shall be entitled to receive, at the end of the next succeeding year of honest, faithful, satisfactory, and continuous service, extra compensation as follows: Twenty centavos per diem for each full day of actual service rendered at a daily wage of one peso and twenty centavos or more but less than two pesos and forty centavos; forty centavos per diem for each full day of actual service rendered at a daily wage of two pesos and forty centavos or more but less than three pesos and twenty centavos; and sixty centavos per diem for each full day of actual service rendered at a daily wage of three pesos and twenty centavos or more.

Service shall be deemed to be "continuous," for the purposes hereof, until the employee is definitely separated from the service in the Bureau of Printing; but periods of unexcused absence shall not contribute towards the maturing of the privileges herein granted.

[2657–1984.]
SECTION 1658. Separation from service. — A native craftsman or apprentice separated from the Bureau after extra compensation has been earned and before it becomes due shall not be entitled to receive any part thereof unless such separation shall be on account of lack of work, permanent disability, or death, in which event such native craftsman or apprentice, or his estate in case of death, may, on the recommendation of the Director, approved by the Department Head, receive the extra compensation accumulated at the time of separation.

[2657–1985.]

CHAPTER 43

Bureau of Justice

ARTICLE I

Office of Solicitor-General

SECTION 1659. Chief Officials of Bureau of Justice. — The Bureau of Justice shall have one Chief to be known as the Solicitor-General whose salary shall be eleven thousand per annum and shall have the rank of an Undersecretary of a Department. He shall be assisted by one First Assistant Solicitor-General whose salary shall be nine thousand pesos per annum. When the Solicitor-General is unable to perform his duties or in case of a vacancy in the office, the First Assistant Solicitor-General shall temporarily perform the functions of said office, or, in his absence, the Secretary of Justice may designate the acting chief of the office. There shall also be three Assistant Solicitors-General and such number of solicitors as may from time to time be available under current appropriations and as the conditions of the service shall require.

The qualifications for appointment to the positions of Solicitor-General, the First Assistant Solicitor-General, and Assistant Solicitors-General shall be the same as those prescribed for Judges of Courts of First Instance, and those for the solicitors shall be the same as those prescribed for provincial fiscals.

[2657–1278; 4007–19(1290); C.A. 543–1(1291).]

SECTION 1660(1292). Function of Bureau of Justice. — The Bureau of Justice constitutes the law office of the Government of the (Philippine Islands) Philippines and by it shall be performed duties requiring the services of a law officer.

The Bureau of Justice shall have general supervision over provincial and
city fiscals or attorneys and all other prosecuting officers throughout the (Islands) Philippines, shall prepare rules for their guidance, and may require reports from them concerning the public business in the courts of their respective provinces or concerning other matters relating to the administration of justice therein.

[2657–1279, 1307.]

SECTION 1661. Duties of Solicitor-General. — As principal law officer of the Government, the Solicitor-General shall have authority to act for and represent the Government of the (Philippine Islands) Philippines, its officers, and agents in any official investigation, proceeding, or matter requiring the services of a lawyer. Upon the request of the (President of any of the Houses of the Legislature) Speaker of the National Assembly, the Solicitor-General or his authorized representative, shall assist and attend any legislative committee that may be practising any investigation ordered by the (Legislature, or by any of the Houses thereof) National Assembly.

[2781–1(1293); 4007–19(1294).]

It shall among other things be his duty, in person or by proper subordinate:

(a) To prepare, upon request of the (Governor-General) President of the Philippines or other officer of the (Insular) National Government, drafts for contracts, forms, or other writings needed for official use.

(b) To represent the United States in the Supreme Court in all criminal cases, and to represent the United States and the Government of the (Philippine Islands) Philippines in the Supreme Court in all civil actions and special proceedings in which either of said Government or any officer thereof in his official capacity is a party.

(c) To prosecute or defend in the Supreme Court, except as otherwise specially provided, all causes in which a province may be a party.

(d) To institute and prosecute at the request of the (Governor-General) President of the Philippines or other proper officer of the (Insular) National Government, actions on bonds or contract in which the Government is interested, upon breach thereof.

(e) To pursue the collection of any claim or judgment in favor of
the Government outside of the (Philippine Islands) Philippines, to which end he may, with the approval of the (Governor-General) President of the Philippines, employ counsel to assist in such collection.

(f) To institute and prosecute actions to enforce penalties or forfeitures under laws of the United States in force in the (Philippine Islands) Philippines.

[2657–1280.]

SECTION 1662(1295). [Opinions of Attorney-General.] (Repealed)

[2657–1281.]

SECTION 1663(1296). [Publication of Opinions.] (Repealed)

[2657–1282.]

SECTION 1664. Additional Counsel to Assist Solicitor-General. — The Solicitor-General shall, when in his opinion the public interest requires it, upon the approval of the Department Head, employ and retain in the name of the Government of the (Philippine Islands) Commonwealth of the Philippines such attorneys as he may deem necessary to assist him in the discharge of his duties. Such attorneys shall be entitled to travel expenses, if incurred, and such compensation as shall be stipulated for.

[2657–1283; 4007–19(1297).]

SECTION 1665. Authority of Officers to Administer Oaths and Take Testimony. — The Solicitor-General, the Assistant Solicitors-General, the assistant attorneys of the Bureau of Justice, and provincial fiscals are authorized to administer oaths in matters of official business. The Solicitor-General and Assistant Solicitors-General and any assistant attorney or provincial fiscal thereunto especially deputed by the Solicitor-General shall have further authority to take testimony in any matter or investigation within the competency of the Bureau of Justice.

[2657–1284; 4007–19.]

SECTION 1666. Annual Report of Solicitor-General. — The annual report of the Solicitor-General shall, among other things, contain a statement of the conditions affecting the administration of justice throughout the (Islands) Philippines and an account of public litigation pending in the courts.
ARTICLE II

Estates of Government Employees

SECTION 1667. Settlement of Estates of American Citizens. — When a citizen of the United States shall die leaving personal or real property in the (Philippine Islands) Philippines, the Solicitor-General, if no regular administration of his estate is had and if there are no relatives applying for letters of administration, shall either in person or through a delegate designated by him take possession of the estate, make a complete inventory thereof, and file the same with the (Insular) Auditor General.

He shall thereupon proceed to ascertain by the best means within his power the names and residences of the persons who are lawfully entitled to the estate and shall proceed to settle the same and to dispose of the assets in accordance herewith. He may charge for his work such fees as he may deem just, which shall be paid into the (Insular) National Treasury.

SECTION 1668. Conversion of Deceased's Estate Into Cash. — If the Solicitor-General shall find it to be for the best interest of the parties concerned in the estate to convert the whole or any part thereof into cash, he may dispose of the same at public or private sale, as may be deemed most advantageous. Any such sale shall convey to the purchaser all the title and interest of the deceased in the property sold.

SECTION 1669. Payment of Debts. — From the proceeds of the estate the Solicitor-General shall pay the burial expenses of the deceased, including the cost of conveying the remains to the United States where the same are so conveyed at the request of the surviving relatives, together with the expenses necessarily incurred by the Solicitor-General under the provisions hereof and any other debts which the Solicitor-General shall adjudge to be justly due from the estate of the deceased.

SECTION 1670. Final Transmission of Assets to Persons Entitled. — After the payment of the debts the Solicitor-General shall, upon receiving proper vouchers, transmit the balance of the cash assets and any personal property
remaining unsold to the person or persons whom he shall adjudge to be lawfully entitled thereto; and he shall likewise convey any real property remaining unsold to the person or persons whom he shall adjudge to be lawfully entitled to the same.

If at any time prior to the final distribution or payment over of the assets of the estate, a regular administration of the estate shall be begun in the (Philippine Islands) Philippines by any person lawfully entitled to administer the same, the property, or any part thereof remaining in the hands of the Solicitor-General, shall be surrendered or conveyed to such administrator, to be dealt with by the latter in ordinary course of administration.

No personal property not converted into cash shall be delivered nor any unsold real property shall be conveyed to any person until all the debts of the deceased for which claims have been presented shall have been satisfied in full or disallowed by the Solicitor-General.

[2657–1289; 4007–19(1303)]

SECTION 1671. Effect of Settlement of Estate by Solicitor-General. — After the Solicitor-General shall have disposed of any estate in conformity with the foregoing provisions, his accounts pertaining thereto being approved by the (Insular) Auditor General, such estate shall, as regards the property so disposed of, be deemed to be lawfully settled; and the Solicitor-General shall no longer be answerable therefor to any person. But this shall not preclude any lawful heir or creditor from bringing an action against the person or persons who have so received the proceeds of the estate for the enforcement of any lawful claim thereto.

[2657–1290; 4007–19(1304).]

SECTION 1672. Custody of Property of Insane Employee. — When a citizen of the United States who is an employee of the Philippine Government or who is a civilian employee of the United States in the (Philippine Islands) Philippines shall become insane and shall be received for treatment in a Government hospital, it shall be the duty of the Solicitor-General to assume the control and management of the property and personal effects of such employee until his recovery or removal to the United States, or until he shall have died or a guardian shall have been appointed according to law.

[2657–1291; 4007–19(1305).]

ARTICLE III
Provincial Fiscals

SECTION 1673(1306). Office of Provincial Fiscal. — Except as otherwise provided there shall be a provincial fiscal for each province. To be eligible for appointment to this position a person shall be a citizen of the United States or of the (Philippine Islands) Philippines who has been duly admitted to practice in the courts of said Islands, and has been in actual practice for at least four years prior to his appointment, or has held during a like period, within the (Philippine Islands) Philippines or within the United States, the office of clerk of court, law clerk in a Bureau of the (Insular) National Government, or an office requiring the services of a lawyer. He must be able to speak and write the Spanish language or the English language and, being conversant with one, he shall have at least a fair knowledge of the other. No person shall hold the office of city fiscal, or assistant city fiscal of Manila, provincial fiscal, or (deputy) assistant provincial fiscal after he attains the age of sixty-five years; and after the thirty-first day of December, nineteen hundred and thirty-two, any city fiscal or assistant city fiscal of Manila, provincial fiscal, or (deputy) assistant provincial fiscal over sixty-five years of age shall vacate his office.

The salary of the provincial fiscal and all other expenses incident to the maintenance of his office shall be paid by the province or provinces to which the service rendered pertains.

Clerks, interpreters, and other subordinates in the office of the provincial fiscal shall be appointed and their salaries fixed in the same manner as in the case of employees in other provincial offices.

[2657–1292; 3580–1(1307); 3756–1(1308); 4014–1(1309).]

SECTION 1674. Assistant Provincial Fiscals. — In the following provinces there shall be assistant provincial fiscals in such numbers and with such salaries as are hereinafter provided:

Bohol, two assistant provincial fiscals, two thousand eight hundred pesos and two thousand four hundred pesos, respectively, \textit{per annum};

Cagayan, one assistant provincial fiscal at two thousand pesos \textit{per annum};

Cotabato, one assistant provincial fiscal at two thousand pesos \textit{per annum};

Ilocos Norte, two assistant provincial fiscals at two thousand pesos \textit{per annum};
Ilocos Sur, one assistant provincial fiscal at two thousand pesos *per annum*;

Isabela, one assistant provincial fiscal at two thousand pesos *per annum*;

La Union, one assistant provincial fiscal, at two thousand pesos *per annum*;

Mountain Province, one assistant provincial fiscal at two thousand pesos *per annum*;

Pangasinan, three assistant provincial fiscals, one at two thousand eight hundred pesos, and two at two thousand four hundred pesos *per annum* each;

Nueva Ecija, four assistant provincial fiscals at two thousand eight hundred pesos, two thousand four hundred pesos, two thousand pesos, and one thousand eight hundred pesos, respectively, *per annum*;

Pampanga, two assistant provincial fiscals at two thousand eight hundred pesos and two thousand four hundred pesos, respectively, *per annum*;

Bulacan, two assistant provincial fiscals at two thousand eight hundred pesos and two thousand four hundred pesos, respectively, *per annum*;

Tarlac, one assistant provincial fiscal at two thousand four hundred pesos *per annum*;

Albay, one assistant provincial fiscal at two thousand four hundred pesos *per annum*;

Oriental Negros, one assistant provincial fiscal at two thousand four hundred pesos *per annum*;

Rizal, two assistant provincial fiscals at two thousand eight hundred pesos and two thousand four hundred pesos, respectively, *per annum*;

Samar, one assistant provincial fiscal at two thousand four hundred pesos *per annum*;

Laguna, two assistant provincial fiscals at two thousand four hundred pesos and two thousand pesos, respectively, *per annum*;

Lanao, one assistant provincial fiscal at two thousand pesos *per annum*;

Batangas, one assistant provincial fiscal at two thousand pesos *per annum*;

Cavite, one assistant provincial fiscal at two thousand pesos *per annum*;
Tayabas, two assistant provincial fiscals at two thousand eight hundred pesos and two thousand four hundred pesos, respectively, *per annum*;

Sorsogon, one assistant provincial fiscal at two thousand pesos *per annum*;

Capiz, one assistant provincial fiscal at two thousand pesos *per annum*;

Iloilo, three assistant provincial fiscals at two thousand eight hundred pesos, two thousand four hundred pesos, and two thousand pesos, respectively, *per annum*;

Occidental Negros, three assistant provincial fiscals, one at two thousand eight hundred pesos and two at two thousand four hundred pesos, each, *per annum*;

Leyte, two assistant provincial fiscals at two thousand four hundred pesos and two thousand pesos, respectively, *per annum*;

Cebu, five assistant provincial fiscals at two thousand eight hundred pesos, two thousand four hundred pesos, two thousand pesos, respectively, and the last two at one thousand eight hundred pesos each *per annum*;

Oriental Misamis, one assistant provincial fiscal at two thousand pesos *per annum*;

Occidental Misamis, one assistant provincial fiscal, at two thousand pesos *per annum*;

Surigao, one assistant provincial fiscal, at two thousand pesos *per annum*;

Camarines Sur, one assistant provincial fiscal at two thousand pesos *per annum*;

Zamboanga, one assistant provincial fiscal at one thousand six hundred pesos *per annum*; and

Sulu, one assistant provincial fiscal at two thousand pesos *per annum*.

These officers shall be appointed by the President of the Philippines with the consent of the Commission on Appointments of the National Assembly, and their salaries shall be paid by the provinces concerned. The salary of the assistant provincial fiscal shall be included in the annual appropriation of the province in the same manner as the salary of the provincial fiscal. To be eligible for appointment to this position, a person must be a citizen of the Philippines who has been duly admitted to practice in the court of said islands, and has been in actual practice for
at least three years, prior to his appointment.

[2657–1293; C.A. 144–1(1310); C.A. 583–1(1311).]

SECTION 1674-A(1312). Supervising Fiscals. — [The Secretary of Justice is hereby authorized to group the provinces of the (Philippine Islands) Philippines into districts taking into account the means of transportation between them, and to designate for each district a supervising fiscal to be selected among the fiscals of the provinces within such district. Such supervising fiscal shall, in addition to his duties as provincial fiscal of his province, and subject to the direction and control of the said Secretary of Justice, exercise supervision over the work of the provincial fiscals within his district and shall render assistance to any one of them in cases of special importance. The supervising fiscal so designated shall receive in addition to his salary as provincial fiscal, the provisions of section two hundred and fifty-nine of this Code to the contrary notwithstanding, such compensation, to be paid out of (Insular) National funds, as the Secretary of Justice may determine, not to exceed one thousand pesos per annum.]

[4165–1(1313).]

SECTION 1675. Salaries of Provincial Fiscals. — The provincial fiscals shall receive the salaries hereinbelow fixed:

(a) In the Provinces of Bulacan, Cebu, Iloilo, Laguna, Leyte, Nueva Ecija, Occidental Negros, Pampanga, Pangasinan, Rizal, Samar, and Tayabas, five thousand pesos.

(b) In the Provinces of Albay, Batangas, Bohol, Cagayan, Camarines Sur, Capiz, Ilocos Norte, Ilocos Sur, Misamis, Oriental Negros, and Tarlac, four thousand five hundred pesos.

(c) In the Provinces of Cavite, La Union, and Sorsogon, four thousand pesos.

(d) In the Provinces of Antique, Isabela, and Surigao, three thousand five hundred pesos.

(e) In the Provinces of Abra, Bataan, Romblon, and Zambales, two thousand four hundred pesos.

[2829–1, 2(1314).]

(f) In the Provinces of Batanes, Camarines Norte, Marinduque, Masbate, Mindoro, and Palawan, two thousand four hundred
pesos.

[3028–1(1315).]

Provided, That vacancies left by provincial fiscals who retired or may retire under Act Numbered Two thousand five hundred and eighty-nine, entitled "An Act providing for a gratuity by reason of retirement to officers and employees of the Philippine Government who have rendered satisfactory service during six continuous years or more, and for other purposes," or any other retirement Act that may hereafter be enacted, shall be filled in accordance with the provisions of this section.

[2657–1294; see Acts 2829(1316), 3088(1317), 3798(1318).]

SECTION 1676. Authority of (Governor-General) President of the Philippines to Consolidate Offices. — Whenever, in his judgment, the public interests will be promoted by the consolidation of the offices of two or more provincial fiscals, the (Governor-General) President of the Philippines may, upon the recommendation of the Secretary of Justice, declare such positions consolidated, appoint a fiscal thereto, fix the salary of the position resulting therefrom at not to exceed seventy-five per centum of the sum of the salaries of the positions consolidated, determine the residence of the fiscal so appointed, and apportion among the provinces served the charges for salary, travel expenses, clerical and other necessary expenses incident to the performance of the duties of the combined office.

[2657–1295.]

SECTION 1677. Authority of (Governor-General) President of the Philippines to Declare Vacancy. — Whenever, in his judgment, the public interests will be promoted thereby, the (Governor-General) President of the Philippines may, upon the recommendation of the Secretary of Justice, declare the position of provincial fiscal in any province vacant, and direct that the duties imposed by law upon the provincial fiscal of such province be performed by an assistant attorney of the Bureau of Justice designated by the Solicitor-General; and such province shall reimburse the Bureau of Justice for the necessary travel expenses, salary of such assistant attorney, and other expenses necessarily incident to the services rendered, in such amount as shall be fixed by the Solicitor-General, with the approval of the Secretary of Justice, not exceeding seventy-five per centum of the salary previously fixed for the fiscal of said province.

[2657–1296; 4007–19(1319).]
SECTION 1678. Reestablishment of Consolidated or Vacated Offices. — Where the offices of two or more fiscals are consolidated or when the office of any fiscal has been declared vacant, as contemplated above, the (Governor-General) President of the Philippines, upon the recommendation of the Secretary of Justice, may reestablish, upon its previous footing, the office of fiscal in any province thus affected, if in his opinion the public interest will be better served thereby.

[2657–1297.]

SECTION 1679. When Secretary of Justice Shall Appoint Acting Provincial Fiscal. — When a provincial fiscal shall be disqualified by personal interest to act in a particular case or when for any reason he shall be unable, or shall fail, to discharge any of the duties of his position, the Secretary of Justice shall appoint an acting provincial fiscal, who shall discharge all the duties of the regular provincial fiscal which the latter shall fail or be unable to perform. Such officer shall, for the days actually employed, be paid out of the provincial treasury the same compensation per day as that provided by law for the regular provincial fiscal. The person so appointed shall be either a practising attorney or some competent officer of the Department of Justice or office of any provincial fiscal. This may also be done in case of vacancy, pending the appointment of a permanent fiscal.

[2657–1298; C.A. 144–2(1320).]

SECTION 1680(1321). Temporary Detail of Provincial Fiscal to Other Province. — The Secretary of Justice may, in the interest of the public service, direct the temporary detail of any provincial fiscal or assistant provincial fiscal from one province to any other province in the Islands, or to the City of Manila, there to perform such duties pertaining to the office of provincial fiscal or of the city fiscal, or such other duties as may be specified by the Secretary of Justice in such assignment.

The travel expense of a fiscal so detailed shall be paid by the province to which he is temporarily assigned or by the Department of Justice if assigned to work in the aforesaid Department in Manila, or by the City of Manila, if assigned to work in the office of the city fiscal.

[2657–1299; C.A. 144–3(1322).]

SECTION 1681. General Functions of Provincial Fiscal. — The provincial fiscal shall be the law officer of the province, and as such shall therein discharge the duties incident to the institution of criminal prosecutions and represent the United States in all criminal cases in the courts held in such province.
It shall also be his duty, consistently with other provisions of law, to represent in said courts the Government of the (Philippine Islands) Philippines and the officers and branches thereof in all civil actions and special proceedings and generally to act in such province in all matters wherein said Government, or any branch or officers thereof, shall require the services of a lawyer.

He shall assist Government officers in the enforcement of administrative laws by making prompt investigation into offenses against such laws which may be reported to him and by instituting, in accordance with law, such prosecutions or proceedings as may be required.

[2657–1300; see C.A. 409(1323).]

SECTION 1682. Duty of Fiscal as Legal Adviser of Province and Provincial Subdivisions. — The provincial fiscal shall be the legal adviser of the provincial government and its officers, including district health officers, and of the (president) mayor and council of the various municipalities and municipal districts of the province. As such he shall, when so requested, submit his opinion in writing upon any legal question submitted to him by any such officer or body pertinent to the duties thereof.

In case the provincial fiscal is performing the duties of fiscal for more than one province he shall be disqualified, in controversies between such provinces, to act as attorney or legal adviser for either of them, and the Secretary of Justice shall, in accordance with law, direct the temporary detail of a fiscal for the performance of such duties for each province.

[2657–1301.]

SECTION 1683. Duty of Fiscal to Represent Provinces and Provincial Subdivisions in Litigation. — The provincial fiscal shall represent the province and any municipality or municipal district thereof in any court, except in cases whereof original jurisdiction is vested in the Supreme Court or in cases where the municipality or municipal district in question is a party adverse to the provincial government or to some other municipality or municipal district in the same province. When the interests of a provincial government and of any political division thereof are opposed, the provincial fiscal shall act on behalf of the province.

When the provincial fiscal is disqualified to serve any municipality or other political subdivision of a province, a special attorney may be employed by its council.
SECTION 1684. Report of Provincial Fiscal on Criminal Cases Appealed to Supreme Court. — When any criminal case is appealed to the Supreme Court, the provincial fiscal shall forthwith make a report to the Solicitor-General explaining the questions of law and fact appearing therein and the conclusions of the court.

SECTION 1685. When Provincial Fiscal May Appear in Supreme Court. — In litigation in the Supreme Court provincial fiscals may appear in behalf of the Government or any officer thereof under the conditions and subject to the qualifications hereinafter specified:

(a) Where the interest of a province is adverse to that of the United States, or of the (Insular) National Government, or of some officer of either acting in his official capacity, the office of the Solicitor-General shall represent, in the Supreme Court, the interest adverse to the province, and the latter shall be represented by its fiscal.

(b) Where two provinces are adversely interested in the same suit, the office of the Solicitor-General shall not represent either in the Supreme Court; and they shall in such case be represented by their respective provincial fiscals.

(c) The Secretary of Justice may, in his discretion, require the provincial fiscal of any province to appear or render service in the Supreme Court in any case wherein the province to which he pertains, or a municipality thereof, is interested, or when the case in question originated in such province.

SECTION 1686. Additional Counsel to Assist Fiscal. — The Secretary of Justice may appoint any lawyer, being either a subordinate from his office or a competent person not in the public service, temporarily to assist a fiscal or prosecuting attorney in the discharge of his duties, and with the same authority therein as might be exercised by the Attorney-General or Solicitor-General.

In addition to travel expense, such appointee, if not in the Government service, shall receive such compensation as shall be stipulated for, not exceeding
SECTION 1687. Authority of Fiscal to Conduct Investigation in Criminal Matter. — A provincial fiscal shall have authority, if he deems it wise, to conduct an investigation into the matter of any crime or misdemeanor. To this end he may summon reputed witnesses and require them to appear and testify upon oath before him. The attendance or evidence of absent or recalcitrant witnesses who may be summoned or whose testimony may be required by a provincial fiscal under the authority herein conferred shall be enforced by proper process upon application to be made by the provincial fiscal to any judge of first instance of the judicial district or to the justice of the peace of the municipality in which the investigation is held. But no witness summoned to testify under this section shall be compelled to give testimony tending to criminate himself.

This section shall not be construed to authorize a provincial fiscal to act as justice of the peace in any preliminary investigation, but only as authorizing him to secure the attendance of witnesses before him in making necessary investigations for the purpose of instituting or carrying on criminal prosecutions.

[2657–1306.]

CHAPTER 44

[Philippine Library and Museum] National Library

ARTICLE I

Organization and Functions of (Philippine Library and Museum) National Library

SECTION 1688. Chief Officials of (Philippine Library and Museum) National Library. — The (Philippine Library and Museum) National Library shall have one chief and assistant chief, to be known respectively, as the Director of the (Philippine Library and Museum) National Library and the Assistant Director of the (Philippine Library and Museum) National Library.

The Director of the (Philippine Library and Museum) National Library shall possess the powers conferred generally on Bureau chiefs.

[2572–2(1329); 3477–7(1330); 4007–30(1331).]

SECTION 1689. Powers and Functions in General. — The (Philippine Library and Museum) National Library shall have the following powers, duties,
functions, and aims:

(a) The preservation of all books, libraries, and library material or equipment belonging to the institution or confided to its custody.

(b) The acquisition, by purchase, loan, or gift, of additional books, libraries, or other material contributory to its ends and purposes.

(c) The supplying of adequate reading facilities to the public in the City of Manila, and so far as practicable, the extension of such facilities into the provinces, in response to the needs and increasing advancement of the people of the (Philippine Islands) Philippines.

(d) The supervision over the use of the facilities of the institution by the public at large, with a view to the most advantageous utilization of the means of study and culture supplied by it.

(e) The organization, preservation, equipment, and maintenance of a special administrative and legislative reference library, to be of aid to the several departments of the Government and especially to the (Houses of the Philippine Legislature) National Assembly, their committees or members, in the consideration, preparation, and drafting of bills.

(f) The acquisition, organization, preservation, administration, and increase, as the resources of the treasury may allow, of a museum containing pictures, paintings, sculptures, portraits, photographs, maps, geographical charts, and all objects which, by reason of their archeological, artistic, scientific, or commemorative value should be permanently preserved as a memento of, and out of veneration for the great men of the country, as a testimony of the national history and culture, or for the benefit of culture in general.

(g) The preparation, printing, and publication of prints, pamphlets, bibliographic catalogues, manuscripts, monographs, or any literary or scientific work deserving to be published in the interest of the Government, of the public welfare, of the history of the Philippines or of science and art in general.

(h) The exercise of the powers and duties pertaining to the division
of archives, patents, copyrights, trade-marks, and corporations.

(i) The organization of a system of filing, distributing, and exchanging publications and objects of art and natural history with foreign countries or institutions which may desire to reciprocate in such exchanges.

[2572–3(1332); see Acts Nos. 2728–3(c)(1333), 3477(1334), 3690(1335) and 4007–30(1336). Also Acts Nos. 3134, 3412–34, 35, 36(1337) as ammended by Acts 3613(1338), 3753(1339), and C.A. 451(1340).]

SECTION 1690. Authority to Accept Gifts. — The (Philippine Library and Museum) National Library is authorized to receive and accept devises, bequests, and other gifts, loans, or beneficial transfers of property, money, books, and other objects appropriate to the use of the institution or contributory to the exercise of its proper functions.

[1935–7(1341); see Acts Nos. 3477(1342) and 4007–30(1343).]

SECTION 1691. Transfer of Government Property to Custody of (Philippine Library and Museum) National Library. — The (Governor-General) President of the Philippines shall have authority to direct that pictures, paintings, photographs, books, documents, manuscripts, pamphlets, monographs, maps, and all objects of artistic, historical, or scientific value of any kind, of any Bureau, Office, or dependency of the Government, which are not absolutely necessary for the work and current official use of the Office, Bureau, or dependency concerned, shall be transferred, upon proper inventory, to the (Philippine Library and Museum) National Library to be preserved and administered by it.

[2572–6(1344); see Acts Nos. 3477(1345) and 4007–30(1346).]

SECTION 1692. Data and Documents to be Supplied to (Philippine Library and Museum) National Library. — The various Departments, Bureaus, Offices, and branches of the Government, including provinces and municipalities, shall furnish without charge to the Director of the (Philippine Library and Museum) National Library all data or information that may be required in the performance of the functions of said institution and shall send to him at least fifty copies of all printed reports or documents published relative to their official work.

The printing establishments of the country shall also be obliged to send without charge to the (Philippine Library and Museum) National Library at least two copies of each book, newspaper, or pamphlet printed or published by them,
except in case of the registration of copyrights, in which the provisions of the law shall be complied with.

[2572–7(1347); see Ex. Or. No. 103, June 14, 1937.]

**ARTICLE II**

**Of the Library**

SECTION 1693. *Scope of Library.* — To the (Philippine Library and Museum) National Library shall pertain not only books, libraries, and library material acquired for its immediate use but also all books, libraries, and library material belonging to the (Insular) National Government or to any Department, Bureau, Office, or subdivision thereof, subject to action by the (Governor-General) President of the Philippines under section one thousand six hundred and ninety-one hereof.

[1935–2(1348); see Acts Nos. 3477(1349) and 4007–30(1350).]

SECTION 1694. *Philippine Division.* — It shall be the duty of the Director of the (Philippine Library and Museum) National Library to procure and collect from time to time, as may be practicable, books, papers, documents, and periodicals relating to the history of the (Philippine Islands) Philippines or to the Filipino people. Such material shall be properly classified and arranged and shall be preserved as an historical collection devoted exclusively to Philippine subjects.

[1935–8(1351); see Acts Nos. 3477(1352) and 4007–30(1353).]

SECTION 1695. *Union Catalogue.* — The (Philippine Library and Museum) National Library will install and maintain, for the purpose of cataloguing all (Insular) National Government books, a Union Catalogue and will, from time to time, render such assistance and instructions to librarians or persons in charge of books in the various Bureaus and Offices as may be necessary for the proper listing and indexing of books.

SECTION 1696. *Housing of Certain Portions of Library.* — Until otherwise disposed by the (Governor-General) President of the Philippines, the scientific section of the library shall be housed in the building of the Bureau of Science; and the section devoted to law and jurisprudence shall be housed in such place as the Supreme Court shall direct. Other parts of the library shall be consolidated and housed in one place so far as practicable, but any portion of the library may be kept in some other place than in the main Library, if the purposes of the library can be better served thereby.
The property responsibility for such portions of the library as are housed in a Bureau or Office not under the control of the (Philippine Library and Museum) National Library shall rest upon the Bureau or Office having the custody thereof; and the employees occupied in cataloguing and caring for the books shall be employees of such Bureau or Office.

[1935–3(1354).]

SECTION 1697. Purchases for Library Purposes. — All books, papers, periodicals, documents, and other reading matter required for the uses and purposes of the library may be ordered and purchased without the intervention of the Purchasing Agent. Books for all sections of the library shall be purchased in such manner and in such quantities as will reduce the price to the minimum.

The purchase of books for branches of the library in the keeping of other Bureaus and Offices shall be financed by the Bureau or Office concerned. Requisitions for such purchases, after approval by the proper head of Office shall be forwarded to the Director of the (Philippine Library and Museum) National Library who shall examine the same and if it be found that any contemplated purchase would apparently result in unnecessary duplication, the requisitioning officer shall be so advised. The duplication of purchases shall be avoided so far as may be consistent with the requirements of the public service.

[1935–3(1355).]

SECTION 1698. Regulations. — The regulations of the (Philippine Library and Museum) National Library shall contain provisions governing the use by the public of books, reading material, and other objects held by the institution for purposes of inspection or exhibition. All parts of the library shall be kept available at proper hours, for the use of teachers and students of either public or private schools, by the establishment of suitable reading rooms, and the opening of library and reading rooms for such use, and for the use of the public, at all times, including holidays and evenings.

Provisions shall also be made for the temporary placing of books in the high school and in other public schools, or with Bureaus which may desire to use particular books at certain times.

[1935–4(1356).]

ARTICLE III

Division of Archives, Patents, Copyrights, Trade-marks, and Corporations
SECTION 1699. **Division of archives, patents, etc.** — In the division of archives, patents, copyrights, trade-marks, and corporations shall be kept such public records, papers, and documents as may, in accordance with law or by order of the (Governor-General) President of the Philippines, be deposited therein.

The chief of said division shall be an *ex officio* notary public.

[2657–32; see Ex. Or. No. 103, (1937) and C.A. 287(1357).]

SECTION 1700. **Seal of Division.** — The division of archives, patents, copyrights, trade-marks, and corporations shall have a seal of such design as shall be prescribed by law or order of the (Governor-General) President of the Philippines.

Said seal shall be used on all certified copies of documents and papers issued by the division and on all other papers upon which a seal from said office may be required, whether in notarial capacity or otherwise.

[2657–33.]

SECTION 1701. **Information for Official Purposes — Delivery of Original Documents.** — The chief of said division shall furnish, or cause to be furnished without charge, for official use, such information from the (insular) national archives and such papers and certified copies of papers contained therein as may be requested in writing by the (Governor-General) President of the Philippines, any senator, the Head of any Department, Bureau, or Office of the (Insular) National Government, or by any provincial board or municipal council.

No original document or file copy of any documents shall be delivered to the head of any Bureau or Office or to any provincial board or municipal council without the written approval of the proper Department Head.

The person or persons to whom such original documents or paper or file copy is delivered shall be held responsible for its proper care and custody while in his or their possession.

[2657–34.]

SECTION 1702. **Copies for Private Purposes — Fees.** — Said chief shall also furnish, or cause to be furnished, to any private person or persons making written application for the same, one or more copies of any document or paper in the archives in which such person or persons may be personally concerned and to which he or they may be entitled, the same to be accompanied by a certificate of its
correctness, if desired, on the payment of the following fees:

For each certificate of correctness, with seal of office, fifty centavos.

For each folio, or fraction thereof, consisting of a sheet approximately two hundred sixteen by three hundred thirty millimeters with proper heading, double space, and approximately three centimeters margin, one peso.

[2657–35.]

SECTION 1703. Seal and Signature on Certificate of Registry. — Certificates of registry of trade-marks and trade-names shall be issued in the name of the Government of the (Philippine Islands) Commonwealth of the Philippines, under the seal of the division and shall be signed by the chief of division; and a record thereof, together with printed copies of the specific trade-marks or trade-names, shall be kept by him in books for that purpose.

[2657–36.]

SECTION 1704. Regulations Concerning Transfer of Trademarks and Trade-names. — Regulations prescribing the forms to be used in the transfer of the right to use trade-marks and trade-names and the manner of the recording of such transfers shall be prescribed by the Director of the (Philippine Library and Museum) National Library with the approval of the Department Head.

[2657–37.]

CHAPTER 45

Bureau of Prisons

PRELIMINARY ARTICLE

Title of Chapter

SECTION 1705. Title of Chapter. — This chapter shall be known as the Prison Law.

[2657–1918.]

ARTICLE I

Organization of Bureau

SECTION 1706. Chief Officials of Bureau of Prisons. — The Bureau of
Prisons shall have one chief and two assistant chiefs, to be known respectively as the Director of Prisons, the Assistant Director of Prisons, and Second Assistant Director of Prisons.

These officers shall be supplied with furnished quarters at the main prison and shall be allowed laundry service and such other services to be rendered by prisoners as shall be sanctioned by the Department Head.

[2657–1919.]

SECTION 1707. General Jurisdiction of Bureau. — The Bureau of Prisons shall have the general supervision and control of (Insular) National and provincial prisons and of all penal settlements and shall be charge with the safe-keeping of all prisoners confined therein or committed to the custody of said Bureau.

[2657–1920.]

SECTION 1708. Main Prison. — In the main prison shall be confined all (insular) national prisoners except as otherwise provided by law or regulation. This prison may also be used as a place of detention for other classes of prisoners or for the temporary safe-keeping of any person detained upon legal process.

[2657–1921.]

SECTION 1709. Iwahig Penal Colony. — Upon the Iwahig Reservation, in the Province of Palawan, there shall be maintained an institution subsidiary to the main prison, to be known as the Iwahig Penal Colony.

In this colony shall be kept such prisoners as may be transferred thereto from the main prison in accordance with regulations to be prescribed by the Director of Prisons. The discipline of the persons detained in this colony shall be of a reformatory and probationary character, and the surveillance over said colony and the colonists shall be less strict than is maintained in the main prison.

[2657–1931.]

SECTION 1710. Superintendent of Colony — Justice of Peace. — The Iwahig Penal Colony shall be under the immediate supervision of a superintendent, who shall be an ex officio justice of the peace, and shall, within the limits of the colony, have the jurisdiction and all powers conferred upon justices of the peace by the laws of the (Philippine Islands) Philippines.

[2657–1932.]
SECTION 1711. *Privileges Based Upon Behavior and Service.* — Persons detained at the Iwahig Penal Colony shall be known as colonists, and they may be divided into classes and graded according to conduct, efficiency, and length of service; and subject to such regulations as shall be prescribed in reference thereto, they may be granted such extraordinary privileges as in the judgment of the superintendent of the colony their conduct, behavior, habits of industry, and length of service may justify.

[2657–1933.]

SECTION 1712. *Fishing Rights in Waters Adjacent to Colony.* — The fishing rights in the waters of the bay along the shore line of the eastern boundary of the Iwahig Penal Colony, Island of Palawan, for a distance seaward of one and one-quarter statute miles are reserved for the exclusive use of the Government, for the subsistence and maintenance of the colonists, the prison officials and their families in said colony, and such pardoned or released colonists as may continue to reside therein.

[2657—1934.]

SECTION 1713. *Assignment of Land and Implements to Colonists.* — Any colonist detained at the Iwahig Penal Colony may be provisionally granted a suitable plot of land within the reservation for the purpose of cultivating and improving the same, and may be furnished with such tools, implements, and agricultural supplies as may be deemed necessary for the proper cultivation of said land.

[2657–1935.]

SECTION 1714. *Families of Colonists.* — The Iwahig colonists may, subject to the regulations to the Bureau governing the colony, be allowed to have their wives, children, and women to whom they are to be married, transported to the colony at Government expense and to have their families live on the reservation. Such privilege may, in any case, be revoked at any time by order of the superintendent of the colony, with the approval of the Director of Prisons. All members of the families of colonists living on the reservation shall be subject to the regulations governing the colony.

Families living in the colony may be subsisted from the general products of the colony until such time as the land cultivated in the colony by them shall be sufficiently productive for their support.

[2657–1936.]
SECTION 1715. Clothing and Household Supplies for Colonists' Families. — In addition to the subsistence for colonists' wives and children hereinabove authorized, the superintendent of the colony may furnish, as a special reward to such colonists as in his opinion may merit the same, a reasonable amount of clothing and ordinary household supplies for their families living in the colony, said clothing and supplies to be paid for out of the regular appropriation for the maintenance of the Iwahig Penal Colony. Advances of this character may also be made by way of loan, subject to repayment if the financial condition of the colonist at a later date should warrant.

[2657–1937.]

SECTION 1716. Participation of Colonists in Proceeds of Products. — Products grown, manufactured, or otherwise produced by the colonists may be sold under the supervision of the superintendent; and subject to such regulations as may be prescribed in reference thereto, the persons producing the same may be allowed such part of the proceeds thereof as shall be approved by the Department Head.

[2657–1938.]

SECTION 1717. Monthly Allowance in Cash. — Colonists occupying positions of special trust may, with the approval of the Department Head, be granted a monthly allowance in cash, not to exceed five pesos, or an equivalent amount of supplies from the general store, to be paid or paid for from the regular appropriation for contingent expenses of the Iwahig Penal Colony.

[2657–1939.]

SECTION 1718. Right of Released Colonists to Remain in Colony. — On the expiration of the sentence of any colonists he may, subject to the regulations, be allowed to continue to reside upon the reservation and to cultivate land and occupy a house to be designated and selected by the superintendent of the colony.

[2657–1940.]

SECTION 1719. Supply Store for Iwahig Penal Colony. — The Director of Prisons, with the approval of the Department Head, shall establish and maintain a general store for the sale of merchandise which may be required by the residents of the settlement, and for the purchase of produce which, under authority from the Department Head, colonists residing at the settlement may dispose of for their own profit. Colony produce may be sold to others than residents of the settlement should there be more to be disposed of than is required for the use of the colony and the main prison.
The supply-store fund shall be reimbursable, the receipts from the business of the supply store being available for the payment of the cost of supplies and other expenses incident to the conduct of said store, without reappropriation.

[2657–1941.]

SECTION 1720. San Ramon Penal Farm. — A penal farm shall be maintained at San Ramon, in the Province of Zamboanga, (Department of Mindanao and Sulu), for the confinement of (insular) national prisoners and such other prisoners as may be remitted thereto in accordance with law.

The Director of Prisons shall have authority to designate the superintendent of the San Ramon Penal Farm as summary court, by whom members of the San Ramon Penal Farm guard may be tried for violation of the regulations governing the same for willful or neglectful waste, loss, or destruction of arms, ammunitions or accouterments, for disobedience or disrespect toward their superior officers absence from quarters or duty without leave, drunkenness, abandonment of employment without having secured proper release, willful violation or neglect of duty, or misconduct to the prejudice of good order and discipline. The punishment which may be imposed by this summary court shall not exceed the forfeiture of one month's pay, or discharge.

[2657–1922.]

SECTION 1721. Bontoc Prison. — A prison shall be maintained at Bontoc for the detention and confinement of provincial prisoners of the Mountain Province and of (insular) national prisoners who are non-christian inhabitants of the Mountain Province or of the Province of Nueva Vizcaya.

The maintenance of (insular) national prisoners of the Mountain Province or of Nueva Vizcaya detained or confined at Bontoc, and the return transportation of all such (insular) national prisoners from their place of detention or confinement to their homes when discharged, shall be paid from the funds of the Mountain Province or of the Province of Nueva Vizcaya, as the case may be.

[2657–1923.]

SECTION 1722. Establishment of Penal Institutions by (Governor-General) President of the Philippines — Transfers of Prisoners. — The (Governor-General) President of the Philippines shall have authority to designate and establish (insular) national penal institutions or settlements. He shall also have the power to direct, as occasion may require, the transfer of (insular) national prisoners between (insular) national penal institutions, or from a (an insular)
national penal institution to a provincial prison, or vice versa. The expenses of such transfers shall be borne by the Bureau of Prisons, except the cost of escort service rendered by the Constabulary.

[2657–1924.]

ARTICLE II

Prison Régime in General

SECTION 1723. Detail of Prisoners to Public Works. — The (Governor-General) President of the Philippines may, from time to time, detail (insular) national prisoners to work in any part of the Islands upon any public work not within the purview of section one thousand seven hundred and twenty-seven hereof; and the Department Head shall fix the terms and conditions upon which any branch of the Government may receive the labor of such (insular) national prisoners.

[2657–1925.]

SECTION 1724. Regulations of Bureau of Prisons. — The regulations of the Bureau of Prisons shall contain such rules as will best promote discipline in all (insular) national and provincial prisons and penal settlements and best secure the reformation and safe custody of prisoners of all classes.

[2657–1926.]

SECTION 1725. Duty of Prison Authorities to Enforce Sanitary Orders of Director of Health. — The officers in charge of all prisons, penal settlements, jails, and other places of confinement shall comply with and cause to be executed all sanitary orders, and put into force all sanitary regulations issued by the Director of Health for their several institutions.

[2657–1927.]

SECTION 1726. Mode of Treatment of Prisoners. — Prisoners shall be treated with humanity. Juvenile prisoners shall be kept, if the jail will admit of it, in apartments separate from those containing prisoners of more than eighteen years of age; and the different sexes shall be kept apart. The visits of parents and friends who desire to exert a moral influence over prisoners shall at all reasonable times be permitted under proper regulations.

[2657–1928.]
SECTION 1727. Liability of Prisoners to Labor. — All convicted able-bodied, male prisoners not over sixty years of age, may be compelled to work in and about prisons, jails, public buildings, grounds, roads, and other public works of the (Insular) National Government, the provinces, or the municipalities, under general regulations to be prescribed by the Director of Prisons, with the approval of the Department Head. Persons detained on civil process or confined for contempt of court and persons detained pending a determination of their appeals may be compelled to police their cells and to perform such other labor as may be deemed necessary for hygienic or sanitary reasons.

[2657–1929.]

SECTION 1728. Assignment of Women to Work. — Convicted female prisoners may be assigned to work suitable to their age, sex, and physical condition.

[2657–1930.]

ARTICLE III

Provincial Jails

SECTION 1729. Provincial Jails. — A jail for the safe-keeping of prisoners shall be maintained at the capital of each province; and in the absence of special provision all expenses incident to the maintenance thereof and of maintaining prisoners therein shall be borne by the province.

Until the City of Manila shall maintain a separate institution for its prisoners, they shall be kept in the main prison, whether their status be that of provincial prisoners or municipal prisoners.

[2657–1942.]

SECTION 1730. Visitation and Inspection of Provincial Jails. — The judge of the Court of First Instance and the provincial board shall, as often as the judge of the Court of First Instance is required to hold court in the province, make personal inspection of the provincial jail as to the sufficiency thereof for the safe-keeping and reformation of prisoners, their proper accommodation and health, and shall inquire into the manner in which the same has been kept since the last inspection. A report of such visitation shall be submitted to the Secretary of Justice, who shall forward the same or a copy thereof to the Director of Prisons.

Once during each month the provincial inspector of Constabulary in a province shall visit the provincial jail and make report upon its condition to the
SECTION 1731. **Provincial Governor as Keeper of Jail.** — The governor of the province shall be charged with the keeping of the provincial jail, and it shall be his duty to administer the same in accordance with law and the regulations prescribed for the government of provincial prisons. The immediate custody and supervision of the jail may be committed to the care of a jailer to be appointed by the provincial governor. The position of jailer shall be regarded as within the unclassified civil service but may be filled in the manner in which classified positions are filled, and if so filled, the appointee shall be entitled to all the benefits and privileges of classified employees, except that he shall hold office only during the term of office of the appointing governor and until a successor in the office of jailer is appointed and qualified, unless sooner separated.

The provincial governor shall, under the direction of the provincial board and at the expense of the province, supply proper food and clothing for the prisoners; though the provincial board may, in its discretion, let the contract for the feeding of the prisoners to some other person.

SECTION 1732. **Amount of Allowance for Feeding of Prisoners.** — The ordinary allowance to be made by the provincial board for the feeding of prisoners by the governor of the province or such other person as may have the contract therefor shall, in case of persons arrested on criminal process, not exceed twenty centavos each per day; but the provincial board may pay more when necessary to the proper maintenance of the prisoners.

The compensation for the support of a prisoner arrested on civil process shall be at the rate of forty centavos per day, to be advanced weekly to the jailer by the plaintiff in the civil process, and to be taxable as costs.

SECTION 1733. **Record of Prisoners to be Kept by Jailer.** — The governor, or the jailer appointed by him, shall keep a true and exact record of all prisoners committed to the provincial jail, and of all provincial prisoners awaiting trial before the Court of First Instance detained in any municipal jail of the province, which record shall contain the names of all persons who are committed, their place of abode, the time of commitment, the cause of their commitment, the authority that committed them, and the description of their persons; and when any
prisoner is liberated such calendar shall state the time when and the authority by which such liberation took place; if any prisoner shall escape, it shall state particularly the time and manner of such escape; if any prisoner shall die, the date and cause of his death shall be entered on the record.

[2657–1946.]

SECTION 1734. Submission of Record to Court. — At the opening of each term of the Court of First Instance within his province, the governor shall return a copy of such record under his hand to the judge of such court; and if the same be not forthcoming, it shall be the duty of the judge to require its production under penalty of contempt.

[2657–1947.]

SECTION 1735. Transfer of Custody of Jail to Constabulary officer. — In any province in which, in the opinion of the (Governor-General) President of the Philippines, the provincial jail is not safely guarded, he shall have authority by executive order to direct that the senior Constabulary officer of such province shall take custody of the jail under the supervision of the provincial governor and guard the prisoners therein, using for this purpose members of the Philippine Constabulary as jail guards.

Such action shall in no wise alter the liability of the province for the expenses incident to the maintenance of prisoners or the keeping, repair and construction of the jail; but the payment and subsistence of the Constabulary guard shall be at the expense of the Constabulary.

[2657–1948.]

SECTION 1736. Preservation of Documents Relating to Confinement of Prisoners. — All warrants and documents of any kind, or attested copies thereof, by which a prisoner is committed or liberated, shall be regularly indorsed, filed, and kept in a suitable box by such governor or by his deputy acting as jailer, and such box, with its contents, shall be delivered to the successor of the officer having charge of the prisoner.

When a prisoner is confined by virtue of any process directed to the governor or sheriff and which shall require to be returned to the court whence it issued, such governor or sheriff shall keep a copy of the same, together with his return made thereon, which copy, duly certified by said governor or sheriff, shall be presumptive evidence of his right to retain such prisoner in his custody.
SECTION 1737. Transfer of Prisoners to Jail of Neighboring Province. — In case there should be no jail in any province, or in case of provincial jail of any province be insecure or insufficient for the accommodation of all provincial prisoners, it shall be the duty of the provincial board to make arrangements for the safe-keeping of the prisoners of the province with the provincial board of some neighboring province in the jail of such neighboring province, and when such arrangement has been made it shall be the duty of the officer having custody of the prisoner to commit him to the jail of such neighboring province, and he shall be there detained with the same legal effect as though confined in the jail of the province where the offense for which he was arrested was committed.

SECTION 1738. Use of Jail for Detention of Fugitives from Justice. — Any provincial jail may be used for the safe-keeping of any fugitive from justice from any province, and the jailer shall in such case be entitled to receive the same compensation for the support and custody of such fugitive from justice as is provided for other prisoners, to be paid by the officer demanding the custody of the prisoner, who shall be reimbursed for such outlay as a part of the costs of the prosecution.

ARTICLE IV

Status of Prisoners

SECTION 1739. Persons Deemed to be Municipal Prisoners. — The following persons are to be considered municipal prisoners:

(a) Persons detained or sentenced for violation of municipal or city ordinances.

(b) Persons detained pending trial before justices of the peace or before municipal courts.

(c) Persons detained by order of a justice of the peace or judge of a municipal court pending preliminary investigation of the crime charged, until the court shall remand them to the Court of First Instance.

(d) Persons who by reason of their sentence may be deprived of
liberty for not more than thirty days. The imposition of subsidiary imprisonment shall not be taken into consideration in fixing the status of a prisoner hereunder except when the sentence imposes a fine only.

[2657–1952.]

SECTION 1740. Persons Deemed to be Provincial Prisoners. — The following persons, not being municipal prisoners, shall be considered provincial prisoners:

(a) Persons detained pending preliminary investigation before a judge of the Court of First Instance or pending trial before the Court of First Instance.

(b) Persons who by reason of their sentence may be deprived of liberty for not more than one year or are subjected to a fine of not more than five hundred pesos, or are subjected to both penalties; but if a prisoner receives two or more sentences in the aggregate exceeding the period of one year, he shall not be considered a provincial prisoner. The imposition of subsidiary imprisonment shall not be taken into consideration in fixing the status of a prisoner hereunder except when the sentence imposes a fine only.

[2657–1953.]

SECTION 1741. (Insular) National Prisoners. — Prisoners who are neither municipal nor provincial prisoners shall be considered (insular) national prisoners, among whom shall be reckoned, in any event, all persons sentenced for violation of the Customs Law or other law within the jurisdiction of the Bureau of Customs or enforceable by it.

[2657–1954.]

SECTION 1742. Confinement of Provincial Prisoners in Municipal Jails. — When the sentence of a provincial prisoner does not exceed three months, the provincial board may authorize his confinement during such period in a municipal jail if in the judgment of said board the public interest will be subserved thereby.

Provincial boards may, also, with the approval of the Secretary of the Interior, direct the confinement of persons detained pending preliminary investigation before a judge of the Court of First Instance or pending trial before the Court of First Instance, in the jail of the municipality where such investigation
or trial is to be held, if no provincial jail be located therein.

[2657–1955.]

SECTION 1743. Confinement of Municipal Prisoners in Provincial Jails. — Provincial boards may, with the approval of the Secretary of the Interior, direct the confinement of municipal prisoners, in provincial jails when by reason of the lack, inadequacy, or insecurity of municipal jails such action becomes necessary, or when in their judgment such confinement would best subserve the public interest.

[2657–1956.]

SECTION 1744. Expense of Maintenance — Except as otherwise specially provided, the expense of the maintenance of prisoners shall be borne as follows, regardless of the place of confinement: in the case of a municipal prisoner, by the city or municipality in which the offense with which the prisoner is charged or of which he stands convicted was committed; in the case of a provincial prisoner, by the province in which the offense was committed; and in the case of (an insular) a national prisoner, by the Bureau of Prisons.

[2657–1957.]

SECTION 1745. Status of Prisoners as Affected by Parole, Allowance of Good Behavior, Etc. — The provisions of law relative to paroles, conditional pardons, and the diminution of sentences for good behavior shall not be construed to change the original status of prisoners or to affect liability for their maintenance.

[2657–1958.]

SECTION 1746. Status of Prisoner as Affected by Appeal. — Pending an appeal, the status of a prisoner shall not be changed, and whenever upon appeal to, or review by, a higher court, the status of a prisoner, as hereinbefore fixed, shall be changed by an increase or diminution of his sentence, the responsibility of the (Insular) National Government or the provinces or municipalities, as the case may be, for the maintenance of such prisoner due to such change in sentence shall take effect from the date of judgment of the higher court and shall not be retroactive.

[2657–1959.]

ARTICLE V

Miscellaneous Provisions
SECTION 1747. **Transportation Expenses Payable by Municipality.** — All actual and necessary expenses incurred in the transportation and guarding and subsistence of prisoners during transportation, from municipal jails to provincial jails, except the expenses of Constabulary escorts, if any, shall be paid from the funds of the proper municipality.

[2657–1960.]

SECTION 1748. **Transportation Expenses Payable by Province.** — All actual and necessary expenses incurred in the transportation, and guarding and subsistence during transportation, of (insular) national prisoners from provincial jails to (an Insular) a National prison, reformatory, or insular penal institution, except the expenses of the Constabulary escort, if any there be, shall be borne by the proper province.

[2657–1961.]

SECTION 1749. **Return Transportation to be Borne by Bureau of Prisons.** — The return transportation of all discharged (insular) national prisoners from their place of confinement to their homes shall be paid out of the appropriation for the Bureau of Prisons, except as otherwise especially provided.

[2657—1952.]

SECTION 1750. **Transfer of Prisoners From Provincial or Municipal Jail to (Insular) National Prison or Vice Versa.** — When in the discretion of the (Governor-General) President of the Philippines, the insanitary or insecure condition of any provincial or municipal jail makes it advisable, or when the public interests require, he may transfer to any (insular) national prison or penal institution all or any of the prisoners committed to such jail, and may also direct the return of said prisoners to provincial or municipal jails when deemed expedient. The (Governor-General) President of the Philippines may also, whenever in his opinion it will be to the best interest of the province or municipality concerned, authorize the confinement of any prisoner sentenced to less than three months' imprisonment, including subsidiary imprisonment, in the jail of the municipality wherein the prisoner may have been convicted. The order of commitment of such prisoners, together with a copy of the order directing their transfer, shall accompany the prisoners and be delivered with them to the officer in charge of the penal institution to which they are sent.

The expenses of the transportation, guarding, subsistence, care, and maintenance of any prisoner transferred to any (insular) national prison or penal institution, or returned to any province for trial or for appearance as a witness or
otherwise hereunder shall be a charge against the treasury of the province from which he was transferred, and the amount of said expenses shall be fixed by the Department Head, with the approval of the (Governor-General) President of the Philippines.

[2657–1963.]

SECTION 1751. *Transportation and Clothes for Released Prisoner.* — Upon the release of (an insular) a national prisoner he shall be supplied by the Bureau of Prisons with transportation to his home, including a gratuity to cover the probable cost of subsistence en route, and if necessary, a suit of clothes of the value of not more than ten pesos, or in case the prisoner is deported, of not more than forty pesos.

[2657–1964.]

**CHAPTER 46**

*Bureau of (Agriculture) Plant Industry(1358)*

**ARTICLE I**

*Organization of Bureau*

SECTION 1752. *Chief Officials of Bureau of (Agriculture) Plant Industry.* — The Bureau of (Agriculture) Plant Industry shall have one Chief and one Assistant Chief to be known respectively as the Director of (Agriculture) Plant Industry and the Assistant Director of Plant Industry.

[2657–1849; Act 3639–5, 7, 8(1359).]

SECTION 1753. *Functions of Bureau of (Agriculture) Plant Industry.* — It shall be the function of said Bureau to collect and disseminate useful information pertaining to agriculture in the (Philippine Islands) Philippines, to encourage the use of improved agricultural methods; and, in general, to promote the development of the agricultural resources of the Archipelago, as follows:

(a) By the introduction of new domesticated animals, and the improvement of the breeds of domesticated animals now found in the Islands;

(b) By the control and eradication of diseases of live stock;

(c) By the investigation of soil and climatic conditions, and the
methods of producing and handling agricultural products;

(d) By the introduction, production, and distribution of improved seeds and plants;

(e) By the control and eradication of diseases, insects, and other pests injurious to cultivated plants;

(f) By the operation of a system of demonstration and agricultural extension work;

(g) By the collection of agricultural statistics; and

(h) By the publication and distribution of bulletins, circulars, and other printed matter.

[2657–1850; see Act 3639–8(1360).]

SECTION 1754(1361). Experiment Stations, Farms, and Stations for Agricultural Instruction. — In such places in the (Philippine Islands) Philippines as may be considered suitable for the purpose, the Director of (Agriculture) Plant Industry, with the approval of the Head of the Department, shall, as funds shall be available therefor, establish, equip, maintain, and operate experiment stations, farms, stock farms, and stations for practical agricultural instruction.

In the Bureau of Agriculture is also vested the supervision and control of American agricultural colonies.

[2657–1851; see Act 3639–8(1362).]

SECTION 1755. Stations Operated Jointly by Bureau of (Agriculture) Plant Industry and Other Body. — Where circumstances are deemed favorable, stations for practical agricultural instruction may be established and operated by the Bureau of (Agriculture) Plant Industry in cooperation with any province, municipality or agricultural association of the (Philippine Islands) Philippines, but such stations shall, in all cases, be managed under the supervision and control of the Director of (Agriculture) Plant Industry.

[2657–1852; see Act 3639–8(1363).]

SECTION 1756. Control Over Exportation and Importation of Plant Material. — The exportation from and the importation into the (Philippine Islands) Philippines of all plant material or parts thereof or of any material whatsoever which may be used for packing material or covering thereof is prohibited except
through such ports as may be designated by and subject to such rules and regulations as may from time to time be prescribed by the Director of (Agriculture) Plant Industry, with the approval of the Department Head.

[2657–1853; see Act 3639–8(1364).]

SECTION 1757. Protection of Agricultural Interests From Plant Diseases. — The Director of (Agriculture) Plant Industry shall, subject to the approval of the Department Head, make and enforce such rules and regulations as he may deem necessary to protect the agricultural interests in any district infested or infected with any injurious or dangerous plant pest or disease which may have become established or which is liable to become a menace to said interests.

[2657–1854; see Act 3639–8(1365).]

SECTION 1758. Provincial Agricultural Nurseries Under Supervision of Director of (Agriculture) Plant Industry. — The provincial board of each province of the (Philippine Islands) Philippines shall establish, maintain, and hereafter provide for the necessary operating expenses of at least one public agricultural nursery for the cultivation and propagation of fruit trees and other agricultural products, which shall be located at the capital or the most suitable place of the province, to be fixed by the Director of (Agriculture) Plant Industry, who shall in this respect be guided by the climatic conditions, productivity of the soil, means of communication, and other pertinent considerations. In case the public good requires it, such nursery may be transferred, upon recommendation of the Director of (Agriculture) Plant Industry, from one place of the province to another where a nursery does not yet exist, as hereinafter provided.

[2657–1855; see Act 3639–8(1366).]

SECTION 1759. Municipal Agricultural Nurseries Under Supervision of Director of (Agriculture) Plant Industry. — Any municipal council may establish, maintain, and operate similar nurseries on its own account, upon petition by such municipal council, approved by the provincial board, with the concurrence of the Director of (Agriculture) Plant Industry.

[2657–1856; see Act 3639–8(1367).]

SECTION 1760. Supervisory Authority of Director of (Agriculture) Plant Industry. — The Director of (Agriculture) Plant Industry shall have the exclusive general supervision of all agricultural work done in these nurseries, and shall from time to time confer with the provincial board concerning the progress made and shall recommend the improvements that should be introduced in said nurseries.
The Director of (Agriculture) Plant Industry may, for good cause, at any time close any nursery temporarily, informing the public of this fact by posting a notice to this effect at a conspicuous place in said nursery.

[2657–1857; see Act 3639–8(1368).]

ARTICLE II

Animal Quarantine(1369)

SECTION 1761. Terms Defined. — "Domestic animals," as herein used, includes horses, mules, asses, cattle, carabaos, hogs, sheep, goats, dogs, deer, and circus animals or those intended to be used for show purposes.

"Dangerous communicable disease," as herein used, includes glanders or farcy, surra, rinderpest, hemorrhagic septicemia, hog cholera, foot-and-mouth disease, contagious pleuropneumonia, or any other acute communicable disease which may cause a mortality of over five per centum in the period of one month.

[2657–1858.]

SECTION 1762. Bringing of Animals Imported From Foreign Countries Into the (Philippine Islands) Philippines. — It shall be unlawful for any person or corporation to import, bring or introduce live cattle into the (Philippine Islands) Philippines from any foreign country. The Director of (Agriculture) Animal Industry may, with the approval of the Head of the Department first had, authorize the importation, bringing or introduction of various classes of thoroughbred cattle from foreign countries for breeding the same to the native cattle of these Islands, and such as may be necessary for the improvement of the breed, not to exceed five hundred head per annum: Provided, however, That the Director of (Agriculture) Animal Industry shall in all cases permit the importation, bringing or introduction of draft cattle and bovine cattle for the manufacture of serum: Provided, further, That all live cattle from foreign countries the importation, bringing or introduction of which into the Islands is authorized by this Act, shall be submitted to regulations issued by the Director of (Agriculture) Animal Industry, with the approval of the Head of the Department, prior to authorizing its transfer to other provinces.

At the time of the approval of this Act, the (Governor-General) President of the Philippines shall issue regulations and order to provide against a raising of the price of both fresh and refrigerated meat. The (Governor-General) President of the Philippines also may, by executive order, suspend this prohibition for a fixed period in case local conditions require it.
SECTION 1763. Removal of Diseased Animal from Province to Province Prohibited. — It shall be unlawful for any person knowingly to ship, drive, or otherwise take to transport from one island, province, municipality, (township, or settlement) municipal district to another any domestic animal suffering from any dangerous communicable disease or to expose such animal, either alive or dead, on any public road, street, or highway where it may come in contact with other domestic animals.

SECTION 1764. Regulation Concerning Removal of Diseased Animals From Infected Localities. — When the Department Head shall declare that a dangerous communicable animal disease prevails in any island, province, municipality, (township, or settlement) municipal district and that there is danger of spreading such disease by shipping, driving, or otherwise transporting or taking out of such island, province, municipality, (township, or settlement) municipal district any class of domestic animals, it shall be unlawful for any person, firm, or corporation to ship, drive, or otherwise remove the kind of animals so specified from such locality except when accompanied by a certificate issued by authority of the Director of (Agriculture) Animal Industry stating the number and kind of animals authorized to be shipped, driven, taken, or transported, their destination, the manner in which they are authorized to be shipped, driven, taken, or transported, and their brands and distinguishing marks. Such certificate shall also state that the animals in question have been inspected by a duly authorized agent of the Director of (Agriculture) Animal Industry and found free from dangerous communicable animal diseases and shall give the date of such inspection.

SECTION 1765. Powers of Director of Animal Industry Relative to Animal Quarantine, Inspection, and Sanitation. — The Director of Animal Industry is hereby authorized —

(a) To maintain inoculation, quarantine, and detention stations for domestic animals in such places as may be approved from time to time by the Department Head, and to place all animals arriving from foreign and domestic ports or interior places in quarantine for such time as he may deem necessary to prevent the introduction and spread of dangerous communicable animal diseases.
(b) To inspect all domestic animals arriving by boat, rail, or otherwise in the cities, ports, or places where quarantine stations are maintained and in such other places as he may deem necessary for the purpose of preventing the introduction and spread of dangerous communicable animal diseases within the (Philippine Islands) Philippines.

(c) To require that animals which are suffering from dangerous communicable diseases or have been exposed thereto be placed in quarantine at such place and for such time as may be deemed by him necessary to prevent the spread of such disease.

(d) To require the cleaning and disinfecting of any utensil, place, corral, yard, or building deemed by him to be infected with dangerous communicable animal disease, and to prohibit the keeping of any domestic animals in such place, corral, yard, or building until it has been placed in a sanitary condition.

(e) To require the cleaning and disinfecting of any boat, car, vehicle, or other conveyance deemed by him to be infected with dangerous communicable animal disease, and to prohibit its further use for transporting domestic animals until it has been placed in a sanitary condition.

(f) To cooperate with provincial and municipal boards in the suppression of dangerous communicable animal diseases and to supervise and control the establishment and maintenance of municipal meat and milk inspection system, except in matters of sanitation and public health coming under the jurisdiction of the Bureau of Health.

The technical personnel that may be needed for the proper supervision and inspection thereof shall be appointed by the Secretary of Agriculture and Commerce upon the recommendation of the Director of Animal Industry, once the position is created by the respective chartered city or municipality, and the remuneration of such personnel and other expenses shall be payable from the meat and milk inspection fees collected by the respective municipalities concerned.

[C.A. 82–1(1375).]

(g) To prescribe all necessary measures for the enforcement of the
provisions of subsections (c), (d), and (e) above. The provincial governor of the province concerned shall have the direction of and be responsible for the enforcement of the measures so prescribed.

[2657–1862; see Act 3639–5, 7(1376).]

SECTION 1766. Delivery of Diseased Animal to Place of Quarantine. — When the Director of (Agriculture) Animal Industry shall order any animal to be placed in quarantine under the provisions of this article, the owner of such animal, or his agent, shall deliver it at the place designated for the quarantine and shall provide it with proper food, water, and attendance. Should the owner or his agent fail to comply with this requirement the Director of (Agriculture) Animal Industry may furnish supplies and attendance needed, and the reasonable cost of such supplies and attendance shall be collectible from the owner or his agent.

[2657–1863; see Act 3639–5, 7(1377).]

SECTION 1767. Disposition of Body of Animal Dying of Rinderpest. — The owners of animals which die having rinderpest shall, where practicable, cause their bodies to be burned and shall inter any unconsumed portions remaining. Where it is impracticable to burn such bodies, they shall cause them to be interred at a depth of at least one meter below the surface of the ground and thoroughly covered with earth.

It shall be unlawful to remove the skin, horns, or any part of the body of an animal which dies having rinderpest, except the bile or blood serum for use in immunizing other animals against the disease, and the removal of such materials shall be effected only by a veterinarian duly authorized by the Director of (Agriculture) Animal Industry.

[2657–1864; see Act 3639–5, 7(1378).]

SECTION 1768. Unlawful Disposition of Parts of Animals Dying of Rinderpest. — It shall be unlawful for any person knowingly to have in his possession, or knowingly to sell, offer for sale, or export the skin, horns, or any other part of an animal which has died having rinderpest, except the bile or blood serum; and all persons having in their possession skins, horns, or other portions of such animals shall destroy them by burning or shall inter them. Officers of the law are hereby authorized to seize and destroy such skins, horns, or other portions of the body of any animal which has died having rinderpest wherever found.

[2657–1865; see Act 3639–5, 7(1379).]
SECTION 1769. Marking of Cattle Afflicted With Surra. — It shall be lawful for any duly authorized agent of the Bureau of (Agriculture) Animal Industry or of the Bureau of Science to mark any animal found to be afflicted with surra by fastening in its right ear a metal tag marked with the letter "S" and with a number. It shall be unlawful to remove any such tag affixed as provided in this section until the animal so marked has been pronounced free from surra by a duly authorized agent of the Bureau of (Agriculture) Animal Industry or of the Bureau of Science.

[2657–1866; see Act 3639–5(1380).]

SECTION 1770. Prohibition Against Bringing of Animals From Infected Foreign Countries. — When the Department Head shall by general order declare that a dangerous communicable animal disease prevails in any foreign country, port, or place and that there is danger of spreading such disease by the importation of domestic animals therefrom, it shall be unlawful for any person knowingly to ship or bring into the (Philippine Islands) Philippines any such animal, animal effects, parts, or products from such place, unless the importation thereof shall be authorized under the regulations of the Bureau of (Agriculture) Animal Industry.

[2657–1867; see Acts 3639–5(1381), and 4007–2(1382).]

ARTICLE III

Grading of Fibers

SECTION 1771. Words Defined. — The words used in this law shall be taken in the sense indicated below:

(a) "Fiber" shall mean in this law the raw material only and not fibers partially or entirely manufactured. It shall be interpreted according to its common and commercial significance and not according to its scientific meaning.

(b) "Abaca" shall mean the fiber of the plant of the same name known in botany as Musa textilis.

(c) "Maguey" shall mean the fiber retted in sea water or in fresh water, or the knife- or machine-stripped fiber, washed in sea water, of the true sisal plant of the same name, known in botany by the name of Agave cantala Per.

(d) "Cantala" shall mean the knife- or machine-stripped fiber, whether or not washed in fresh water, of the plant of the same
name known in botany by the name of *Agave cantala* Roxb.

(e) "Sisal" shall mean the fiber retted in sea water or in fresh water, or the knife- or machine-stripped fiber washed in salt water, of the true sisal plant of the same name, known in botany by the name of *Agave sisalana* Per.

(f) "Sisalana" shall mean the knife- or machine-stripped fiber, whether or not washed in fresh water, of the true sisal plant known in botany by the name of *Agave sisalana* Per.

[2657–1868; 3263–1(1383).]

SECTION 1771-A. *Philippine Fiber Inspection Service.* — There is hereby created an office which shall have charge of the classification, baling, and inspection of Philippine fibers and shall be designated and known as "Philippines Fiber Inspection Service" and be governed by a standardization board.

[3263–2(1384).]

SECTION 1771-B(1385). *Standardization Board.* — There is hereby created a board which shall be designated and known as "Fiber Standardization Board" and shall be vested with the powers and duties hereinafter specified. Said Board shall consist of seven members, with the Director of Agriculture as its permanent chairman and executive officer, and the other members shall be appointed by the Governor-General, with the advice and consent of the Senate: Provided, That one member shall represent the local rope manufacturers; two members shall represent the fiber exporters; one member shall represent the dealers or middlemen; and two members shall represent the fiber producers.

[3263–2(1386).]

SECTION 1771-C. *Terms of Service of Members of Standardization Board.* — The members of the Standardization Board, with the exception of the Director of Agriculture, shall hold office as follows:

The manufacturer for three years; one exporter for two years, and one exporter for three years; the dealer for three years; one producer for two years, and one producer for three years. At the expiration of their respective terms of service, a successor shall be appointed for the term of three years from the date of such expiration. All vacancies, except through expiration of the term, shall be filed for the unexpired term only.

[3263–2(1387).]
SECTION 1771-D. Officers and Employees of the Board. — The said Board shall, immediately after its appointment, organize by electing a secretary-treasurer. The Board shall appoint such employees as it may deem necessary, and fix their duties, compensation, and terms of service. None of the said employees shall, during their service with the Board, be a member thereof.

[3263–2(1388).]

SECTION 1771-E. Duties of the Secretary-Treasurer. — The secretary-treasurer shall keep full and correct minutes of all the transactions and proceedings of the Board, and shall perform such other duties as may be assigned to him by the Board. He shall also pay out of the funds in his charge all properly approved accounts and shall, in general, manage the funds entrusted to him by and on behalf of the Board as authorized by law and regulations. He shall execute a bond in favor of the Board, conditioned upon the faithful performance of all the duties of his office, which bond shall be approved by the Board and be in such amount as the latter may determine.

[3263–2(1389).]

SECTION 1771-F. Meetings of Board. — The Board shall have its main office in the City of Manila, at such place as it may designate, and shall meet at such times as it may designate. The Board shall have authority to make the necessary rules not inconsistent with this law to carry out its functions.

[3263–2(1390).]

SECTION 1771-G. Transaction of Business. — The presence of five members of said Board shall constitute a quorum for transacting any of the business of the Board. In the absence of a quorum, the members present may adjourn the Board until there shall be a quorum. The concurrence of not less than five members of the Board shall be necessary to the formulation and promulgation of a rule or order.

[3263–2(1391).]

SECTION 1771-H. Reports of Proceedings. — The Board shall transmit to the Secretary of Agriculture and (Natural Resources) Commerce through the Director of Agriculture, copies of the minutes of its meetings, and also a monthly report of all work performed and of all funds collected during said month.

As soon as practicable after the first of January of each year, the Board shall
transmit to the (Governor-General) President of the Philippines, through the Secretary of Agriculture and (Natural Resources) Commerce, its annual report covering all the phases of the work performed and making such recommendations as it may deem proper.

[3263–2(1392).]

SECTION 1772. Official Standards for Commercial Grades of Fibers. — The Fiber Standardization Board shall determine the official standards for the various commercial grades of Philippine fibers that are or may hereafter be produced in the (Philippine Islands) Philippines for shipment abroad. Each grade shall have its proper name and designation which, together with the basis upon which the several grades are determined, shall be defined by the said Board in a general order. Such order shall have the approval of the Secretary of Agriculture and (Natural Resources) Commerce; and for the dissemination of information, copies of the same shall be supplied gratis to the foreign markets, provincial governors, municipal (presidents) mayors, and to such other persons and agencies as shall make request therefor.

If it is considered expedient to change these standards at any time, notice shall be given in the local and foreign markets for a period of at least six months before the new standard shall go into effect.

[2657–1869; 3263–3(1393).]

SECTION 1773. [Official Standards for Certain Other Fibers.]

[2657–1870.]

SECTION 1774. Preservation of Officials Standards. — The originals of all official standards shall be prepared in suitable form and shall be securely kept at the main office of the Fiber Standardization Board subject to renewal in the discretion of said Board but without variation of the standards, as occasion may require.

[2657–1871; 3263–5.]

SECTION 1775. Supply of Secondary Standards for Use of Trade. — Specimens of the different grades of fibers conforming to the original official standards shall be prepared under the supervision of the Fiber Standardization Board and shall, upon request, be supplied as secondary official standards, to all authorized establishments or chambers of commerce, planters' associations, and other institutions or persons directly interested in the trade, the actual cost of the
specimens to be paid in advance by the party requesting the same.

Secondary standards prepared by the Fiber Standardization Board or its authorized agents, shall be deemed to be official standards for all purposes, and for such periods as the Board may determine.

[2657–1872; 3263–6(1395).]

SECTION 1776(1396).  [Renewal of Secondary Standards by Grading Establishments.]

[2657–1873.]

SECTION 1777.  Classes of Grading Establishments. — There shall be four classes of grading establishments which shall be determined by the number of bales baled per annum as follows: First-class establishments, those baling fifty thousand bales and above; second-class establishments, those baling between thirty thousand and fifty thousand; third-class establishments, those baling between ten thousand and thirty thousand; and fourth-class establishments, those baling less than ten thousand bales.

The classification of fiber grading establishments shall be based on the number of bales baled during the year previous to the one for which a fiber grading permit is desired. In the case of a new grading establishment, it shall pay an initial fee equivalent to the amount paid by the lowest class grading establishment.

[2657–1874; 3263–8(1397).]

SECTION 1778.  Grading Permits. — No person shall engage in grading and baling fibers which have established official standards, unless he shall have previously obtained a permit which shall be issued by the Fiber Standardization Board and signed by the chairman thereof, such permits to be known as "grading permits."

[2657–1875; 3263–9(1398).]

SECTION 1779.  Fees for Grading Permits. — Grading permits shall be furnished to any grading establishment the owner or owners of which shall prove to the Fiber Standardization Board that they possess the necessary qualifications to carry on the work, and shall pay in advance an annual fee of one thousand pesos for first-class, five hundred pesos for second-class, two hundred and fifty pesos for third-class, and one hundred pesos for fourth-class establishments.

The Fiber Standardization Board may, after giving the grading
establishment one month's notice, cancel the grading permit of any establishment when it shall have been proved that such establishment has not carried on its grading and baling work in accordance with the provisions of this law and the authorized orders of the Fiber Standardization Board. The order of cancellation must be concurred in by not less than five members of the Fiber Standardization Board to be final, and shall take effect immediately.

[2657–1876; 3263–10(1399).]

SECTION 1780. Charges for Grading and Baling. — So far as their facilities shall extend beyond the requirements of their own business, grading establishments may grade and bale fibers for others when delivered in fit condition for such process. The charges for such services shall be fixed by the Fiber Standardization Board.

[2657–1877; 3263–11(1400).]

SECTION 1781. Grading of Fibers. — In the grading of fibers, each grade prepared shall correspond to one of the official standards, and it shall also bear the same designation and mark as the latter. The set of official standards shall be placed in a prominent position in the grading shed for reference.

[2657–1878.]

SECTION 1782. Use of Registered Mark by Exporters. — Every grading establishment in the fiber business shall have the right to use a mark (initial or initials) in connection with the designation of the official standard, proving that such mark shall have been previously registered with the Fiber Standardization Board and its use authorized by the same. The Board shall issue rules and regulations governing the registration and use of these marks. The Fiber Standardization Board shall have the power to cancel the registered mark of any grading establishment when, in its discretion the use of such mark has not been made in accordance with the prescribed rules and regulations.

[2657–1879; 3263–12(1401).]

SECTION 1783. Baling of Fibers for Export. — All fibers within the purview of this law which are intended for export shall be pressed in uniform bales. The approximate volume and net weight of each bale, together with the manner of binding, marking, wrapping, and stamping of the same, shall be defined in a general order by the Fiber Standardization Board.

For any grade of abaca in which the quality may be injured by excessive pressure, or for any grade which, owing to the nature of the fiber, it shall be
practically impossible to press to the dimensions of the bale prescribed in the first paragraph of this section, the approximate value of each bale of such fiber shall be determined in a general order by the Fiber Standardization Board.

[2657–1880; 3263–13(1402).]

SECTION 1784. *Supervision of Grading and Baling of Fibers.* — Grading establishments and the grading and baling of fibers shall be subject to the supervision of the Fiber Standardization Board or its duly authorized agents; and it shall be the duty of said Board to provide an adequate force of inspectors for the inspection and supervision of such places and processes. The Board is hereby authorized to fix the duties, compensation, terms of service, and distribution of all fiber inspectors; to provide for the manner of inspection and certification of any quantity of fiber submitted for such purpose, and to fix and regulate the collection of the inspection fees.

[2657–1881; 3263–14(1403).]

SECTION 1785. *Distribution and Duties of Fiber Inspectors.*

[2657–1882.]

SECTION 1786. *Detail of Fiber Inspectors for Instruction of Producers.* — The Director of (Agriculture) Plant Industry shall, from time, and as the conditions of the service permit, detail fiber inspectors for educational work among the fiber producers of the (Islands) Philippines. It shall be the duty of such inspectors to instruct the producers as to the manner in which they should prepare their product so as to meet the requirements of this article, and to give them such other information as will enable them to understand the grade or grades of fibers they prepare and the current prices therefor.

[2657–1883.]

SECTION 1787. *Grading, Baling, and Inspection of Fibers.* — All fibers of which the official standards shall have been established as hereinabove contemplated shall be graded baled, inspected, approved, and certified as in this law provided.

[2657–1884.]

SECTION 1788. *General Requirement as to Grading and Certification of Fiber.* — No fiber within the purview of this law shall be exported from the (Philippine Islands) Philippines in quantity greater than the amount sufficient to make one bale, without being graded, baled, inspected, and certified as in this law
SECTION 1789(1407). [Notice to be Given to Fiber Inspectors.]

SECTION 1790(1408). [Place and Manner of Inspecting Fibers.]

SECTION 1791. Inspection of Premises of Grading Establishment. — The fiber inspector or other person acting under his authority shall have free access to the grading and baling sheds; and also to the warehouses where the bales are stored, of any grading establishment within his jurisdiction, during working hours, to make an inspection, for the purpose of satisfying himself as to the propriety of the methods used therein. He shall also see that the approved set of official standards is always carefully preserved and renewed within the specified period.

SECTION 1792(1409). [Certificate of Inspected Fibers.]


SECTION 1794(1411). [Second Inspection of Fiber Shipped From Port to Port.]

SECTION 1794-1/2. Arbitration. — The Fiber Standardization Board may make rules and regulations for the settlement of all disputes which shall arise concerning the grading, baling, and condition of all fibers within the purview of this law.

SECTION 1795. Inspection Fees. — There shall be levied and collected as inspection fees by the Secretary of Agriculture and Commerce or by his
authorized agent with the approval of the President an amount not more than two pesos, nor less than ten centavos for each bale of fibers inspected and stamped, whether approved or rejected. Such fees shall be paid by the owner of the bale, to whom a receipt shall be issued. Subject to the approval of the President, the inspection fees may be changed at any time by the Secretary of Agriculture and Commerce within the higher and lower limit fixed in this section, and the Secretary of Agriculture and Commerce may also fix different rates of fees for the different grades of hemp, provided the fees are uniform for each grade: Provided, however, That the Secretary of Agriculture and Commerce shall give general notice in writing of his intention to change the amount of the inspection fees not less than fifteen days nor more than two months previous to the date on which such new fees shall take effect.

[2657–1892; 3263–19(1413); C.A. 603–1(1414).]

SECTION 1796. Refund of Inspection Fee Upon Fibers Used in Local Manufactures. — Any person purchasing graded, baled, and inspected fiber for manufacture in the (Philippine Islands) Philippines into yarn, twine, rope, or other articles shall be refunded the inspection fee hereinbefore provided for upon presentation to the Fiber Standardization Board of the certificate of inspection covering the number of bales consumed in such manufacture, together with an affidavit that said number of bales has actually been consumed in such manufacture within the (Islands) Philippines.

[2657–1893; 3263–20(1415).]

SECTION 1796-A. Fiber Inspection Section of the Fiber Division of the Bureau of Agriculture. — The fiber inspection section of the Fiber Division of the Bureau of Agriculture is hereby abolished and all records and data in its files and all business pertaining to fiber production and inspection pending at the time of the approval of this Act shall be transferred to the Fiber Standardization Board.

[3263–21(1416).]

SECTION 1796-B. Disposition of Funds. — All the amounts collected in the future and those which may have been collected up to the approval of this Act as fees for grading permits, baling and sale of specimens of the official standards shall be deposited in the National Treasury to the credit of the Secretary of Agriculture and Commerce and shall constitute a special fund to be used:

(a) For the payment of the salaries of the inspectors and other employees of the Fiber Office and of any expenses properly and duly incurred in the exercise of their powers and the
(b) Any unexpended surplus amount at the end of any year for the purposes mentioned in subsection (a) shall be expended by the Secretary of Agriculture and Commerce with the approval of the President of the Philippines for the following purposes: 1st. For investigational trips and for the establishment of agencies in the hemp markets abroad for the purpose of opening new markets for hemp and its by-products, enlarging the present markets, undertaking a publicity campaign for industrial products using hemp and other Philippine fibers or raw material, preventing the undue adulteration of Philippine fibers, and employing any other means tending to insure a reasonable price which will enable the producer to obtain a just compensation for his investment; 2nd. For the scientific and economical study of the hemp fibers and of other similar Philippine fibers with a view to their industrialization; 3rd. For the eradication and control of plagues and diseases injurious to the hemp plants and other similar plants; 4th. For the education and training of the producers of hemp and other fibers in connection with the cultivation, industrialization, stripping and baling thereof; 5th. For the establishment of hemp experimental stations; and 6th. For any other aims or purposes which in the judgment of the Secretary of Agriculture and Commerce shall tend to promote, improve, etc., the hemp industry and other fibers.

[3263–21(1417); C.A. 603–2(1418).]

ARTICLE IV
Board of Veterinary Examiners

SECTION 1797(1419). Board of Veterinary Examiners. — The Board of Veterinary Examiners shall consist of three reputable veterinarians, to be appointed by the (Governor-General) President of the Philippines. Each of the appointees shall be a graduate of some reputable school of veterinary medicine and shall have practiced or taught veterinary science or medicine for not less than three years.

[2245–2(1420).]

SECTION 1798. Functions and Duties of Board. — The Board of Veterinary Examiners is vested with authority, conformably with the provisions of
this article, to issue and revoke certificates of registration for veterinary practitioners. The Board shall study the conditions affecting the practice of veterinary medicine in all parts of the (Philippine Islands) Philippines and shall exercise the powers herein conferred with a view to the maintenance of proper standards of practice among members of the veterinary profession.

SECTION 1799(1421). Term of Members of Board. — Each member of the Board shall hold office for a term of three years from the date of the appointment, the terms of the first appointees having been so adjusted that one expires each year. Interim vacancies shall be filled by appointment for the unexpired term only.

[2245–3(1422).]

SECTION 1800. Removal for Cause. — Members of the Board may, by the (Governor-General) President of the Philippines, be removed for misconduct, incapacity, neglect of duty, or other just and sufficient cause.

[2245–5(1423).]

SECTION 1801(1424). Annual Election of Officers. — The Board shall have a president and a secretary-treasurer, to be chosen annually by the Board from its own membership.

[2245–7(1425).]

SECTION 1802(1426). Compensation of Members. — The members of the Board of Veterinary Examiners shall receive a fee of five pesos each for each person examined for registration as a veterinarian.

[2245–21(1427).]

SECTION 1803(1428). Duties of Secretary-Treasurer. — The secretary treasurer shall keep a record of the proceedings of the Board and a register of all persons to whom certificates are issued, setting forth the name, age, and place of business of each, his post-office address, and a statement of the names and locations of the institutions of veterinary science attended by him, with the duration of his studies therein, and the degrees or certificates conferred upon him.

[2245–15, 16(1429).]

SECTION 1804. Annual Examination. — The Board of Veterinary Examiners shall meet not less frequently than once in each year for the purpose of examining applicants for registration as veterinarians.
Such notice of this meeting shall be given as the regulations of the Board shall prescribe.

[2245–7(1430).]

SECTION 1805. Inhibition Against Practice of Veterinary Medicine by Uncertificated Persons. — Except as in this section provided, no person shall practice veterinary medicine in the (Philippine Islands) Philippines without holding a certificate of registration as veterinarian issued by the Board of Veterinary Examiners.

A person shall be deemed to be practicing veterinary medicine, within the meaning of this article, who shall, for compensation or reward, either direct or indirect, to himself or other person, treat, operate upon, prescribe, or advise for any animal ailment, disease, or injury.

Nothing herein shall be applicable to veterinarians in the service of the United States Government or to veterinarians in the service of the Government of the (Philippine Islands) Commonwealth of the Philippines so long as they do not engage in private practice.

[2245–1(b), 20, 23(a)(1431).]

SECTION 1806. Examination Requirement. — All applicants for registration under the provisions of this article shall be subjected to examination.

[2245–9, 11(1432).]

SECTION 1807. Preliminary Requisites to Examination. — Every applicant for examination under the provisions of this article shall represent to the Board satisfactory proof that he is a resident of the (Philippine Islands) Philippines, is of good moral character, and not less than twenty-one years of age. He shall also be required to show that he has studied and duly passed examination in at least the subjects specified in the next succeeding section hereof, or holds a certificate or diploma from some recognized and reputable school of veterinary science.

[2245–11, 12(1433).]

SECTION 1808. Subjects of Examination. — The examinations to be given to applicants for registration shall be prepared and designed to test and establish their knowledge and qualifications with regard to the following and such other subjects as the Board may deem advisable or desirable:

Comparative anatomy, physiology, chemistry, veterinary, surgery,
obstetrics, pathology, bacteriology, practice; materia medica, and therapeutics.

[2245–9(1434).]

SECTION 1809. Examination Fee. — No person shall be admitted to examination until he shall have paid to the secretary-treasurer of the Board the sum of twenty-five pesos as a fee for such examination. No such fee shall be returned to any person unless he decides before he has begun the examination to retire or withdraw therefrom.

[2245–12(1435).]

SECTION 1810. Registration and Certification of Qualified Applicants. — Such applicants for examination as shall pass the same satisfactorily and shall in other respects fulfill the requirements of this article shall be registered and certified as veterinarians and shall thereafter be entitled to practice the profession of veterinary medicine in the (Philippine Islands) Philippines.

All certificates shall be signed by a majority of the members of the Board and shall be attested by its official seal.

[2245–13(1436).]

SECTION 1811. Issuance of Duplicate Certificate. — Upon proof satisfactory to the Board that any certificate of registration has been destroyed or lost under such conditions that the improper use of it by some other person is improbable, said Board may issue a duplicate certificate to the person to whom the original certificate was issued upon the payment of five pesos.

[2245–19(1437).]

SECTION 1812. Refusal of Revocation of Certificate. — The board may refuse to examine or grant a certificate to practice veterinary medicine, or revoke a certificate already issued, for serious and justified reasons, in which case the interested person shall be so informed and what he has to say in his defense heard, and an appeal shall lie to the Department Head.

[2245–11(1438).]

SECTION 1813. Authority to Make Regulations. — Regulations governing examinations and determining the standards to be attained in them and generally such other regulations as may be necessary to carry the provisions of this article into effect shall be promulgated by the Board of Veterinary Examiners, with the approval of the Department Head.
ARTICLE V

Agricultural Supervisors

SECTION 1813-A. Provincial Agricultural Supervisors and Local Agricultural Supervisors. — There shall be a provincial agricultural supervisor in each province and a local agricultural supervisor in each municipality, municipal district or group of municipalities or municipal districts as may be recommended by the Director of Plant Industry. The provincial and local agricultural supervisors shall be appointed in accordance with the Civil Service Law and Rules.

[C.A. 85–1(1439).]

SECTION 1813-B. Powers and Duties of the Provincial Agricultural Supervisors. — The provincial agricultural supervisor shall be the chief representative of the Bureau of Plant Industry in his province and shall as such have within the same general supervision and direction of the work of said Bureau, especially as regards the investigation of soil and climatic conditions and methods of producing and handling agricultural products; the introduction, production and distribution of improved seeds and plants; the control and eradication of diseases, insects, and other pests injurious to plants; the operation of demonstration and agricultural extension work; the collection of agricultural statistics; and the publication and distribution of bulletins, circulars, and other printed matter. He shall at all times exercise supervision over the local agricultural supervisors of his province and shall keep informed as to the manner in which they perform their duties, by personal inspection where possible or by information he may secure from them or any other available means. He shall in proper cases advise them and give them instructions whenever they request the same or occasion therefor arises. He shall have power to take all steps necessary to check whatever may be injurious to agriculture and may cause the prosecution of persons responsible for any violation of the agricultural laws and ordinances and lawful regulations applicable to the province. He shall also have authority to combat any pest and remove the cause of any disease injurious to plants.

Whenever it shall come to his knowledge that any law, regulation or municipal ordinance promulgated to combat any plant pest or disease is being disregarded in any municipality or municipal district within his province and the enforcement of such law, regulations or ordinance is being neglected, he shall bring this fact to the attention of the local agricultural supervisor and of the (president) mayor of said municipality or municipal district and said officers shall immediately take such action as may be necessary to secure the proper enforcement of such law, regulation or ordinance.
The provincial agricultural supervisor shall prepare and send to the Director of Plant Industry an annual report on his work and on the condition of agriculture in his province and shall keep such records and statistics as said Director may require.

[C.A. 85–1(1440).]

SECTION 1813-C. Clerical Assistance for Provincial Agricultural Supervisor — Office Room and Supplies. — The provincial board of each province shall provide the necessary clerical assistance for the provincial agricultural supervisor and shall furnish suitable office room and the furniture, equipment, supplies, printing, stationery, and blank forms necessary for the proper transaction of the business of the office. Such personnel shall be appointed by the provincial board, on nomination by the provincial agricultural supervisor.

[C.A. 85–1(1441).]

SECTION 1813-D. Estimate to be Submitted by the Provincial Agricultural Supervisor to the Provincial Board. — The provincial agricultural supervisor shall prepare an estimate showing the probable expense of carrying on the work of his office and of the local agricultural supervisors of the province for the period for which the regular estimates of other provincial expenses are made, and shall seasonably submit the same to the provincial board, together with such additional information as may be required as a basis for appropriation. The provincial agricultural supervisor shall furnish a copy of such estimates to the Director of Plant Industry.

[C.A. 85–1(1442).]

SECTION 1813-E. Powers and Duties of Local Agricultural Supervisors. — The local agricultural supervisor shall perform his duties under the direct supervision of the provincial agricultural supervisor. He shall have the following powers and duties.

(a) He shall, subject to the direction of the provincial agricultural supervisor, exercise general supervision over the condition of agriculture in his district, and shall, within the same, enforce all agricultural legislation and regulations applicable and see to the proper prosecution of all violations thereof.

    He shall have authority to eliminate everything that may be a menace to agriculture in his district and to remove any cause of plant pest or disease and enforce the agricultural
legislation and regulations applicable in such cases.

(b) He shall provide himself with the necessary material and instruments for all urgent cases of plant disease or pest.

(c) He shall prepare and propose to the municipal council or municipal councils of his district suitable ordinances or regulations for the promotion and protection of local agriculture.

(d) He shall at least once a week or more frequently if necessary, inspect each barrio and sitio of his district and shall attend, free of charge, to the inquiries of planters and farmers for at least two hours weekly in the local government building or in any other available place that may be more suitable.

(e) He shall, on request, personally assist poor planters and farmers, free of charge in combating any injurious plant pest and shall, when necessary, apply to the provincial agricultural supervisor for assistance.

(f) He shall prepare and send to the provincial agricultural supervisor a quarterly report of his work and the condition of agriculture in his district.

(g) He shall keep such records and statistics as the provincial agricultural supervisor may require.

(h) He shall visit any place where an injurious plant pest or disease exists and shall take the measures provided by regulation and such others as may be necessary to prevent the spreading of such pest or disease. He shall whenever possible furnish to poor planters and farmers, free of charge, whatever may be required to combat a dangerous plant pest or disease.

(i) He shall cooperate with the local agricultural supervisors of neighboring municipalities or municipal districts in combating any dangerous plant pest or disease.

(j) He shall once a year or more frequently if necessary, deliver in each barrio or other suitable place in his district a public lecture in the local dialect, either directly or through an interpreter, on methods of cultivation of local importance in order to encourage the use of improved agricultural methods, and on the
control and eradication of diseases, weeds, insects and other pests injurious to cultivated plants.

(k) He shall, whenever directed to do so by the provincial agricultural supervisor, attend conferences of local agricultural supervisors called by said provincial agricultural supervisor.

(l) He shall perform such other duties as may be imposed upon by the Director of Plant Industry and the provincial agricultural supervisor.

[C.A. 85–1(1443).]

SECTION 1813-F. Office Room and Equipment for Local Agricultural Supervisor. — The office room and equipment for the local agricultural supervisor shall be provided by the municipality or municipalities or municipal district or municipal districts concerned.

[C.A. 85–1(1444).]

SECTION 1813-G. Adequate Stock of Improved Seeds, Chemicals, Implements, and Other Agricultural Supplies. — Each local agricultural supervisor shall have in his charge an adequate supply of improved seeds, chemicals, implements, and other supplies intended for the eradication of weeds, diseases, insects, and other pests injurious to cultivated plants. Articles from this stock may be sold at cost plus such reasonable surcharge as may be necessary to cover the cost of preparation and losses in transit or due to deterioration and other causes. The standing value of said stock shall not exceed two hundred and fifty pesos. The sale of said articles shall cease upon the establishment in the locality of any business enterprise engaged in the sale of agricultural supplies, in which case such stock shall be used exclusively for free public service.

[C.A. 85–1(1445).]

SECTION 1813-H. Agricultural Fund — How Created. — Each municipality or municipal district shall annually set aside a sum of not less than five per centum of its general fund, and each provincial board shall set aside from its general fund a like sum which, together with the sums set aside by the municipalities and municipal districts under its jurisdiction, shall constitute a special fund to be known as "agricultural fund."

[C.A. 85–1(1446).]

SECTION 1813-I. Use to be Made of Agricultural Fund. — The
agricultural fund so created shall be deposited with the provincial treasurer and shall be used only to pay the salaries and office and traveling expenses of the provincial agricultural supervisors, their subordinate personnel, and the local agricultural supervisors of the province, and the traveling expenses necessarily incurred by the same when proceeding from their place of residence to the place to which they were assigned upon being appointed, and for the purchase of improved seeds, chemicals, implements, and other supplies for the promotion and protection of agriculture to be issued to the municipalities and municipal districts concerned, and other incidental expenses in carrying out the purposes of this article.

Provincial boards are hereby authorized to accumulate from year to year any unexpended balances in the agricultural fund existing at the close of each fiscal year, for the purposes of establishing agricultural schools or making other permanent improvements intended for the promotion of agriculture in the province.

[C.A. 85–1(1447).]

SECTION 1813-J. Salaries of Provincial Agricultural Supervisors, Their Subordinates, and Local Agricultural Supervisors. — The provincial boards, on recommendation of the Director of Plant Industry, approved by the Secretary of Agriculture and Commerce, shall fix the salaries of the provincial agricultural supervisors and their subordinates, and the salaries of the local agricultural supervisors. The salaries of the provincial agricultural supervisors shall not be less than twelve hundred pesos nor more than three thousand six hundred pesos per annum.

[C.A. 85–1(1448).]

SECTION 1813-K. Substitute Local Agricultural Supervisor. — In case of illness or authorized leave, a local agricultural supervisor may, subject to the approval of the provincial agricultural supervisor, agree with another local agricultural supervisor to take his place, such service to be rendered without additional salary. In this case, the substitute agricultural supervisor shall be entitled to the traveling expenses and per diem that would accrue to the regular incumbent of the office. In case a local agricultural supervisor declines to render such service, the provincial agricultural supervisor shall designate therefor any local agricultural supervisor he may see fit.

[C.A. 85–1(1449).]

SECTION 1813-L. Regulations. — The Director of Plant Industry, with the approval of the Secretary of Agriculture and Commerce, shall promulgate such regulations as may be necessary to carry out the purposes of this article.
CHAPTER 47

Bureau of Forestry

PRELIMINARY ARTICLE

Title of Chapter

SECTION 1814. **Title of Chapter.** — This chapter shall be known as the Forest Law.

[2657–1006.]

ARTICLE I

Organization of Bureau

SECTION 1815. **Chief of Bureau of Forestry.** — The Chief of the Bureau of Forestry shall be known as the Director of Forestry.

[2657–1007.]

SECTION 1816. **Jurisdiction of Bureau of Forestry.** — The Bureau of Forestry shall have jurisdiction and authority over the demarcation, protection, management, reproduction, reforestation, occupancy, and use of all public forests and forest reserves and over the granting of licenses for game and fish, and for the taking of forest products, including stone and earth, therefrom.

[2657–1008; 3809–1(1451); see **C.A. 452(1452).**]

SECTION 1817. **Regulations of Bureau of Forestry.** — The regulations of the Bureau of Forestry, with the approval of the Department Head first had, shall, among other things, contain provisions deemed expedient or necessary to secure the protection and conservation of the public forests in such manner as to insure a continued supply of valuable timber and other forest products for the future, and regulating the use and occupancy of the forests and forest reserves, to the same end.

The regulations shall also specify the kinds of licenses that will be issued by the Bureau of Forestry.

[2657–1009.]
SECTION 1818. Authority of employees of Bureau of Forestry to Make Arrests and Seizures, and to Administer Oaths and Take Testimony. — Officers and employees of the Bureau of Forestry may arrest without warrant in a public forest or territory adjacent thereto, any person committing or attempting to commit an offense against the provisions of this chapter; and they may also make seizures of forest products liable to seizure under this chapter or under the provisions of the Internal Revenue Law applicable to public forests and forest products. In the latter case, the most accessible Internal Revenue Officer shall be notified and the property shall be delivered to him or held subject to his orders.

A person arrested by an employee of the Bureau of Forestry under the authority herein above given shall, if such be reasonably practicable, be brought within twenty-four hours after arrest, before a judge or justice of the peace, to be dealt with according to law.

The Director of Forestry, the Assistant Director of Forestry, and the chiefs of divisions in the Bureau of Forestry are authorized to administer oaths and take acknowledgments in matters of official business, and to take testimony in official investigations conducted under the authority of the laws and regulations relating to the Bureau of Forestry.

A forest officer may administer oaths and take acknowledgments as aforesaid and, when thereunto deputed by the Director of Forestry, may exercise the same authority to take testimony as other officers hereinabove named.

[2657–1011; 3809–2(1453).]

SECTION 1819. (President) Mayor of Municipality to Act in Absence of Local Forest Officer. — In the absence of a local forest officer, the (President) Mayor of the municipality or municipal district within which timber or other forest products are cut, collected, or disposed of, shall, when so instructed by the Director of Forestry, act in his stead for the performance of duties imposed upon such officer by or under the authority of the chapter.

[1148–41(1454); 2657–1011.]

ARTICLE II

Regulation and Use of Forests and Forest Products

SECTION 1820. Words and Phrases Defined. — For the purposes of this chapter, "public forest" includes, except as otherwise specially indicated, all unreserved public land including nipa and mangrove swamps and all forest
reserves of whatever character.

"Forest product," as used in this chapter and in the Internal Revenue Law, includes timber, buttress, pine tree (Christmas), firewood, charcoal, daluru, barks, tree tops, resins, gums, wood-oils, beeswax, nipa, nipa sap, rattans, lumbang or bagui-lumbang nuts, boho, buri leaves, buri fiber, dyewood, vines, cabonegro, tree ferns, or other forest growth and also stone or earth when taken elsewhere in a forest than from a mining claim.

[2657–1012.]

SECTION 1821(1455). Groups of Trees. — The various trees shall be divided into four groups:

The first group shall include acle, baticulin, betis, camagon, ebony, ipil, lanete, mancono, molave, narra, tindalo, and yakal.

The second group shall include alupag, aranga, banaba, bansalaguin, banuyo, batitinian, bolongeta, calamansanay, calantas, dungon, guiyo, macaasin, malacadios, mangachapuy, palomaria, supa, teak, and tuca-calao.

The third group shall include agoho, amuguis, anubing, apitong, batino, bitanhol, calumpit, catmon, dalinsi, dita, dungonalate, malamalac, malapapaya, malasantol, mayapis, nato, palosapis, panao, sacat, santol, tamayuan, and tanguile.

The fourth group shall include all species not included in any of the other groups.

The Director of Forestry may in his discretion by public order or regulation and with the approval of the Department Head change the permanent grouping of any tree; but no change in the grouping of a particular tree shall be made with greater frequency than at intervals of five years.

[2657–1013.]

SECTION 1822. Duty of Forest Officers to Cooperate with Bureau of Internal Revenue. — Forest officers and employees of the Bureau of Forestry shall cooperate with the Bureau of Internal Revenue in securing the payment of charges on forest products and shall assist said Bureau generally in the enforcement of the Internal Revenue Law in so far as it relates to forests and forest products.

[2657–1014.]

SECTION 1823. Pecuniary Interest of Employees in Public Forests and
Forest Products. — No officer or employee of the Bureau of Forestry shall have pecuniary interest in any forest or in any forest product therein or taken therefrom.

[2657–1015; 3809–3(1456).]

SECTION 1824. Principle Governing Administration of Forests. — The public forests of the (Philippine Islands) Philippines shall be held and administered for the protection of the public interests, the utility and safety of the forests, and the perpetuation thereof in productive condition by wise use; and it is the purpose of this chapter to provide for the same.

[2657–1016.]

SECTION 1825. Extent of Public Rights in Forests and Forest Products. — No prescriptive right to the use, possession, or enjoyment of any forest product, nor any permanent concession, continuing right, privilege or easement of any kind whatsoever upon or within the public forests and respecting the products thereof, shall accrue or be granted otherwise than in conformity with the provisions of this law, and except as specially provided, all such forests shall be and remain open to the people of the (Philippine Islands) Philippines for all lawful purposes.

[2657–1017.]

SECTION 1826. Regulation Setting Apart Forest Reserves — Revocation of Same. — Upon the recommendation of the Director of Forestry, with the approval of the Department Head, the (Governor-General) President of the Philippines may set apart forest reserves from the public lands, and he shall by proclamation declare the establishment of such reserves and the boundaries thereof, and thereafter such forest reserves shall not be entered, sold, or otherwise disposed of, but shall remain as such for forest uses, and shall be administered in the same manner as public forests.

The (Governor-General) President of the Philippines may in like manner by proclamation alter or modify the boundaries of any forest reserve from time to time, or revoke any such proclamation, and upon such revocation such forest reserve shall be and become part of the public lands as though such proclamation had never been made.

[2657–1018.]

SECTION 1827. Assignment of Forest Land for Agricultural Purposes. — Lands in public forests, not including forest reserves, upon the certification of the Director of Forestry that said lands are better adapted and more valuable for agricultural than for forest purposes and not required by the public interests to be
kept under forest, shall be declared by the Department Head to be agricultural lands.

[2657–1019.]

SECTION 1828. Establishing of Boundaries for Public Forests. — When the public interest requires the establishment of the boundaries of any public forest the Director of Forestry, with the approval of the Department Head, may make requisition upon the Bureau of Lands to establish the boundaries of such forest and erect monuments defining the same. The cost of such demarcation shall be defrayed from the revenues of the public forests.

[2657–1020.]

SECTION 1829. Registration of Title of Private Forest Land. — Every private owner of forest land shall register his title to the same with the Director of Forestry. A list of such owners, with a statement of the boundaries of their property, shall be furnished by said Director to the Collector of Internal Revenue, and the same shall be supplemented from time to time as occasion may require.

Upon application of the Director of Forestry the fiscal of the province in which any such land lies shall render assistance in the examination of the title thereof with a view to its registration in the Bureau of Forestry.

[2657–1021.]

SECTION 1830. Sale of Forest Products by Director of Forestry. — When not detrimental to the forest or to the interests which depend upon them, the Director of Forestry may select or designate forest products for sale or disposal and may sell or dispose of the same, upon licenses, at the prices specified in the Internal Revenue Law or as otherwise determined in accordance with law.

[2657–1022.]

SECTION 1831. License Required for Taking or Removal of Forest Products. — Except as herein provided, forest products shall be cut, gathered or removed in or from any forest only upon license from the Bureau of Forestry.

[2657–1023.]

SECTION 1832. Authority of Director of Forestry to Issue Gratuitous Licenses for Certain Purposes. — The Director of Forestry may, subject to regulations to be prescribed by him, and approved by the Head of the Department, grant gratuitous licenses for the use of forest products in reasonable quantities and
within definite territorial limits, for domestic purposes or for public works, churches, convents, and schoolhouses only, and not for sale or barter. When desirable for the preservation, betterment, or use of a forest such license may be granted for the removal of tops of fallen timber, regardless of the use to which the same may be put.

[2657–1024.]

SECTION 1833. Miner's License to Use Timber for Mining Purposes. — A gratuitous license to cut and use timber for mining purposes shall be granted on application to the holder, locator, owner, lessee, or operator of a mining claim. Said license shall be limited to the claim on which the timber is cut, and no timber shall be used under such license except in the development of the claim upon which it is cut. Said license shall specify the kinds and uses of the timber to which it entitles the holder and the territorial limits within which it is valid.

A miner's timber license to cut timber in the public forests or forest reserves other than that standing on the claim and desired for the development of said claim may be obtained on application by the holder, locator, owner lessee, or operator of a mining claim. Said license shall specify the kinds and uses of the timber to which it entitles the holder and the territorial limits within which it is valid.

[2657–1025.]

SECTION 1834. Conditions Imposed on Grantee of License. — Upon granting any license the Director of Forestry may prescribe and insert therein such terms, conditions, and limitations, not inconsistent with law, as may be deemed by him to be in the public interest.

[2657–1026.]

SECTION 1835. Duration of License — Cancellation or suspension of privilege granted by license. — No license granted by the Director of Forestry shall continue in force for more than twenty years; and any license may be canceled or temporarily suspended by the Director of Forestry, with the approval of the Department Head upon violation by the licensee, of any provision of the Forest Law or regulations of the Bureau of Forestry relating to the taking, removal, or use of forest products under license, or for violation of any material condition expressed in the license itself.

[2657–1027.]

SECTION 1836. Specifications of License. — Every license for the taking or removal of forest products shall specify in detail the rights to which it entitles
the holder, and all licenses issued to purchaser of forest products shall, when practicable, provide for exclusive territory in similar products to each licensee, and timber licenses shall provide for the selection of the timber before cutting when such selection is feasible.

[2657–1028.]

SECTION 1837. Taking of Forest Products by Unlicensed Person to Prejudice of Licensee. — Where a license is issued for the taking of forest products and a person other than the licensee unlawfully enters or operates without license in the territory covered thereby and cuts, gathers, or removes any forest products contrary to the terms of said license, or attempts to remove any products so cut or gathered the same may be seized and delivered to the proper licensee, upon the payment of the regular charges thereon, free from any claim on the part of the offended person. Should the licensee, upon receiving notice of the seizure, refuse, to accept such products and pay said charges, the property shall be deemed to be forfeited and upon delivery to the Bureau of Internal Revenue shall be disposed of under the Internal Revenue Law as such.

[2657–1029.]

SECTION 1838. Leasing of Forest Land for Special Purposes. — The Director of Forestry, with the approval of the Secretary of Agriculture and Commerce, may, upon such terms as he may deem reasonable, lease or grant to any Filipino citizen or association of persons duly incorporated and authorized by the Constitution to acquire lands of the public domain, permits for the use of forest lands or vacant public lands not declared agricultural land, for a period not exceeding twenty years, for the establishment of sawmills, lumber yards, timber depots, logging camps and rights-of-way and for the construction of hotels, sanatoria, bathing establishments, residences, or for camps, fishponds, nipa and bacauan plantations, pastures for large or small cattle or for other lawful purposes, in an area not exceeding twenty-four hectares, except in so far as fishponds, nipa and bacauan plantations, pastures and rights-of-way are concerned, for which the maximum area shall be two thousand hectares for pastures and two hundred hectares for fishponds and nipa and bacauan plantations; and for rights-of-way, the area of the land that may be leased shall be such as may actually and reasonably be necessary to carry out the purposes for which such lease is requested.

Any person or association of persons occupying or using any part of the forest land or vacant public land not declared agricultural land without permit as above required shall be liable to the payment of twice the regular rentals now or hereafter provided for by regulations for such kind of use during such time that the
area is illegally used or occupied.

[Senate Bill No. 17, passed February 8 and approved by Governor-General, March 9, 1917; 3820–1(1457); C.A. 100–1(1458).]

ARTICLE III

Communal Forests

SECTION 1839. Establishment of Communal Forests and Pastures. — The Director of Forestry, with the approval of the Department Head, may set aside, as communal forest or communal pasture, for the particular use of the inhabitants of any municipality or municipal district, one or more tracts of public land, more suitable for forest uses than for agriculture. Such assignment shall be preferably made from land in the province of the community to be served; but if there be no such land conveniently situated for the use of such community, a communal forest or a communal pasture may be assigned for its use in a neighboring province. If the public interests so require, the Director of Forestry may, with like approval, change the location or boundaries of a communal forest or a communal pasture, or dis-establish it altogether. A communal forest or a communal pasture, once established for such communal use, shall not be entered, sold or leased.

[2657–1031; 3388–1(1459).]

SECTION 1840. Taking of Lower-Group Timber Without License. — Until the twenty-fifth day of October nineteen hundred and thirty-five, residents of a place for which a communal forest shall not have been set aside may, without license and free of charge, take timber of the second and lower groups, minor forest products, and stone or earth which they need for personal purposes, and not for sale, provided such products are taken in a public forest, but not in a forest reserve: Provided, That a permit from the Bureau of Forestry to be issued free of charge shall be required for the transportation of said products from their place of origin to the municipality or municipal district wherein the applicant resides.

[2657–1032; 2902–1(1460); 3225–1(1461); 3577–1(1462).]

SECTION 1841. Administration of Communal Forest and Pasture. — Communal forests and communal pastures shall be administered by the Director of Forestry subject to the approval of the Department Head, in such a way as to insure to the people having rights therein a continued supply of forest products necessary for their home use and sufficient pasture for their animals, and to this end the Director of Forestry may prescribe the species and sizes of trees that may be cut, the manner of removal of such trees or other forest products, stone, or earth, and
the conditions under which pasture may be occupied. Subject to like approval, exploitation of a communal forest for revenue shall be allowed by the Director of Forestry, under a special license, only when the best interest of the forest requires cutting in excess of local needs.

[2657–1033; 3388–2(1463); see C.A. 452(1464).]

SECTION 1842. Cutting of First-Group Timber to Communal Forest. — Upon a satisfactory showing that a resident of any municipality or municipal district for which a communal forest has been set aside erect for his personal use a house of strong materials, the Director of Forestry may issue or cause to be issued to such resident a written permit for the cutting within such communal forest of the requisite amount of first-group timber within charge, provided that if a communal forest has not been set aside such permit may be given for any public forest in the jurisdiction of the municipality or municipal district in which the building is to be erected; but the privilege herein conferred shall be subject to abrogation or restriction by executive order in the discretion of the (Governor-General) President of the Philippines.

"House of strong materials," as here used, means any dwelling-house which has its frame, floor, and sides made of wood, or if not wholly of wood, of concrete, steel, stone, or other like material.

[2657–1034.]

CHAPTER 48

Bureau of Lands

ARTICLE I

Organization of Bureau

SECTION 1843. Chief Officials of Bureau of Lands. — The Bureau of Lands shall have one chief and one assistant chief, to be known respectively as the Director of Lands and the Assistant Director of Lands.

[2657–976.]

SECTION 1844. Powers and Functions of Bureau of Lands. — The Bureau of Lands shall be charged with the administration of all laws relative to public lands not classified as timber lands, the mineral lands, the friar lands, and of all other public real property not placed under the control of any other branch, department, bureau or office of the Government by legislative enactment or
competent administrative authority.

As custodian and administrator of the public lands classified by the Bureau of Forestry as non-timber lands, and of other real property of the (Insular) National Government, the Director of Lands, with the approval of the Department Head, shall have power to regulate the occupation or provisional use thereof, specifying in its regulations what kinds of licenses shall be issued by the Director of Lands, including licenses for the taking of stone, sand, gravel, and earth from lands of the public domain or from the beds of seas, rivers, streams, creeks, and other public waters, where such taking is not otherwise regulated under existing law: Provided, That the amounts which may be collected for licenses to take such materials shall accrue to the road and bridge fund of the province concerned: And provided, further, That for the purposes of this Act, provincial treasurers are designated deputies of the Director of Lands.

The officers and employees of the Bureau of Lands shall have police authority over lands classified by the Bureau of Forestry as non-timber public lands, and other public real property under the custody and control of said Bureau and declared to be of the public domain by the courts, and shall have power to execute the decisions, resolutions, and decrees of the Bureau of Lands relative thereto, unless such decisions, resolutions or decrees are revoked or suspended by order of the Court of First Instance of the province in which the public land or real property in question is situated.

The said Bureau shall conduct surveys of the public domain and other public property, cadastral surveys, and official surveys of private property, and shall exercise such other powers as are hereinafter conferred.

All existing records of Spanish grants and concessions of agricultural or mineral lands shall be preserved in the Bureau of Lands.

The Director of Lands shall furnish, or cause to be furnished, to any private person or persons applying for the same, one or more copies of such records in which such person or persons may be personally concerned and to which he or they may be entitled, the same to be accompanied by a certificate of its correctness, if desired, on the payment of the following fees:

For each certificate of correctness with seal of office, one peso.

For each folio, or fraction thereof, consisting of a sheet approximately two hundred and sixteen by three hundred thirty millimeters with proper heading, double space, and approximately three centimeters margin, one peso.
SECTION 1845. **Authority of Officers to Administer Oaths and Take Testimony.** — The Director of Lands, the Assistant Director of Lands, and the chiefs of division in the Bureau of Lands, are authorized to administer oaths and take acknowledgments in matters of official business, and to take testimony in official investigations conducted under the authority of the laws and regulations relating to the Bureau of Lands.

A local land officer, mining recorder and any person designated by the Director of Lands as friar-land agent, chief of a survey party, or inspector of the Bureau of Lands may administer oaths and take acknowledgments as aforesaid and, when thereunto deputed by the Director of Lands, may exercise the same authority to take testimony as other officers hereinabove named.

ARTICLE II

**Land Districts**

SECTION 1846. **Land Districts.** — With the approval of the Department Head, the Director of Lands may establish land districts, which shall be, so far as practicable, co-extensive with the territory of the respective provinces; but when the local conditions so require, two or more provinces or parts of provinces may be included in the same land district.

SECTION 1847. **Local Land Officer.** — In each land district there shall be a local land officer, who, under the supervision of the Director of Lands, shall perform such duties relative to public agricultural lands as may be prescribed by law or regulation.

When no other official is designated as local land officer, the provincial treasurer shall perform the duties of such office for the land district which comprises his province; and when two or more provinces or parts of provinces are included in the same land district, the Director of Lands shall designate the provincial treasurer who shall perform such duties.

SECTION 1848. **Mining Recorder.** — In land districts where there are sufficient mining interests to warrant the appointment, there shall be a mining
recorder, who shall keep such records and perform such duties relative to public mineral lands as may be prescribed by law or regulation.

Where no other officer is designated, the duties of mining recorder shall be performed by the secretary of the provincial board.

[2657–981; 3837–1; see C.A. 137–54, 55(1467).]

SECTION 1849. Designation of Persons to Perform Duties of Local Land Officer or Mining Recorder. — Until other provision shall be made for filling such offices, the (Governor-General) President of the Philippines may by executive order impose the performance of the duties of local land officer or mining recorder upon any official or employee in the public service.

[2657–982; see C.A. 137–54, 55(1468).]

ARTICLE III

Cadastral Surveys

SECTION 1850. Order for Making of Cadastral Survey. — When in the opinion of the (Governor-General) President of the Philippines, the public interests require that the title to any lands be settled and adjudicated, he may to this end order the Director of Lands to make a survey and plan thereof.

[2657–983.]

SECTION 1851. Publication of Notice of Survey. — The Director of Lands shall, thereupon, give notice to persons claiming an interest in the lands, and to the general public, of the day on which such survey will begin, giving as full and accurate a description as possible of the lands to be surveyed. Such notice shall be published in two successive issues of the Official Gazette, and a copy of the notice in the English and Spanish languages shall be posted in a conspicuous place on the lands to be surveyed, and also in a conspicuous place on the chief municipal building of the municipality, or municipal district in which the lands, or any portion thereof, are situated. A copy of the notice shall also be sent to the (president) mayor of such municipality, or municipal district and to the provincial board.

[2657–984.]

SECTION 1852. Notice of Commencement of Survey. — The surveyor or other employee of the Bureau of Lands in charge of the survey shall give reasonable notice of the day on which the survey of any portion of such lands is to
begin, and shall post such notice in the usual place on the chief municipal building of such municipality or municipal district in which the lands are situated, and shall mark the boundaries of the lands by monuments set up at proper places thereon.

[2657–985.]

SECTION 1853. Right of Surveyor to Enter Upon Lands. — It shall be lawful for surveyors and other employees of the Bureau of Lands to enter upon the lands whenever necessary for the making of such survey or for the placing of monuments.

[2657–986.]

SECTION 1854. Duty of Claimants to Communicate Information Regarding Boundaries. — It shall be the duty of every person claiming an interest in the lands to be surveyed, or in any parcel thereof, to communicate to the surveyor in charge upon his request therefor all information possessed by such person concerning the boundary lines of any lands to which he claims title or in which he claims any interest.

[2657–987.]

SECTION 1855. Institution of Registration Proceedings. — When the lands have been surveyed and platted, the Director of Lands, represented by the (Attorney-General) Solicitor-General, shall institute registration proceedings, by petition against the holders, claimants, possessors or occupants of such lands or any part thereof, stating in substance that the public interests require that the titles to such lands be settled and adjudicated, and praying that such titles be so settled and adjudicated.

The petition shall contain a description of the lands and shall be accompanied by a plan thereof, and may contain such other data as may serve to furnish full notice to the occupants of the lands and to all persons who may claim any right or interest therein.

[2657–988.]

SECTION 1856. Boundaries and Divisions of Lots. — If the lands contain two or more parcels held or occupied by different persons the plan shall indicate the boundaries or limits of the various parcels as correctly as may be. The parcels shall be known as "lots" and shall on the plans filed in the case be given separate numbers by the Director of Lands, which numbers shall be known as "cadastral numbers." The lots situated within each municipality or municipal district shall, as far as practicable be numbered consecutively beginning with the number "one" and
only one series of numbers shall be used for that purpose in each municipality or municipal district.

In cities or townsites a designation of the land holdings by block and lot numbers may be employed instead of the designation by cadastral numbers and shall have the same effect for all purposes as the latter.

[2657–989.]

SECTION 1857. Cadastral Survey Funds — Monthly Statements of Director of Lands. — The Director of Lands shall at the end of each month certify to the (Insular) Auditor General and the (Insular) Treasurer of the Philippines a statement showing the amounts reimbursed or collected on cadastral surveys made by the Bureau of Lands and the (Insular) Treasurer of the Philippines is authorized and empowered to pay to the Bureau of Lands an amount equal to the amounts so certified as having been collected, and the necessary amounts to make such payments are hereby appropriated out of any funds in the (Insular) National Treasury not otherwise appropriated, and such amounts shall be credited to the appropriation of the Bureau of Lands for further cadastral surveys.

[2657–990; 3077–2(1469).]

ARTICLE IV

Private Land Surveys and Surveyors

SECTION 1858. Private Land Surveys. — The Bureau of Lands may, upon application therefor, make private land surveys, for which a reasonable charge shall be made.

Private land surveys may also be made by private land surveyors, duly qualified as hereinafter provided; but no plan of such survey, whether it be original or subdivision, shall be admitted in land registration proceedings until approved by the Director of Lands.

[2657–991; 3077–3(1470).]

SECTION 1859. Procedure Incident to Making of Survey Notice to Adjoining Owners. — The surveyors employed to make surveys for registration purposes, or to prepare maps and plats of property in connection therewith, shall give due notice in advance to the adjoining owners, whose addresses are known, of the date and hour when they should present themselves on the property for the purpose of making such objections to the boundaries of the properties to be surveyed as they consider necessary for the protection of their rights.
Surveyors shall report all objections made by adjoining property owners, and occupants or claimants of any portion of the lands at the time of the survey and demarcation, giving a proper description of the boundaries claimed by such owners, occupants, or claimants.

[2657–992.]

SECTION 1860. **Demarcation of Boundaries.** — Surveyors shall define the boundaries of the lands, surveyed for registration purposes, by means of monuments placed thereon and shall indicate on the maps or plats the respective boundaries as designated, both by the applicant for the survey and adverse claimants of adjoining properties; but the work of survey and demarcation of the boundaries of the lands as occupied by the said applicant need not be suspended because of the presentation of any complaint or objection.

[2657–993.]

SECTION 1861. **Expenses of Rectification of Errors.** — If, in any registration proceeding involving such survey, the court shall find the boundary line designated by an adverse claimant to be incorrect and that designated by the applicant to be correct, the expense of making any extra survey over that required by the applicant shall be assessed by the court as costs against the adverse claimant.

[2657–994.]

SECTION 1862. **Regulations Relative to Private Surveyors.** — Private land surveyors employed in making a survey as hereinabove contemplated shall be subject to the regulations of the Bureau of Lands in respect to such surveys and shall execute the same in accordance with current instructions relative thereto as issued by the Director of Lands. Promptly upon completing their work, it shall be their duty to send their original field notes, computations, reports, surveys, maps, and plats of the property in question to the Bureau of Lands, for verification and approval.

[2657–995.]

SECTION 1863(1471). [Qualifications of Private Surveyors.]

[2657–996.]

SECTION 1864(1472). [Certification of Private Surveyor.]
SECTION 1865(1473).  [Cancellation of Certificate and Suspension From Practice.] — (Repealed)

ARTICLE V

Apprentice and Junior Surveyors

SECTION 1866.  Certification of Students to be Trained as Surveyors. — At the beginning of each school year, the Director of Education shall certify to the Director of Lands the names of such number of students as may be provided for in the annual appropriation Acts and as may be best qualified to receive and profit by a course of instruction and education in surveying, for a term of five years, under the direction of the Bureau of Lands.

To be eligible for certification, a student must be of sound physical condition, of good moral character and not less than seventeen years of age. He must also have educational qualifications such as are obtained by the satisfactory completion of the second year of instruction in the Manila High School or the second year of high-school work in a provincial school, normal school, or the Philippine Nautical School.

SECTION 1867. Appointment as Apprentice Surveyor — Course of Training. — Each student so certified may be appointed as apprentice surveyor in the Bureau of Lands at such annual compensation as may be fixed by law; and when so appointed, he shall continue in such school as the Secretary of Public Instruction shall determine, and during forenoons shall pursue therein a special course of study to be prescribed by the Director of Education.

During the afternoons of school days, as well as during regular office hours on Saturdays, and during school vacations, apprentices shall be employed in the Bureau of Lands, and shall perform such duties as may be assigned to them by the Director of Lands, such as office work, drawing, platting, practical computing, use of instruments, and similar work.

SECTION 1868. Examination After Completion of One Year of Service — Appointment as Junior Surveyor. — Upon the completion of one year's service as
apprentices, student surveyors shall be examined by the Bureau of Civil Service as to their qualifications for appointment as junior surveyors. Students who fail to pass this examination shall be required to continue their studies in the same status as first-year students until such time as they shall pass said examination or are separated from the service. Each student who qualifies shall, before receiving such appointment as junior surveyor, be required to sign an agreement, approved by his parents or guardian if he be under twenty-one years of age, to the effect that he will remain with the Bureau of Lands for the term of four years from date of appointment as junior surveyor and perform such duties as may be prescribed by the Director of Lands, unless sooner released.

[2657–1001.]

SECTION 1869. Completion of Three Years' Service — Appointment as Surveyor. — Upon the completion of three years' service as junior surveyor, students shall be examined by the Bureau of Civil Service as to their qualification for appointment as surveyors. Students qualifying in such examination shall be eligible for appointment as surveyors at such salaries as may be determined by competent authority. Students failing to qualify shall continue on the same basis until such time as they shall qualify as surveyors in the manner herein prescribed or until separated from the service.

[2657–1002.]

SECTION 1870. Consequence of Violation of Contract. — Upon the expiration of their contracts, students may leave the service of the Government without prejudice; but any student separating himself from the service during his term of contract without the approval of the Department Head shall be debarred thereafter from holding any position in the Philippine civil service.

[2657–1003.]

CHAPTER 49

Bureau of Science

SECTION 1871. Chief Officials of Bureau of Science. — The Bureau of Science shall have one chief and one assistant chief, designated, respectively, as the Director of the Bureau of Science and the Assistant Director of the Bureau of Science.

[2657–945.]

SECTION 1872(1475). Function of Bureau of Science. — It shall be the
function of the Bureau of Science to make investigations, conduct researches, and
do work of a scientific nature and to coordinate and make available the results
thereof as permanent contribution to knowledge.

Among the particular duties to be accomplished and ends to be subserved by the Bureau of Science are these:

(a) The conduct of researches in anthropology and ethnology among the inhabitants of the (Philippine Islands) Philippines.

(b) The maintenance of a Government herbarium and of collections of insects and other natural-history specimens.

(c) The conduct of researches in botany, entomology, ornithology, and zoology, and the accomplishment of biological work in general.

(d) The establishment, equipment, and maintenance of laboratories, museums, and aquariums created or supported from (Insular) National funds or other funds under the control of the Bureau of Science.

(e) The keeping, at Manila, of the fundamental standards of weights and measures for the (Philippine Islands) Philippines and instruments of precision; the comparison of the secondary standards therewith; and the certification of the secondary standard according to law.

(f) The conduct of investigations into the causes, pathology, and methods of diagnosing and combating the diseases of man and of domesticated animals, and of animals utilized for food, and of plants useful to man.

(g) The making of special investigations and the accomplishment of special work which may be needed by other Bureau or Office of the (Insular) National Government and which may require laboratory facilities or scientific knowledge of a specialized character.

(h) The conduct and encouragement of investigations into the mineral resources and geology of the (Philippine Islands) Philippines; the collection of statistics concerning the occurrence of the economically important minerals and the
methods pursued in making their valuable constituents available for commercial use.

(i) The conduct of investigations into the quality, composition, or properties of articles of food and drink; of gums, resins, drugs, herbs, oils, and other plant products; of soils and fertilizers; of cement and other construction and commercial materials; and of the minerals and mineromedicinal waters of the (Philippine Islands) Philippines.

(j) The gathering and dissemination of useful information concerning the mineral wealth and other natural resources of the (Philippine Islands) Philippines; the inculcation of knowledge concerning the best methods of utilizing such resources; and the encouragement of Philippine industries generally.

(k) The care of the scientific division of the Philippine Library, which shall be housed in the Bureau of Science.

[2657–946.]

SECTION 1873. Ethnology of Non-Christian Peoples. — The ethnological investigations conducted by the Bureau of Science with reference to the non-Christian peoples shall take account of the names of each tribe, the limits of the territory which it occupies, the approximate number of individuals which compose it, their social organizations and their languages, beliefs, manners, and customs, with special view to determining the most practicable means for bringing about their advancement in civilization and material prosperity.

[2657–947.]

SECTION 1874. Ethnological Work to be Done Upon Request of Other Bureau. — The head of any Department of the (Insular) National Government may, through the Department Head of the Bureau of Science, call upon the Director to make investigation, through the ethnological staff, concerning any matters referring to the inhabitants of the Philippines upon which information may be needed.

[2657–948.]

SECTION 1875. Special Laboratories — Accomplishment of Work for Other Bureaus. — The Bureau of Science shall maintain laboratories respectively devoted to biology, chemistry, and the manufacture of serums, in which shall be conducted all Government work appropriate to their several functions, whether
required by the Bureau of Science itself or other Department or Bureau of the (Insular) National Government. Work done in these laboratories shall be accomplished by the members of the staff of the Bureau of Science or, in the discretion of the Director of the Bureau of Science and subject to his supervision, by properly qualified employees of the Department or Bureau for which the work may be done.

[2657–949.]

SECTION 1876. Investigations Into Quality of Philippine Sugars and Means of Improving Same. — The Director of the Bureau of Science shall conduct, or cause to be conducted, investigations into the quality of Philippine sugars and the means of improving the same. The results of such investigations shall from time to time be published for the benefit of sugar producers.

[2657–950.]

SECTION 1877. Classification of Sugar in Cases of Dispute Between Contracting Parties. — In cases of dispute between contracting parties with respect to the classification of any sugar, any one of them may send to a sugar laboratory of the Bureau of Science a sample of the said sugar for the classification. The result of the classification made by the sugar chemist shall be set forth in a certified report which shall be transmitted in each case to the person sending the sample. A suitable portion of each sample of sugar the classification of which shall have been thus fixed, shall be deposited in a glass container which shall be closed with sealing wax, on which shall be stamped the seal of the Bureau of Science, and shall be properly marked so that it can be identified, and shall be transmitted to the person sending the sample.

A classification of a sample of sugar thus made and certified shall be accepted by the court as determining the classification of the sugar in question, unless the adverse party shall prove it to be incorrect.

[2657–951.]

SECTION 1878. Establishment of Standard Samples by Sugar Chemist of Iloilo Laboratory. — It shall be the duty of the sugar chemist of the sugar laboratory at Iloilo, under regulations to be prescribed by the Director of the Bureau of Science, duly approved by the proper Head of the Department, to fix and establish on or before the fifteenth day of November of each year, standard samples of sugars number one, number two, number three, superior damp, and current of Iloilo, which shall govern during the twelve months immediately following said fifteenth of November.
SECTION 1879. Sale of Supplies and Performance of Work. — The Bureau of Science, with the approval of the proper Head of the Department, may sell to the public or to public functionaries for official use natural-history specimens, photographs, vaccine virus, serums, bacterial vaccines, prophylactics, by-products, and such apparatus or supplies as are not procurable in the markets of Manila, and may perform analyses, make examinations, or do any other work within the scope of its functions for provincial and municipal governments or for the public.

Animals used in connection with the operation of the serum laboratory may be sold, with the approval of the proper Head of the Department, by the Director of the Bureau of Science at public or private sale, when no longer adapted to such use.

SECTION 1880. Price of Serum Products. — The charge for virus, serums, and prophylactics, when furnished for official use, shall be fixed at the actual cost of producing or securing and furnishing the same; but these supplies, if manufactured by the serum laboratory, shall be furnished to the (Philippine Health Service) Bureau of Health in such quantity as the Director of Health shall deem necessary for the work of said (Philippine Health Service) Bureau of Health, when the Director of the Bureau of Science can furnish the same, without unduly depleting the stock necessary to the continuation of the work of the laboratory.

SECTION 1881. Charges for Work Done by Sugar Laboratory. — The charges to private persons for the determination of the degrees of polarization of sugar, and for the determination of its color, its hydrometric state, its granulation, and its crystallization shall not exceed the actual cost to the Government of performing the work.

SECTION 1882. Museum of Bureau of Science — Aquarium at Manila. — The Bureau of Science shall be charged with the collection of specimens and exhibits of a scientific, educational, or commercial character; and by it shall be maintained in Manila a museum for their proper display. In making this collection special attention shall be devoted to the acquisition of material pertaining to the natural history, geology, and ethnology of the (Philippine Islands) Philippines and
to their mineral and economic resources.

The Bureau of Science shall also maintain the Aquarium at Manila.

[2657–956.]

SECTION 1883. Importation of Silkworms, Eggs, Cocoons, or Moths. — Silkworms, their eggs or cocoons, or the moths which produce silkworm eggs, shall not be imported into the (Philippine Islands) Philippines except by the Bureau of Science.

[2657–957.]

SECTION 1884. Philippine Journal of Science. — As a vehicle for the publication of original contributions to scientific knowledge, the Director of the Bureau of Science shall publish and circulate, by subscription or otherwise, a periodical to be known as the Philippine Journal of Science.

[2657–958.]

CHAPTER 50

Weather Bureau

SECTION 1885. Chief Officials of the Weather Bureau. — The Weather Bureau shall have one chief and one assistant chief, to be known as Director and Assistant Director, respectively, and three officials appointed by the Secretary of Agriculture and (Natural Resources) Commerce, who shall be assigned to be the heads of one or more divisions of the Weather Bureau and shall bear the designation of chief of the division or divisions to which they are assigned.

[2657–960; 2952–1(1476).]

SECTION 1886(1477). [Designation of Assistant to Serve as Acting Chief.] — (Repealed)

[2657–961.]

SECTION 1887. Duties of the Director of Weather Bureau. — The Director shall maintain an efficient system of weather forecasts and storm warnings to be sent at his discretion to the commandants of the naval stations at Cavite and Olongapo, to the customhouse of Manila, to the public press, to all branch stations in telegraphic communication with the central office, and to other persons who may ask for the warnings or be in particular need of them according to the judgment of the Director. When dangerous storms threaten any portion of
the Archipelago, telegraphic warnings shall be sent to the threatened districts, through the governors of the respective provinces, if there is no branch station of the Weather Bureau in the capitals thereof.

The Director shall be in charge of the display of typhoon signals in Manila and in the other main harbors or cities of the Archipelago, these signals to be hoisted according to orders received from the Central Observatory.

Typhoon warnings shall be sent at the discretion of the Director to the Directors of the Central Meteorological Observatory of Japan, Formosa, and Indo-China, to the Directors of Hongkong and Zikawei (Shanghai) observatories, to the American consul at Hongkong, to the commandant of the harbor at Macao, and to such other persons as may be officially designated by other governments to receive them.

Daily weather maps of the Far East shall be prepared at the central office and distributed shortly after noon to some of the more prominent places of Manila for the benefit of the public.

[2657–962.]

SECTION 1888. Powers and Duties of Assistant Director. — The Assistant Director of the Weather Bureau shall aid the Director in his official correspondence, shall have charge and direction of the mailing department and supervision over the observers, and shall perform such other duties, scientific or administrative, as the Director may assign to him.

[2657–963; 2952–3(1478).]

SECTION 1889. Office Hours of Certain Employees. — The official general forecaster of the Weather Bureau, or person acting for him in case of absence or disability, shall not be required to keep ordinary office hours but shall be guided in respect to his periods of daily duty by the directions of the Bureau Chief.

When necessary duty beyond office hours or upon a holiday is required of any employee engaged in the weather or time service at the central station, an equal amount of time may be allowed him on a regular work day, if compatible with the requirements of the service.

[2657–964.]

SECTION 1890. Publications of Weather Bureau. — The Director shall cause to be prepared and published for distribution a monthly bulletin and annual
The monthly bulletin shall contain some of the chief meteorological phenomena of the month, a comparison, if practicable, between the phenomena observed and normal conditions for the month in question, the discussion of typhoons, if there were any, with their approximate tracks, a note of all the earthquakes felt in the Philippines during the month with a discussion of the most important ones, and a complete list of the records of the microseismographic instruments. The discussion of any other meteorological, seismic, magnetic, or astronomical observations may also be included in this Bulletin.

The annual report shall contain the observations made at the central and branch stations, or such portions thereof as may be valuable, together with such data and scientific discussion as the Director may deem advisable.

With the approval of the Department Head, the Director of the Weather Bureau shall from time to time cause to be prepared such meteorological, seismic, magnetic, and astronomical reports, charts, and maps as the service shall require. When deemed desirable such material may be printed and published, subject to the same approval.

[2657–965.]

SECTION 1891. Daily Publication of Standard Time — Rating of Chronometers. — The Director shall cause standard time to be furnished daily to the City of Manila and to all branch stations in telegraphic communication with the central station. He shall further provide for the free rating of all chronometers brought to the Manila Observatory for this purpose.

[2657–966.]

SECTION 1892. Stations of Weather Bureau. — The Manila Observatory shall be the central station of the Bureau. There shall also be maintained throughout the (Philippine Islands) Philippines at points to be determined by the Director of the Weather Bureau, with the approval of the Department Head, such number of subordinate meteorological stations as may from time to time be provided for under the current appropriations. These stations shall be of four classes, namely: first-class stations, second-class, stations, third-class stations, and rain stations.

[2657–967.]

SECTION 1893. Meteorological Records to be Kept at Different Stations — Weather Reports. — At all subordinate stations such meteorological
observations shall be taken and records kept as shall be prescribed in the regulations of the Weather Bureau; and reports of the same shall be forwarded to the central station at such intervals and in such manner as the Director of said Bureau shall require.

[2657–968.]

SECTION 1894. Spread of Typhoon Warnings. — All Weather Bureau observers shall communicate typhoon warnings received from the central office to the governor of the province or municipal (president) mayor and shall otherwise give such publicity to them as may be possible, for the benefit of agriculture, commerce, and navigation.

[2657–969.]

SECTION 1895. Provincial Quarters for Weather Bureau Service. — In each province where a first, second, or third-class station is maintained at the provincial capital, the provincial board shall, at the expense of the province, provide room adequate for the installation of the meteorological instruments and office equipment of the station and shall supply sleeping accommodations for the observers. The office, or station, shall be in the provincial building, if practicable.

[2657–970.]

SECTION 1896. Municipal Quarters for Weather Bureau Service. — Likewise, in each municipality, not a provincial capital, where a first-, second-, or third-class station is maintained, the municipal council shall, at the expense of the municipality, provide similar suitable accommodations for the service.

[2657–971.]

SECTION 1897. Determination of Adequacy of Accommodations Furnished. — The question of the adequacy of the accommodations furnished by provincial or municipal governments shall be determined by the Director of the Weather Bureau subject to an appeal to the (Governor-General) President of the Philippines, whose decision shall be final.

[2657–972.]

SECTION 1898. Employment of Persons in Government Service as Weather Bureau Observers. — At subordinate stations where other suitable persons are not procurable the Director of the Weather Bureau may appoint any suitable Government employee to act as observer for and during such time as the head of the Department to which the employee in question pertain shall approve.
Persons so appointed may receive salaries as Weather Bureau observers in addition to their other compensation as Government employees.

[2657–973.]

SECTION 1899. Right of Employees to Engage in Additional Employment. — Upon authorization by the Head of the Department any third-class observer, rain observer, or assistant to a first-class observer, may engage in private business or accept employment from another branch of the (Insular) National or Federal Government and receive compensation therefor; but additional Government employment shall be entered upon only after arrangement therefor shall have been mutually agreed upon between the Head of the Department and the head of the other Bureau or Office concerned.

[2657–974.]

CHAPTER 51

Bureau of Public Works

ARTICLE I

Organization of Bureau

SECTION 1900. Chief Officials of Bureau of Public Works. — The Bureau of Public Works shall have one chief and two assistant chiefs, designated respectively as the Director of Public Works, the chief constructing engineer, and the chief designing engineer.

There shall be in this Bureau an officer to be known as the consulting architect, who under the supervision of the Director of Public Works, shall be charged with the performance of such duties of the Bureau as relate to the architectural features of public works and improvements. The consulting architect may engage in private work and receive compensation therefor, provided such work shall not be allowed to interfere with the discharge of his official duties.

[2657–1125.]

SECTION 1901. Functions of Bureau of Public Works. — The general functions of the Bureau of Public Works shall, among other things, comprise:

(a) The maintenance and repair of (insular) national buildings, the custody and care of vacant unassigned (insular) national buildings, and such other public buildings as may be designated
by the (Governor-General) President of the Philippines.

(b) The assignment of quarters to (insular) national Bureaus and Offices in the public buildings.

(c) The giving of advice to the (Governor-General) President of the Philippines, the (Philippine Legislature) National Assembly, and the Secretary of (Commerce) Public Works and Communications upon matters pertaining to engineering work of all kinds and the architectural features of public works and improvements in general.

(d) The making of needful preliminary investigations, plans, and specifications for the construction or repair of public works and improvements, the obtaining of bids for contract work, the acceptance or rejection of the same, and the awarding of contracts therefor.

(e) The preparation of plans and estimates with reference to provincial and municipal works and improvements, the letting of contracts therefor, and supervision over the construction, maintenance, and repair thereof, as hereinafter provided.

(f) The supervision over the architectural features of buildings, parks, streets, and permanent constructions and improvements of public character throughout the Islands whether pertaining to the (Insular) National or other branch of the Government; and the procurance of architectural plans for public buildings by means of public competition, when deemed advisable. The Director of Public Works shall be in charge of the preparation of the general plans for the improvement and future development of all the cities and municipalities existing or which may hereafter exist in the islands including provincial centers. These plans, once adopted by the municipal or provincial authorities as the case may be with the approval of the Secretary of the Interior, shall stand as the "Official Plans" of said cities and municipalities and no change, modification, or revision shall be made in the execution of these plans without the approval of the Secretary of the Interior, upon the recommendation of the Director of Public Works.

(g) The construction of sewers, waterworks, irrigation systems, and other public works requiring engineering skill, and the
construction and equipment of public buildings and public improvements directed by law to be done on behalf of the (Insular) National Government, when the accomplishment of such work is not otherwise specifically provided for by law.

(h) The construction and repair of lighthouse towers and buildings appertaining thereto; the construction of wharves, docks, jetties, retaining walls, and all other port works; the work of reclaiming land from the sea by dredging, filling in, or otherwise, and the construction of all structures in connection with the improvement of the facilities for loading and unloading vessels, and the construction, repair, and maintenance of bridges crossing navigable waters, and river and harbor improvements; but when a bridge is constructed across navigable waters, the project for the construction thereof shall be prepared with the concurrence of the Bureau of Customs, and in case of its disagreement with the Bureau of Public Works, the (Governor-General) President of the Philippines shall decide.

(i) The apportionment and appropriation of waters and of water rights; and the inspection, control, and supervision of works for the use of waters.

(j) The registration of motor vehicles, the licensing of operators of such vehicles, and supervision over motor-vehicle traffic.

[2657–1126; 3482–1(1479).]

SECTION 1902. Execution of Work for Private Parties. — Subject to approval by the Department Head, work may be executed by the Bureau of Public Works for private parties, the total charges thereof to be collected and deposited to the credit of appropriations for current expenses of the Bureau of Public Works and become available therefor.

[2657–1127.]

SECTION 1903. Supervision Over Architectural Features of Manila Improvements. — The Bureau of Public Works shall exercise supervision over the architectural and landscape features of the parks and city walls of the City of Manila, the approaches thereto, and of the moats and the area between them and the boundary streets of Intramuros. In case the Director of Public Works and the Municipal Board shall fail to agree on the treatment of such matters, the questions at issue shall be referred to the (Governor-General) President of the Philippines for
final decision.

[2657–1128.]

SECTION 1904. Request of Municipal Board for Recommendation of Consulting Architect. — The Municipal Board of the City of Manila, before expending any appropriation for the construction of buildings or architectural works of a permanent character or for repairs or alterations which materially affect the architectural appearance of buildings of a permanent character or of any construction involving a modification of the Burnham plans, including the laying out or alteration of public streets and parks, shall request the written opinion and recommendation of the consulting architect, through the Director of Public Works, and shall not proceed in the matter until such is received.

[2657–1129.]

SECTION 1905. Burnham Plans for Improvements in Manila and Baguio. — The general plan prepared by D.H. Burnham, commonly known as the Burnham plan for the improvement of the City of Manila, and the Burnham plan for the improvement of Baguio, shall be the bases for the future development of these places.

The consulting architect is charged with the interpretation of these plans and he shall prepare details where architectural effect or monumental features are involved.

[2657–1130.]

SECTION 1906. Authority of Officials to Administer Oaths and Take Testimony. — The Director of Public Works, the assistant chiefs, and chiefs of divisions in the Bureau of Public Works shall have authority to administer oaths in the transaction of official business. The same officials or other officer or employee of the Bureau thereunto especially deputed by the Director of Public Works shall have further authority to take testimony in any matter within the jurisdiction of the Bureau of Public Works.

Any official in charge of a public work under the authority of the (Insular) National Government or any provincial government shall also have authority to administer oaths.

[2657–1131.]

SECTION 1907. Execution of Contracts and Leases for Public Buildings. — All contracts and leases for the use and occupancy of buildings or cottages of
the (Insular) National Government shall be executed by the Director of Public Works with the approval of the Department Head.

[2657–1132.]

SECTION 1908. Medical Supplies and Attendance for Employees of Bureau. — When officers and employees of the Bureau of Public Works are engaged on authorized public works at places where usual medical attendance is not accessible, the Director of Public Works may, with the approval of the Department Head, appoint such physicians at fixed monthly salaries as may be, in his judgment, for the best interest of the service, the cost of the same being chargeable to the funds available for the project in question.

[2657–1133.]

ARTICLE II

District Engineers

SECTION 1909. Engineering Districts. — With the approval of the Department Head, the Director of Public Works shall divide the (Philippine Islands) Philippines into such number of engineering districts as shall from time to time be deemed advisable. The several engineering districts shall, as far as practicable, be co-extensive with the territorial limits of the respective provinces.

[2657–1134.]

SECTION 1910. District Engineer. — To each engineering district shall be assigned a civil engineer, who shall be known as the district engineer. With the approval of the Department Head, a district engineer may be changed by the Director of Public Works, from one district to another, or he may be assigned to other duty, or additional duties, as the service may require.

The Director of Public Works shall designate the respective official stations of the district engineers, and it shall be the duty of the provincial board to provide the requisite quarters, fixtures, furniture, equipment, and office and engineering supplies for his office.

[2657–1135.]

SECTION 1911. Functions of District Engineer. — The district engineer shall have general supervision over the construction, maintenance, and repair of provincial public works of the district to which he is assigned and over all
contracts connected with such works.

Upon request of any provincial board in his district, the district engineer shall make investigations and surveys of proposed construction or repair of public works, and shall submit to said provincial board reports and estimates of the cost of construction or repair of such proposed works with his recommendations, and he shall, subject to the regulations of the Bureau of Public Works, prepare plans and specifications for such public works as may be required by the provincial board.

It shall be the duty of the district engineer to prepare a comprehensive scheme of roads for all of the provinces and municipalities in his district, which shall be submitted, with his recommendations, to the provincial and municipal governments interested.

[2657–1136.]

SECTION 1912. District Engineer as Adviser to Municipalities and Municipal Districts. — The district engineer shall act in an advisory capacity to the municipalities, municipal districts, and other local political divisions. Upon request by any municipal or municipal district council, and subject to the approval of the provincial board, it shall be his duty to make investigations and surveys for the proposed construction or repair of public works, and to submit to the (president) mayor reports and estimates of the cost of such construction or repair, with his recommendations.

Upon request of any municipal or municipal district council, subject to the regulations of the Bureau of Public Works, he shall prepare plans and specifications for such public works as may be required; and upon like request he shall be charged with the supervision of the construction or repair of the same.

[2657–1137; 2824–6(1480).]

SECTION 1913. Supplies and Materials for Use in Prosecution of Municipal Works. — Upon being authorized or requested by any provincial board or municipal council to make any investigations or surveys, or proceed with the construction or repair of any public works, the district engineer shall give his memorandum receipt for such available provincial or municipal property as shall be necessary for the prosecution of the work to the provincial or municipal officer accountable for the property, by whom it shall be issued to said engineer, and he shall be responsible for the return of the same to said accountable officer unless he shall present to said officer a certificate satisfactory to the (Insular) Auditor General that the same has been properly expended or accounted for, and he shall
have supervision over such provincial or municipal employees, tools, supplies, transportation, and material as may be assigned to him for projects authorized by said provincial or municipal governments.

Such additional supplies, tools, and material as may be necessary for the satisfactory completion of authorized works shall be secured for the district engineer by the proper provincial or municipal officer in the usual manner and the provincial or municipal government authorizing such works shall make appropriations to pay for the same.

The Director of Public Works, whenever he shall deem the same to be in the interests of the public service, may place at the disposal of the district engineers, upon proper memorandum receipt, property under his control belonging to the (Insular) National Government, and shall fix a reasonable charge to pay for the necessary expenses connected therewith and the wear and tear thereon, and said charge shall appear in the statement of the district engineer and shall be paid by the provincial or municipal government interested, as hereinafter provided.

[2657–1138.]

SECTION 1914. Expenses of Work Done by District Engineer. — The district engineer shall submit to the Director of Public Works a statement showing the cost of authorized surveys and investigations made by him and of the superintendence of construction, repair, and maintenance of public works rendered by him for provinces and municipalities, and such cost shall be chargeable against the province or municipality for which such projects were accomplished, under such rules and regulations as may be jointly prepared by the (Insular) Auditor General and the Director of Public Works. It shall be the duty of the provincial or municipal government incurring charges to make appropriations providing for the payment of the same, and moneys so paid shall revert to the general funds in the (Insular) National Treasury.

The salaries and wages of employees engaged in the prosecution of specific provincial or municipal public works shall be paid by the province or municipality concerned.

[2657–1139.]

SECTION 1915. Special Assignment of Engineer to Superintend Provincial Construction Work. — Upon the request of the provincial board of any province to which a district engineer is not assigned, the Director of Public Works shall, with the approval of the Department Head, assign from the engineering force under his control an engineer to prepare plans and estimates for engineering work
desired by such provincial board, or to supervise the construction of engineering work which has been duly authorized. In case of such assignment the provisions of the next preceding section with regard to payment of the expense of such service shall apply to the interested province, municipality or municipal district.

[2657–1140; 2824–6(1481).]

SECTION 1916. District Engineer in Capacity of Sanitary and Waterworks Engineer. — Within their respective districts, district engineers shall act as sanitary engineers, and shall consult with district health officers regarding sanitary improvements therein.

District engineers shall give information to district health officers as to the existence of insanitary conditions and of any failure to comply with legal sanitary orders and regulations which may come to their knowledge.

In their respective districts, district engineers shall operate and maintain all municipal and provincial waterworks in accordance with the general regulations jointly issued by the (Chief of the Executive Bureau) Secretary of the Interior and the Director of Public Works, and superintendents of waterworks, inspectors, plumbers, pump engineers, and all other employees as may be necessary for the proper operation and maintenance of these systems shall be under his direct supervision. Employees of the systems owned or administered by the province shall be appointed by him with the advice and consent of the provincial board, and those of systems owned by municipalities shall be appointed by the (president) mayor in accordance with section twenty-one hundred and ninety-nine, as amended, of the Administrative Code, upon recommendation of the district engineer.

When a system furnishes water to two or more municipalities or is extended to supply two or more municipalities of the province, said system shall be administered by the province: Provided, however, That all municipal waterworks already existing at the time of the passage of this Act which have been extended to other municipalities shall continue to be administered by the municipalities originally constructing said system.

Upon designation of the Director of Public Works, a district engineer may be allowed additional compensation with the approval of the provincial board not to exceed sixty pesos per month to be paid from the income of the waterworks systems supervised by him for services rendered in his capacity as sanitary and waterworks engineer.

[2657–1141; 3257–1(1482); 3978–1(1483).]
ARTICLE III

Contracts for Public Works

SECTION 1917. Letting of Contracts for National Public Works. — When any National public works of construction or repair involves an estimated cost of three thousand pesos or more, the contract therefor shall, except as herein below provided, be awarded by the Director of Public Works to the lowest responsible bidder after publication in the Official Gazette, in accordance with Act Numbered Twenty-nine hundred and thirty, for at least three times extending over a period of at least ten days: Provided, however, That in case of urgent necessity, the Director of Public Works may, with the approval of the President of the Philippines upon the recommendation of the Secretary of Public Works and Communications, execute by administration and without advertising for bids any public work costing three thousand pesos or more.

In the case of National public works involving an expenditure of less than three thousand pesos, it shall be discretionary with the Director of Public Works either to proceed with the work himself or to let the contract to the lowest bidder after such publication and notice as shall be deemed appropriate or as may be, by regulation, prescribed.

[2657–1142; C.A. 362–1(1484).]

SECTION 1918. Authority to Reject Bids. — When such course appears best to subserve the interest of the Government, the Director of Public Works may reject any or all bids for any contract subject to his award; and when all bids are rejected he may proceed to advertise anew, or with the approval of the Department Head, he may himself proceed to execute the work.

[2657–1143.]

SECTION 1919. Letting of Contract for Provincial Works. — Except in the case of work upon roads or trails, every provincial public work of construction or repair involving an estimated expenditure of three thousand pesos or more shall be let to the lowest responsible bidder, after public advertisement for not less than ten days in a paper of general circulation in the province, if such there be, and by notice posted for not less than ten days at the main entrance of the provincial building; but nothing herein shall be construed to prevent the giving of such further notice or making such further publication as will secure ample publicity for all invitations for bids.

Provincial works not within the purview of the preceding paragraph may be
prosecuted upon provincial account or may be let without advertisement, subject to the regulations of the Bureau of Public Works.

The district engineer shall perform the duties incident to advertising for bids for provincial public works, and the letting of contracts therefor; and with the approval of the provincial board, he may reject any or all bids received, in which case he may advertise anew or, with the approval of the board, may proceed with the execution of the work upon provincial account.

[2657–1144.]

SECTION 1920. Execution of Contracts for Public Works. — Contracts awarded by the Director of Public Works for the construction or repair of public works and improvements of any kind for furnishing either labor or materials or both labor and materials shall be executed on behalf of the Government by said director, with the approval of the Secretary of (Commerce) Public Works and Communications.

Contracts awarded by a district engineer for the construction or repair of provincial public works and improvements of any kind for furnishing either labor or materials or both labor and materials shall be executed on behalf of the provincial government by said engineer, with the approval of the provincial board concerned.

Contracts awarded by a district engineer for the construction or repair of municipal public works or improvements undertaken on account of a municipality or other local political division for furnishing either labor or materials or both labor and materials shall be executed by the district engineer, with the approval of the local council of the political division concerned, if any.

[2657–1145; 3533–1(1485).]

SECTION 1921. Bond to be Given by Contractor. — The officer charged with the duty of awarding a contract for any public works may, under the regulations of the Bureau of Public Works, require the contractor to give an adequate bond to secure the proper accomplishment of the work to be done or to secure not only the proper accomplishment of the work but also the satisfaction of obligations for materials used and labor employed upon the same.

[2657–1146.]

SECTION 1922. Certificate Showing Completion of Work. — No payment, partial or final, shall be made on any public work of construction or repair without a certificate on the voucher therefor to the effect that the work for
which payment is contemplated has been accomplished in accordance with the
terms of the contract and has been duly inspected and accepted. Such certificate
shall be signed by a duly authorized representative of the Director of Public Works
having full knowledge of the facts in the case.

[2657–1147.]

SECTION 1923. Discharge of Bond. — After the work has been duly
accepted by the Government, any bond given by the contractor to secure the proper
accomplishment of the work shall be deemed to be discharged and shall be
surrendered by the Director of Public Works; but if by the terms of the bond the
obligors are bound to satisfy claims for material and labor, the bond shall not be
surrendered until the expiration of two months from the acceptance of the work,
and if meanwhile any materialman or laborer shall give written notice to the
Director of Public Works to the effect that he has a just claim against the
contractor for materials used, or labor employed upon the work, the bond shall not
be surrendered until the claim in question shall have been satisfied or its lack of
equity established. Upon any such bond the materialman or laborer; giving notice
as above prescribed, shall have a legal right of action for the enforcement of his
claim.

[2657–1148.]

ARTICLE IV

Establishment of Harbor Lines

SECTION 1924. Establishment of Harbor Lines. — When in the opinion
of the Department Head the establishment of harbor lines becomes essential to the
preservation and protection of harbors, bays; and navigable lakes or rivers, he may
cause such lines to be established, beyond which no piers, wharves, bulkheads, or
other works shall be extended or deposits made, except under such regulation as
may be prescribed from time to time by the Department Head.

When permission is granted by the Department Head for the extension of
piers, wharves, bulkheads, and other works, or for the making of deposits in any
harbor, bay, or navigable lake or river of the (Philippine Islands) Philippines,
beyond established harbor lines, he shall cause to be ascertained the amount of tide
water to be displaced by any such structure or any such deposits, and he shall, if he
decem it necessary, require the parties to make compensation for such displacement
either by excavating in some part of the harbor including the tide water channels
between high and low water marks, to such an extent as to create a basin for such
tide water as may be displaced by such structure or by such deposits, or in any
other mode that may be satisfactory to him.

SECTION 1925. Commission to Establish Harbor Lines. — In the establishment of harbor lines for any harbor, bay, or navigable lake or river the Department Head may assign a commission to recommend to him the proper harbor lines therefor. Such commission may, with the approval of the Department Head, employ surveyors when necessary to run the lines so to be established, their compensation to be paid from any funds appropriated for such purpose.

SECTION 1926. Removal of Encroachments. — When it is found that any wharf, pier, jetty, weir, or other construction constitutes an encroachment upon waters in violation of public right, the removal thereof shall be effected by or under the direction of the Head of Department or, if judicial proceedings be necessary, the Head of Department shall certify his findings to the (Attorney-General) Solicitor-General who shall thereupon proceed to institute legal action or such other legal proceedings for the removal of the obstruction as the facts may warrant.

SECTION 1927. Adoption of Regulations. — The said Head of Department shall also adopt regulations with respect to the construction of piers, wharves, bulkheads, and other works, and with respect to deposits which may be made, and such regulations shall govern the construction of such piers, wharves, bulkheads, and other works, and the manner and amount of deposits.

CHAPTER 52

Bureau of Posts

PRELIMINARY ARTICLE

Title of Chapter

SECTION 1928. Title of Chapter. — This chapter shall be known as the Postal Law.

ARTICLE I
Organization of Bureau

SECTION 1929. Chief Officials of Bureau of Posts. — The Bureau of Posts shall have one chief and one assistant chief, designated respectively as the Director of Posts and the Assistant Director of Posts.

[2657–1156.]

SECTION 1930. General Jurisdiction of Bureau of Posts. — The Bureau of Posts subject to the approval of the Secretary of Public Works (Commerce) and Communications, shall have exclusive authority to establish, maintain, and discontinue post offices, and to establish, operate and maintain rural free mail delivery, rural money order and postal savings bank service, and to control all mail and postal business conducted in the (Philippine Islands) Philippines, as well upon the waters within the maritime jurisdiction of the Philippine Government as upon land, and it shall likewise have the exclusive control and management of all telegraph and telephone lines and service, including submarine cables and wireless installations, now or hereafter under the jurisdiction or control of the Government of the (Philippine Islands) Commonwealth of the Philippines.

Upon recommendation of the Director of Posts, approved by the Department Head, the (Governor-General) President of the Philippines may authorize the establishment, by a provincial or municipal government or by any branch of the (insular) national service, of telephone lines to serve local or temporary interest, without being subject to the jurisdiction of the Bureau of Posts.

[2657–1157; 3541–1(1489); see section 85 hereof, as amended by Act 4007–8(1490); also Acts 3396(1491), as amended, and 3845(1492), as amended.]

SECTION 1930-A(1493). [Jurisdiction of the Department of Commerce and Communications.]

[3275–1(1494).]

SECTION 1930-B(1495). (Repealed)

[3275–1.]

SECTION 1930-C(1496). [Adoption and Taking Effect of the Regulations.]

[3275–1(1497).]

SECTION 1930-D(1498). (Repealed)
SECTION 1930-E(1500). (Repealed)

SECTION 1931. Postal, Telegraph, and Radio Conventions with Foreign Countries. — For the purpose of making better postal, telegraph, and radio arrangements with foreign countries, or to counteract their adverse measures affecting our postal, telegraph, and radio intercourse with them, the Director of Posts (and Telegraphs), with the approval of the Department Head, may negotiate and conclude postal, telegraph, or radio conventions, subject to the provisions of section thirty-five of the Act of the Congress of the United States of February twenty-third, nineteen hundred and twenty-seven and may fix the rates of postage on mail matter conveyed between the (Philippine Islands) Philippines and foreign countries and the amount of the tolls for telegrams exchanged with foreign countries by the telegraph and radio stations of the Bureau of Posts (and Telegraphs).

SECTION 1932. Inspection Districts of Bureau of Posts. — The Director of Posts shall divide the (Philippine Islands) Philippines into such number of inspection districts as may from time to time be required for administrative purposes. Each of these districts shall be in charge of an inspector of the Bureau of Posts.

SECTION 1933. Duties of Inspectors. — It shall be the duty of every inspector of the Bureau of Posts to see that the laws and regulations pertaining to said Bureau are faithfully executed and complied with, to aid in the prevention, detection, and punishment of any frauds or delinquencies in connection therewith, to examine into the efficiency of all officers and employees of the Bureau and to exercise general supervision over the work of the Bureau within the particular district or along the particular lines to which he is assigned. He shall report in writing to the Director any neglect, incompetency, delinquency, or malfeasance in office of any officer or employee of the Bureau of which he may obtain knowledge, with a statement of all the facts in each case and any evidence sustaining the same.
SECTION 1934. Assignment of Inspectors to Special Duties. — Inspectors of the Bureau of Posts may be assigned to duty under the direction of any officer of the Bureau and may be assigned to special duties other than those of inspector proper. Any officer or employee of the Bureau may be assigned to the duties of inspector without change of his official character or salary, and when so assigned, may exercise any power or perform any act which might be exercised or performed by a regularly appointed inspector the Bureau.

[2657–1161.]

SECTION 1935. Authority of Officers of Bureau to Make Arrests and Seizures. — The Director of Posts, the Assistant Director of Posts, and inspectors of the Bureau of Posts shall have authority to make seizures under the Postal Law and to make arrests in flagrante for violations of the penal provisions connected therewith, or upon warrant, subject in all respects to the same restrictions as prevail in regard to arrests by peace officers in general.

[2657–1162.]

SECTION 1936. Authority to Make Searches on Land. — The Director of Posts, the Assistant Director of Posts, and inspectors of the Bureau of Posts may make searches for mailable matter transported in violation of law; and in so doing may open and search any car or vehicle passing, or having lately before passed, from any place at which there is a post office to any other such place, or any box, package, or packet, being, or having lately before been, in such car or vehicle, or any store or house, other than a dwelling house, used or occupied by any common carrier or transportation company, in which such box, package, or packet may be contained, whenever such agent or officer has reason to believe that mailable matter, transported contrary to law, may therein be found.

[2657–1168.]

SECTION 1937. Searches and Seizures on Board Vessels. — Any officer or employee of the Bureau of Posts when instructed by the Director to make examinations and seizures, and the collector or other customs officer of any port without special instruction, shall carefully search all vessels for letters which may be on board or which have been conveyed contrary to law.

[2657–1164.]

SECTION 1938. Authority of Officers to Administer Oaths and Take Testimony. — The Director of Posts, the Assistant Director of Posts, chiefs of divisions, and inspectors of the Bureau of Posts may administer oaths and take
testimony in any official business or investigation conducted by them touching matters within the jurisdiction of the Bureau.

[2657–1165.]

SECTION 1939. Appointment of Civil Service Employee to Position of Postmaster. — To facilitate the establishment of post offices at places where it is not practicable to secure suitable persons not in the public service for appointment as postmaster, the Director of Posts is authorized to appoint as postmaster persons employed in other branches of the civil service, with the approval of the Head of the Department or Departments in which such persons are employed. A person in the public service who may be thus appointed shall, in addition to his salary in the branch of the service in which he is employed, receive the compensation provided for such postal service.

[2657–1166.]

SECTION 1940. Postmaster Serving Without Compensation at Army Post. — When the Commanding General of the Philippine Department shall request that a post office be opened at an Army post where it is not feasible to establish such an office on an independent footing, the Director of Posts may, nevertheless, there establish a post office, provided a person in the military service is designated to act as postmaster without compensation and without allowance for rent, light, or furniture.

[2657–1167.]

SECTION 1941. Officers and Employees Not to Receive Fees. — No person employed in the postal service shall receive any fees or perquisite on account of the performance of official duties.

[2657–1168.]

SECTION 1942. Fixing of Postal Rates and Charges. — The rates and manner of collection of postage, registry fees, special delivery charges, money order fees, telegraphic transfer fees, and charges for the transmission of messages by telegraph, telephone, or wireless telegraphy shall be prescribed by the Director of Posts with the approval of the Secretary of (Commerce) Public Works and Communications, subject to the limitations contained in this chapter: Provided, however, That the Director of Posts, with the approval of the Secretary of (Commerce) Public Works and Communications, is authorized to fix, from time to time, the postal rates that shall be charged the public for the carriage of the mails by air.
SECTION 1943. **Compensation Allowance for Overtime Work.** — When necessary service beyond office hours or upon a holiday is rendered by an employee of the Bureau of Posts upon requirement of the Director of Posts, an equal amount of time may be allowed him on a regular work day, but no accumulation of such time shall be allowed for vacation purposes.

SECTION 1944. **Uniform for Employees of Bureau.** — The Director of Posts may prescribe a uniform to be worn by any particular class of employees of the Bureau of Posts.

ARTICLE II

**Mail Matter**

SECTION 1945. **Classes of Mail Matter.** — Mail matter is divided into three classes, viz.:

(a) First-class mail matter, which includes letters, postal cards, and all other matter wholly or partly in writing (except as hereinafter specially provided), or which is sealed or otherwise closed against inspection, or which is not wrapped and packed as prescribed by the regulations of the Bureau of Posts for matter of the class to which it would otherwise belong.

(b) Second-class mail matter, which includes all newspapers and other publications, within the conditions named in the next succeeding section hereof.

(c) Third-class mail matter, which includes all matter not declared nonmailable by law or regulation, the same not being included in the first or second class.

SECTION 1946. **Conditions for Admission of Publications to Second Class.** — The conditions upon which a publication shall be admitted to the second class are as follows:
(a) It must be issued at stated intervals, as frequently as four times a year, and bear a date of issue, and be numbered consecutively.

(b) It must be issued from a known office of publication.

(c) It must be formed of printed paper sheets, without board, cloth, leather, or other substantial binding, such as distinguish printed books for preservation from periodical publications.

(d) It must be originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or some special industry, and have legitimate list of subscribers.

(e) It must be sent by the publisher thereof, and from the office of publication, or from the office in which it is printed in the case of government publications, or from a news agency to actual subscribers thereto, or to other news agents.

Nothing in this section contained shall be so construed as to admit to the second-class rate regular publications designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates.

Periodical publications issued by or under the auspices of the Government of the Commonwealth of the Philippines, or any of its different branches and subdivisions, for the purpose of furthering the objects of the Commonwealth, may be admitted to the mails as second-class matter, except when such publications contain any commercial advertising matter.

Publishers of matter of the second class may, without subjecting it to extra postage, fold within any regular issue a supplement; but in all cases the added matter must be germane to the publication which it supplements, that is to say, matter supplied in order to complete that to which it is added or supplements, but omitted from the regular issue for want of space, time, or greater convenience, and such supplement must in every case be issued with the publication, and bear the title and date of the publication which it supplements and its pages be numbered consecutively.

[2657–1173; C.A. 278–1(1506).]

SECTION 1947. Writing In or On Second-Class Matter. — Mailable matter of the second class shall contain no writing, print, or sign thereon or therein in addition to the original print, except as herein provided, to wit: The name and
address of the person to whom the matter shall be sent, index figures of subscription book either printed or written, the printed title of the publication and the place of its publication, the printed or written name and address, without addition of advertisement, of the publisher or sender, or both, and written or printed words or figures, or both, indicating the date on which the subscription to such matter will end, the correction of any typographical error, a mark (except by written or printed words) to designate a word or passage to which it is desired to call attention; the words "sample copy" when the matter is sent as such, the words "marked copy" when the matter contains a marked item or article. And publishers or news agents may inclose in their publications bills, receipts, and orders for subscriptions thereto, but the same shall be in such form as to convey no other information than the name, place of publication, subscription price of the publication to which they refer, and the subscription due thereon.

[2657–1174.]

SECTION 1948. Writing In or On Third-Class Matter. — Upon matter of the third class or upon the wrapper or envelope inclosing the same, or the tag or label attached thereto the sender may write his own name, occupation, and residence or business address, preceded by the word "from," and may make marks other than by written or printed words to call attention to any word or passage in the text, and may correct any typographical errors. There may be placed upon the blank leaves or cover of any book or printed matter of the third class a simple manuscript dedication or inscription not of the nature of a personal correspondence. Upon the wrapper or envelope of third-class matter or the tag or label attached thereto may be printed any matter mailable as third class, but there must be left on the address side a space sufficient for a legible address and necessary stamps.

There may also be placed on the mail matter of the third class or on the package, wrapper, or envelope inclosing same, or on a tag or label attached thereto, either in writing or otherwise, the words "please do not open until Christmas," or words to that effect.

[2657–1175.]

SECTION 1949. What is Included in Address. — In all cases directions for transmission, delivery, forwarding, or return shall be deemed part of the address.

[2657–1176.]

SECTION 1950. Printed Matter to be Dried and Wrapped. — No printed
matter shall be received to be conveyed by mail unless it is sufficiently dried and inclosed in proper wrappers.

[2657–1177.]

SECTION 1951. Definition of "Printed Matter." — "Printed matter" within the intendment hereof is the reproduction upon paper, by any process except that of handwriting or typewriting, of any words, letters, characters, figures, or images, or of any combination thereof, not having the character of an actual and personal correspondence.

[2657–1178.]

SECTION 1952. Opening of First-Class Mail Matter. — When first-class mail matter is found to be undeliverable by reason of the insufficiency or inaccuracy of the address on the outside of the envelope or wrapper or by reason of the failure of the addressee to call for the matter, if held subject to call, it may be opened at the dead-letter office of the Bureau of Posts by an employee of the Bureau thereunto duly authorized by the Director. A letter addressed to a person in the United States may likewise be opened if deposited in the mail without the prepayment thereon of one full rate of postage. But matter with a sufficient return address, shall not be thus opened until returned to such address, with like inability to deliver the same to the sender, and a letter bearing the card of a hotel, school, college, or other public institution or office printed on the envelope, shall not be returned unless the card includes a printed or written request for return. The period during which undelivered letters shall remain in any post office before being forwarded to the dead-letter office shall be prescribed by regulation.

Save as provided in the preceding paragraph, no person other than the addressee or sender, or the duly authorized agent of such, shall open or break the seal of any envelope or wrapper containing mailable first-class matter; and nothing in this chapter contained shall be deemed to authorize the opening of any such matter except as in this section provided.

[2657–1179.]

SECTION 1953. Examination of Second and Third-Class Mail Matter. — Any envelope, package, or wrapper containing matter of the second or third class may be examined at the office of mailing, and shall be charged with postage at the highest rate to which any of the inclosed matter is subject, but nothing herein contained shall be so construed as to prohibit the insertion in periodicals of advertisements attached permanently to the same.
SECTION 1954. Absolutely Nonmailable Matter. — No matter belonging to any of the following classes, whether sealed as first-class matter or not, shall be imported into the (Philippine Islands) Philippines through the mails, or be deposited in or carried by the mails of the (Philippine Islands) Philippines, or be delivered to its addressee by any officer or employee of the Bureau of Posts:

(a) Written or printed matter in any form advertising, describing, or in any manner pertaining to, or conveying or purporting to convey any information concerning any lottery, gift enterprise, or similar scheme depending in whole or in part upon lot or chance, or any scheme, device, or enterprise for obtaining any money or property of any kind by means of false or fraudulent pretenses, representations, or promises.

(b) Written or printed matter in any form containing scurrilous libels against the Government of the United States or the Government of the (Philippine Islands) Commonwealth of the Philippines, or containing any statement which tends to disturb or obstruct any lawful officer in executing his office or in performing his duty, or which tends to instigate others to cabal or meet together for unlawful purposes, or which suggests or incites rebellious conspiracies or tends to disturb the peace of the community or to stir up the people against the lawful authorities.

(c) Articles, instruments, drugs, and substances designed, intended, or adapted for preventing conception or producing abortion, or for any indecent or immoral use, or which are advertised or described in a manner calculated to lead another to use or apply them for preventing conception or producing abortion, or for any indecent or immoral purpose.

(d) Written or printed matter and photographs, engravings, lithographs, and other representations of an obscene, lewd, lascivious, filthy, indecent, or libelous character, including all such matter which advertises or describes or gives, directly or indirectly, information where, how, from whom, or by what means any article, instrument, drug, or substance enumerated in the preceding subsection hereof may be obtained or made, or where or by whom any act or operation of any kind for the
procuring or producing of abortion will be done or performed, or how or by what means conception may be prevented or abortion produced.

(e) Explosives, inflammable materials, infernal machines, mechanical, chemical, or other devices and compositions which may ignite or explode, and all other natural or artificial articles, compositions, and materials which may hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property.

(f) Spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind.

(g) Living mammals, birds, reptiles, or fishes.

(h) Any other matter which by law or treaty stipulation is absolutely debarred from transmission in the mails.

SECTION 1955. Matter Unmailable Under Certain Conditions. — Insects, diseased tissues, germs, scabs, and organisms shall not be deposited in any post office for transmission or delivery by mail unless inclosed in containers prescribed by the Director of Posts; and generally any matter, though otherwise of mailable character, shall become unmailable upon failure to comply with the conditions requisite for transmission through the mail or if the Bureau of Posts has no adequate facilities for its carriage.

SECTION 1956. Disposition of Nonmailable Matter. — All matter which is absolutely nonmailable by reason of its nature and which is deposited in any post office for transmission or delivery by mail, shall be forfeited to the Government.

Matter unmailable under section one thousand nine hundred and fifty-five, above, when deposited in any post office for transmission or delivery by mail, shall be returned when practicable to the person who so deposited it if his identity is known or can be ascertained, but it need not be forwarded or delivered to the addressee.

SECTION 1957. Classes of Mail Matter Which Shall be Transmitted Free
of Charge. — Official mail of officers of the United States Government, addressed for delivery in the Philippines, in the United States or any of its possessions, or at any United States postal agency, shall be received, transmitted, and delivered in the mails of the (Philippine Islands) Philippines free of ordinary postal charges when the outside envelope or wrapper thereof bears, over the words "Official Business," the name of the Department, and if it is from a Bureau, Office, or officer, the name of the Bureau or Office in question or the signature of the officer who offers it for transmission and a statement of the penalty for the misuse of such envelope or wrapper to avoid the payment of postage on nonofficial matter. This privilege shall not extend to any Department, Bureau, or Office of the Government of the (Philippine Islands) Commonwealth of the Philippines, except the Bureau of Posts.

[2657–1184; see C.A. 80(1507), 255(1508), 333(1509), 357(1510).]

SECTION 1958. Disposition of Dead Letters and Valuable Inclosures Therein. — Dead letters containing valuable inclosures shall be recorded in the dead-letter office; and when they cannot be delivered to the party addressed nor to the writer, the contents thereof shall be disposed of, and a careful account shall be kept of the amount realized in each case, which shall be subject to reclamation by either the party addressed or the sender, for four years from the recording thereof, after which it shall become a part of the postal revenues. All dead letters and other mail matter not valuable which cannot be delivered to either addressee or sender shall be destroyed in the manner prescribed by the regulations of the Bureau.

[2657–1185.]

SECTION 1959. Disposition of Undelivered Matter of the Second and Third Classes. — Second and third-class mail matter shall not be returned to sender or remailed until the return postage has been fully prepaid on the same; but in all cases where undelivered matter of these classes is of obvious value, the sender, if known, shall be notified of the fact of nondelivery, and be given an opportunity to prepay the return postage.

The Director of Posts shall fix and collect storage charges for postal packages the consignees or addressees of which have failed to call for them at the post offices within thirty days after being notified and requested to do so, and for this purpose he shall, with the approval of the Secretary of (Commerce) Public Works and Communications, establish a schedule of charges for these cases: Provided, That the charge made for each package shall not exceed five centavos for each day of storage.

[2657–1186; 2816–1(1511).]
SECTION 1960. Special Delivery. — Mailable matter upon which a special-delivery stamp shall be duly affixed in addition to the lawful postage thereon shall be entitled to immediate delivery within two kilometers of the post office to which addressed or within such greater limits as may be fixed by the Director.

When in addition to the stamps required to transmit any letter or package of mail matter through the mails, there shall be attached to the envelope or wrapper ordinary stamps of any denomination to the value of twenty centavos, with the words "special delivery" or their equivalent written or printed on the envelope or wrapper, under such regulations as the Director of Posts may prescribe, the said package shall be handled, transmitted, and delivered in all respects as though it bore a regulation special-delivery stamp.

[2657–1187.]

SECTION 1961. Insufficient Postage on Special-Delivery Letters. — The omission by the sender to place the ordinary postage required upon a letter bearing such special-delivery stamp and otherwise entitled to immediate delivery shall not hinder or delay the transmission and delivery thereof, but such postage shall be collected upon its delivery, in the manner provided for the collection of deficient postage resulting from the overweight of letters.

[2657–1188.]

ARTICLE III

Registration of Mail Matter

SECTION 1962. Establishment of Registry System. — For the greater security of valuable mail matter, the Director of Posts shall establish a uniform system of registration, under regulations approved by the Department Head. As a part of such system of registration he may, in his discretion, provide rules under which the senders or owners of registered matter may be indemnified for losses thereof in the mails, the indemnity to be paid out of postal revenues, but in no case to exceed one hundred pesos for any registered piece, or the actual value thereof when that is less than one hundred pesos, and for which no other compensation or reimbursement to the loser has been made.

[2657–1189.]

SECTION 1963. Manner of Registering Mail Matter and Paying Registry Fees. — Mail matter shall be registered only on the application of the party posting
the same, and the fee therefor shall not exceed forty centavos in addition to the regular postage. Letters upon the official business of the Bureau of Posts which require registering shall be registered free of charge; but with this exception the registry fee must be fully prepaid in all cases by means of postage stamps affixed to the envelope or wrapper.

[2657–1190.]

SECTION 1964. Registry Receipts. — When the sender shall so request, a receipt shall be taken on the delivery of any registered mail matter, showing to whom and when the same was delivered, which receipt shall be returned to the sender.

[2657–1191.]

ARTICLE IV

Postal Money Orders

SECTION 1965. Money-Order System. — To promote public convenience, and to insure greater security in the transfer of money through the mail, the Director of Posts shall establish and maintain, subject to the regulations of the Bureau of Posts, a uniform money-order system, at all suitable post offices, which shall be designated as "money-order offices." The fees collected for such service shall be accounted for separately from the other revenues of the Bureau.

[2657–1192.]

SECTION 1966. Telegraphic Transfers. — Provision may likewise be made, for the convenience of the public, for the telegraphic transfer of funds between places in the Philippines having telegraphic offices conducted by the Bureau of Posts. The maximum amount which may be thus transferred upon any one day by one remitter and payable, directly or indirectly, to the same person, corporation, or firm, shall be two thousand pesos.

The Director of Post may authorize certain telegraph offices a regular maximum of five thousand pesos if the business transactions so warrant: Provided, however, That greater amounts may be remitted by telegraphic transfers upon specific authority by the Director of Posts.

[2657–1193; see Act 3831–1(1512); C.A. 269–1(1513).]

SECTION 1966-A. Extension of Telegraphic Transfer System to Other Countries. — The Director of Posts, with the approval of the Department
Head, may extend the telegraphic transfer service to other countries and places at rates and on conditions determined by him.

[3831–1.]

SECTION 1967. Extension of Money-Order System to Other Countries. — The Director of Posts may, with the approval of the Department Head, extend the money-order service to other countries and places at rates and on conditions determined by him.

[2657–1194.]

SECTION 1968. Maximum Amount Payable by Money Order. — No money order shall be issued for a greater sum than one hundred dollars United States currency; and unless specifically authorized by the Director of Posts, no postmaster shall directly or indirectly sell more than ten money orders in one day to one party payable to the same person.

[2657–1197.]

SECTION 1969. Indorsement of Money Order — Waiver of Identification. — More than one indorsement of a money order shall not be permitted; and no money order shall be issued conditioned that the identification of the payee, indorsee, or attorney shall be waived.

[2657–1198.]

SECTION 1970. Repayment of Money Orders. — A money order may be repaid at the office of issue; but the fee shall not be repayable.

[2657–1199.]

SECTION 1971. Payment of Money Order After One Year From Date of Issue. — Domestic money orders shall not be paid at the offices upon which they are drawn, or at the offices of issue, after one year from the last day of the month of issue of such money orders, unless specifically authorized by the Director of Posts.

[2657–1200.]

SECTION 1972. Issue of Duplicates of Lost Money Orders. — When a money order has been lost, the Director of Posts, upon the application of the remitter, payee, or indorsee, may cause a duplicate to be issued provided the person losing the original shall furnish a certificate from the postmaster by whom it was
payable that it has not been, and will not thereafter be paid; and a similar certificate
from the postmaster by whom it was issued that it has not been, and will not
thereafter be repaid.

[2657–1201.]

SECTION 1973. Fund for Payment of Stale Money Orders. — The
proceeds of unredeemed money orders more than one year old shall be transferred
once a year to a fund to be known as the stale money-order fund against which
warrants may be drawn for the satisfaction of claims arising upon the same orders.

When an order remains unpaid for three years, so much of the stale
money-order fund as corresponds to said order shall be subject to be covered into
the unappropriated surplus and all moneys accruing from such orders may be so
transferred once a year. If at any time thereafter application should be made for the
payment of any such order, so much as was paid into the unappropriated surplus as
its proceeds shall be subject to be returned, if necessary, to the stale money-order
fund to meet the obligation in question.

[2657–1203.]

ARTICLE V

Carriage of Mails

SECTION 1974. Carriage of Letter Mail. — The business of carrying
letter mail is a Government monopoly, and no person shall engage therein except
as hereinafter provided; but nothing herein shall be deemed to prohibit the
conveyance or transmission of letters or packets by private means between places
where the Government does not provide for the carriage of mails.

[2657–1204.]

SECTION 1975. Forfeiture for Illegal Carriage of Mail. — Every letter
illegally transported, or concealed for the purpose of being illegally transported,
and every package, bag, box, or parcel in which any such letter is so concealed,
shall be forfeited to the Government.

[2657–1206.]

SECTION 1976. Carriage of Mails Between Post Offices. — The Director
of Posts shall provide by contract or otherwise, for the carriage of the mails
between post offices in the (Philippine Islands) Philippines and the United States
and foreign countries, in such manner and with such frequency as shall appear to
him proper: Provided, That the Secretary of (Commerce) Public Works and Communications, with the approval of the (Governor-General) President of the Philippines, is authorized to enter, from time to time, into contracts for the transportation of the mails by air between any points within the (Philippine Islands) Philippines and between the (Philippine Islands) Philippines and foreign countries for periods not to exceed five years, and to pay for such services at fixed rates per kilo or per kilometer or the equivalent of the additional postal rates collected for the mail transported. Such contracts shall be awarded, each instance, to the bidder whose bid is most advantageous to the Government, provided that the said bidder is also properly qualified and equipped to perform satisfactorily the service to the advantage of the Government, and to maintain efficient commercial aviation service for the public at large: And provided, further, That in order to carry out the provisions of the preceding paragraph, the Secretary of (Commerce) Public Works and Communications or the Secretary of any other department in charge of the air mail service in the future, is hereby authorized to grant to the parties to whom the contracts for the transportation of the mails by air above mentioned are awarded, the right to use, free of charge, any or all navigation facilities, including landing fields now or hereafter opened, operated, or controlled by the Government of the (Philippine Islands) Commonwealth of the Philippines or any subdivision thereof: And provided, finally, That the Secretary of (Commerce) Public Works and Communications, with the approval of the (Governor-General) President of the Philippines, is authorized to make and issue such rules and regulations as may be necessary to carry out the provisions of this section with reference to the transportation of the mails by air.

[2657–1207; 3806–2(1514); see section 85 hereof as amended by Act 4007–8(1515).]

[See also Act No. 3869 (November 13, 1931), authorizing payment for the carriage of mails by airplanes out of the revenue derived from additional postage to be collected on air mails.]

SECTION 1977. Employees Not to be Interested in Mail Contracts. — No employee of the Bureau of Posts shall be a contractor or concerned in any contract for carrying the mail.

[2657–1208.]

ARTICLE VI

Telegraph, Cable, and Wireless Service

SECTION 1978. Commercial Telegraph Business. — All telegraph lines,
wireless stations, and cables under the control of the Bureau of Posts shall be open to the public for the transmission of telegrams, subject to the regulations of the Bureau of Posts. Only official telegrams of the Bureau of Posts shall be transmitted free of charge.

"Telegram," as herein used, includes any written, or printed message or communication transmitted or delivered for transmission by telegraph, cable, or wireless telegraphy.

[2657–1209; see C.A. 265, 537(1516).]

SECTION 1978-A. Messages Which Shall Not Be Transmitted. — No message belonging to any of the following classes shall be transmitted by telegraph, cable or wireless telegraphy, or delivered to its addressee by any officer or employee of the Bureau of Posts:

(a) Written or printed message or communication describing or pertaining to, or conveying or purporting to convey, any information concerning any lottery or gift enterprise.

(b) Written or printed message or communication containing scurrilous libels against the Government of the United States or the Government of the (Philippine Islands) Commonwealth of the Philippines, or containing any statement which tends to disturb or obstruct any lawful officer in the administration of his office or in the performance of his duty, or which tends to instigate others to cabal or meet together for unlawful purposes, or which suggests or incites rebellious conspiracies or tends to disturb the peace of the community or to stir up the people against the lawful authorities.

(c) Written or printed message or communication containing obscene, lewd, lascivious, filthy, indecent words or language.

(d) Written or printed message or communication advertising or describing or giving, directly or indirectly, information where, how, from whom, or by what means any article, instrument, drug, or substance designed, intended, or adapted for preventing conception, or producing abortion may be obtained or made, or where or by whom any act or operation of any kind for the procuring or producing of abortion, will be done or performed, or who or by what means conception may be prevented or abortion produced.
SECTION 1979. Improper Divulgence of Contents of Telegram. — No officer or employee of the Bureau of Posts shall divulge to any unauthorized person the contents or purport of any telegram, knowledge of which shall have come to him by reason of his connection with said Bureau, nor shall he knowingly or negligently deliver a telegram to any one not authorized to receive the same.

SECTION 1980. Inhibition Against Sending of False Telegram. — No person shall file for transmission by the Bureau of Posts any message which purports to be signed by any person other than its actual sender, nor shall any person engaged in the service of transmitting telegrams in the Philippines knowingly send, transmit, or deliver any such message.

SECTION 1981. Inhibition Against Obstruction of Telegraphic Service. — Except in course of duty, no person shall willfully delay, retard, or interrupt telegraphic communication or interfere therewith by willfully grounding the telegraph wire, drumming or pounding on the telegraph instruments, or by tampering or interfering with the telegraph wires, poles, or instruments.

ARTICLE VII

Administrative Remedies

SECTION 1982. Fraud Orders. — Upon satisfactory evidence that any person or company is engaged in conducting any lottery, gift enterprise, or scheme for the distribution of money, or of any real or personal property by lot, chance, or drawing of any kind, or that any person or company is conducting any scheme, device, or enterprise for obtaining money or property of any kind through the mails by means of false or fraudulent pretenses, representations, or promises, the Director of Posts may instruct any postmaster or other officer or employee of the Bureau to return to the person depositing same in the mails, with the word "fraudulent" plainly written or stamped upon the outside cover thereof, any mail matter of whatever class mailed by or addressed to such person or company or the representative or agent of such person or company. The public advertisement by the person or company conducting such lottery, enterprise, scheme, or device, that remittances for the same may be made by registered letters to any other person, firm, bank, corporation, or association named therein shall be held to be prima facie evidence of the existence of said agency by all the parties named therein, but
the Director of Posts shall not be precluded from ascertaining the existence of such agency in any other lawful manner satisfactory to himself.

[2657–1212.]

SECTION 1983. Deprivation of Use of Money Order System and Telegraphic Transfer Service. — The Director of Posts may, upon evidence satisfactory to him that any person or company is engaged in conducting any lottery, gift enterprise, or scheme for the distribution of money, or of any real or personal property by lot, chance, or drawing of any kind, or that any person or company is conducting any scheme, device, or enterprise for obtaining money or property of any kind through the mails by means of false or fraudulent pretenses, representations, or promise, forbid the issue or payment by any postmaster of any postal money order or telegraphic transfer to said person or company or to the agent of any such person or company, whether such agent is acting as an individual or as a firm, bank, corporation, or association of any kind, and may provide by regulation for the return to the remitters of the sums named in money orders or telegraphic transfers drawn in favor of such person or company or its agent. The public advertisement by such person or company so conducting any such lottery, enterprise, scheme or device, that remittances for the same may be made by means of postal money orders or telegraphic transfers to any other person, firm, bank, corporation, or association named therein shall be held to be prima facie evidence of the existence of said agency by all the parties named therein; but the Director of Posts shall not be precluded from ascertaining the existence of such agency in any other lawful manner.

[2657–1213; 3634–2(1518).]

SECTION 1984. Destruction of Certain Forfeited Matter. — When any article which is dangerous to be kept or handled or which is devoid of value or incapable of legitimate use is forfeited under the provisions of this chapter, it may upon seizure be forthwith destroyed.

[2657–1214.]

SECTION 1985. Notice of Seizure. — In case of the seizure of a forfeited article which is of value and capable of legitimate use, notice shall be given to the owner or sender if known.

[2657–1215.]

ARTICLE VIII
Postal Savings Bank

SECTION 1986. *Philippine Postal Savings Bank.* — To provide facilities for the safe investment of the savings of the people of the (Philippine Islands) Philippines and for other purposes, there shall be maintained as a division of the Bureau of Posts an institution to be known as the Philippine Postal Savings Bank hereinafter referred to as the bank.

[2657–1216.]

SECTION 1987. *Authority of Bank.* — The bank shall have authority to receive, invest, loan, pay out, and otherwise dispose of sums of money and other valuable things, to receive and pay out interest and other charges therefor and to conduct and transact any other business incidental to the operation of a savings bank: Provided, That the Postal Savings Bank Board upon the recommendation of the Director of Posts is hereby authorized and empowered, any provisions of existing law to the contrary notwithstanding, to reorganize the personnel of the bank in order that the requirements for the proper operation of the same may be adequately served, and for this purpose, the said board, upon the recommendation of the Director of Posts, is hereby authorized and empowered to create such positions and incur such expenditures as may be necessary out of the profits of the said bank in addition to those provided for in the appropriation Acts for the years nineteen hundred and thirty-three and thirty-three and nineteen hundred and thirty-four, this provision to have retroactive effect to cover the six positions already found necessary and filled with the approval of the Governor-General on the fifth June, nineteen hundred and thirty-three: Provided, further, That after December thirty-first, nineteen hundred and thirty-four, no salaries shall be paid and expenditures incurred by the bank other than those provided for in the annual appropriation Acts.

[2657–1217; 4093–1(1519); see C.A. 7(1520) and 459(1521).]

SECTION 1988. *Location of Bank.* — The central office of the Philippine Postal Savings Bank shall be in Manila and the Director of Posts shall establish, maintain, and discontinue postal savings bank and branches thereof in such places as he shall deem proper.

[2657–1218.]


[2657–1219; 3328–3(1523); 3731–1(1524); 4093–2(1525); repealed by C.A. 198–1(1526).]
SECTION 1990.  

Duties of Board. — It shall be the duty of the board to invest the funds of the bank as provided herein, to fix the rates of interest on loans and deposits, to appoint the personnel of the bank authorized by section nineteen hundred and eighty-seven and to fix their compensation, and to perform such other duties as the proper investment and administration of the bank shall require.

[2657–1220; 4093–3(1527).]

SECTION 1991.  

Authority of Chairman and Secretary to Sign for Board. — The chairman of the board, and in his absence the vice-chairman, and the secretary of the board, shall, by direction of the board, execute necessary papers for the release, sale, or transfer of investments, securities, lands, buildings, and other property acquired as herein provided.

[2657–1221.]


Duties of Chief of Division. — The superintendent, postal savings bank division, shall, under the direction of the Director of Posts, have immediate supervision over all matters pertaining to deposits and withdrawals, and such matters pertaining to investment as may be assigned to him by the Postal Savings Bank Board, upon recommendation of the Director of Posts. The bank shall keep a separate set of books dealing solely with its operations and the superintendent of the bank shall make monthly and annual statements thereof to the Director of Posts and the board and perform such other duties as the Director of Posts or the board may require.

[2657–1222; 4093–4(1528).]

SECTION 1993.  

Guaranty to Depositor. — The Philippine Government guarantees to return to each depositor all money, with the interest accrued thereon, deposited by him in the bank in accordance with law.

[2657–1223.]

SECTION 1994.  

Deposits Not Subject to Taxation. — No deposit shall be subject to taxation by the Philippine Government or by any provincial or municipal government.

[2657–1224.]

SECTION 1995.  

Deposits Not Liable to Attachment. — Deposits which do not aggregate more than five hundred pesos shall not be liable to attachment upon mesne process in any case except where the cause of action is founded on
Section 1996. Deposit Books and Certificates Not Valid as Security. — No deposit book, certificate of deposit, or other evidence of deposit in the bank shall be used as security for loan, debt, or obligation of any kind except certificates for guaranty deposits which shall be used only for the specific purpose for which they are issued.

When it appears that a deposit book or other evidence of deposit is being held as security contrary to law, the Director of Posts shall have authority to seize such deposit book or other evidence of deposit and restore it to the owner or to declare such deposit book or other evidence of deposit null and void, and to issue a duplicate thereof to the lawful owner.

Section 1997. Secrecy of Bank Accounts. — No person connected with the Bureau of Posts shall give any information regarding bank transactions to any person not authorized by law to receive such information.

Section 1998. Right of Bank to Delay Repayment of Deposits. — The bank reserves the right to delay the repayment of any deposit for a period not exceeding thirty days in addition to the time required to secure the approval of the central office.

Section 1999(1529). Classification of Banks. — Depositor's accounts in the bank shall consist of general savings accounts and special-deposit accounts and shall be accepted for deposits and withdrawal at all postal savings banks without regard to the bank of origin.

General savings accounts shall include personal, parental, guardianship, and society accounts.

Special-deposit accounts shall include specified guarantee, time deposit,
annuity, and all accounts not otherwise provided for.

[2657–1230.]

SECTION 2001. Deposit Books. — Deposit books or other evidences of deposit, in such form as the Director of Posts shall prescribe, shall be loaned free to all depositors in the bank, but shall remain the property of the bank, to be returned when the accounts are closed or upon demand of the Director of Posts.

[2657–1231.]

SECTION 2002. Dormant Accounts. — On the first day of January, nineteen hundred and thirty-nine and every two years thereafter, the Secretary of Public Works and Communications, upon the recommendation of the Director of Posts, shall declare any bank account dormant when there has been no deposit, withdrawal, or other transaction at the request of the depositor for ten years after the end of the fiscal year in which the last transaction in the account was made, or for ten years after stipulation period named in the application when the account was opened.

Immediately following the declaration by the Secretary of Public Works and Communications, as above provided, the Director of Posts shall cause to be posted in conspicuous places in every municipality and every chartered city of the Philippines, a printed list arranged in alphabetical order, of the depositors in whose names said accounts are carried in the books of the bank, and said list shall, among other things, contain:

(a) The name and last known place of residence or post-office address of the depositor, and the name of his beneficiary, if one has been nominated.

(b) The amount of his deposit including accrued interest thereon.

(c) The date when the person in whose favor the deposit stands died, if known, or the date when he made his last deposit or withdrawal.

[2657–1232; 4093–5(1531); 4260–1(1532); C.A. 198–2(1533); C.A. 394–2(1534).]

SECTION 2002-A. Disposition of Dormant Accounts. — At the expiration of one hundred and twenty days from the time the list hereinabove referred to are posted, the Director of Posts shall furnish the Solicitor-General with a list of outstanding dormant accounts in the Postal Savings Bank, to be prepared
in the same manner as provided for in section two thousand and two of this Code together with sworn statements certifying as to the dates and places where the lists were posted and the latter shall commence an action or actions in the Court of First Instance of the City of Manila with the Philippine Postal Savings Bank as the party plaintiff and the depositors or their heirs and/or beneficiaries, if known, as parties defendant. Service of process in such action or actions shall be made by publication of a copy of the summons, once a week for three consecutive weeks, in the Official Gazette. Upon trial, the court shall hear all parties who have appeared therein and if it be determined that such deposits are dormant and unclaimed, as hereinabove stated, then the court shall render judgment in favor of the Philippine Postal Savings Bank declaring that such deposits have escheated to said bank and shall become a part of its earnings after all expenses in connection with the proceedings herein shall have been paid.

At the time of publication of the summons in the action above provided for, the clerk of court shall likewise issue a notice signed by him, giving the title and number of said action and referring to the complaint therein and directed to all persons, other than those named as defendants therein, claiming any interest in any deposit mentioned in said complaint and requiring them to appear within one hundred and twenty days after the date of the summons, and show cause, if any they have, why the deposits involved in said action should not be escheated in favor of the Philippine Postal Savings Bank, and notifying them further that if they do not appear and show cause, the said Philippine Postal Savings Bank will apply to the court for the relief demanded in the complaint. A copy of said notice shall be attached to, and published with a copy of, said summons required to be published as above, and at the end of the copy of such notice so published, there shall be a statement of the date of the first publication. Any person interested may appear in said action and become a party thereto. Upon completion of the publication of the summons and notice as hereinabove provided, the court shall have full and complete jurisdiction in the Philippines over said deposits and over the persons having or claiming interest in them or any of them, and shall have full and complete jurisdiction to hear and determine the issue therein and render the appropriate judgment thereon.

[4260–1(1535); C.A. 394–3(1536).]

SECTION 2003. Issue of Duplicate Deposit Books. — Whenever it shall be shown to the satisfaction of the Director of Posts that any deposit book, certificate, or other evidence of deposit in the bank, has been lost, destroyed, or stolen, or is being unlawfully detained by any person, he may issue a duplicate thereof which shall be valid for all purposes and the original shall thereupon be void.
SECTION 2004. Minimum Account. — No account shall be permitted for a sum less than one peso.

SECTION 2005. Transfer of Balances. — Balances in the bank shall not be transferred from one account to another account, except upon written order of the Director of Posts.

SECTION 2006. Failure of Depositor to Comply With Regulations. — When it shall appear that the owner of an account habitually fails to observe or disregards the Postal Savings Bank Law or regulations, the Director of Posts shall have authority to call in and cancel such amount and pay to the owner the amount due him at that time.

SECTION 2007. Who May Open Accounts. — Any person over seven years of age and not suffering under legal disability other than minority, may have one personal savings account, provided no parental or guardianship account is open in the same person's name, but no such account may be opened or maintained in the names of two or more persons jointly, or in the name of any commercial firm or corporation. Personal accounts shall remain in the exclusive control of their owners regardless of the minority or marriage relations of the latter.

SECTION 2008. Parental and Guardianship Accounts. — Any father or mother (but not both) may have one parental savings account for each of his or her minor children who has not already a personal account. A parental account shall remain under the exclusive control of the parent until the minor reaches legal age, when exclusive control passes to him.

Any guardian, trustee, or administrator may have one guardianship savings account for each person or estate legally committed to his care, upon first securing written permission from the Director of Posts.

SECTION 2009. Accounts of Charitable or Benevolent Societies. — Any
charitable or benevolent society or other organization not engaged in a commercial enterprise for profit may have one society savings account, upon first securing written permission from the Director of Posts.

[2657–1239.]

SECTION 2010. Limitation on Number of Accounts in Name of One Person. — No person or society shall have more than one savings account in the bank at the same time; but this shall not prevent any person from having parental or guardianship accounts for others nor shall it prevent any person from having an interest in any number of society accounts or from having any number of special-deposit accounts which may be permitted by the bank regulations.

[2657-1240.]

SECTION 2011. Information to be Furnished by Depositors. — Applicants for bank accounts shall furnish the statistical information required before an account shall be opened for them.

[2657–1241.]

SECTION 2012. Special-Deposit Accounts. — Special deposits for specific purposes may be opened by such persons and with such limitations as may be prescribed in the bank regulations.

[2657–1242.]

SECTION 2013. Home Savings Boxes, Thrift Stamps, and Cards. — To facilitate deposits of small savings, home savings boxes and postal savings bank thrift stamps, hereinafter referred to as thrift stamps, of suitable denominations, shall be acquired by the Director of Posts with the approval of the Department Head and paid from the funds of the bank and issued and placed on sale at all banks and other places designated by the Director of Posts, at prices to be determined by the Director of Posts and approved by the Department Head.

Thrift stamp cards shall be furnished free to purchasers of thrift stamps. Any stamp card filled with stamps to the value of one peso shall be accepted as cash for deposit at any bank.

Postmasters and other employees to whom they are intrusted shall be charged with the same responsibility for home savings boxes as for accountable property and for thrift stamps as for money.

Thrift stamps once sold shall not be redeemed for cash nor exchanged for
postage stamps.

[2657–1243; C.A. 394–5(1538).]

SECTION 2014. Amount and Frequency of Deposits. — Deposits of not less than one peso, nor oftener than once each day for the credit of the same account, shall be accepted at any bank.

[2657–1244.]

SECTION 2015. Deposit Books and Receipts. — For each deposit made the depositor shall receive such evidence of deposit as may be provided by the regulations of the bank.

Unless otherwise provided by regulations, no deposit for the credit of any account, except an initial deposit made, to open an account, shall be received at any bank unless the deposit book or other evidence of former deposits is presented at the time the deposit is made.

Deposit books and receipts shall be accountable forms, for which postmasters and other employees shall be held responsible as such.

[2657–1245.]

SECTION 2016. Amount and Frequency of Withdrawals. — Withdrawals of not less than one peso may be made from each general savings account not oftener than once a week, including a withdrawal to close the account.

Withdrawals from special-deposit accounts may be made only in accordance with the regulations of the bank.

[2657–1246; C.A. 394–6(1539).]

SECTION 2017. Procedure for Making Withdrawals. — For each withdrawal an application shall be submitted to the Director of Posts, who shall, upon finding the application correct and there being sufficient funds to the credit of the applicant, authorize the payment of the withdrawal to the applicant, who shall receipt for the amount paid.

[2657–1247.]

SECTION 2018. Withdrawals by Telegraph. — Withdrawals may be requested and authorized by telegraph upon payment of the telegraph charges by the applicant.
SECTION 2019. Special Withdrawals. — The Director of Posts may, by regulation, provide that withdrawals not in excess of fifty pesos in each case may be paid by any local postmaster without first securing authority for such payment from the central office.

SECTION 2020. Closing Accounts. — Each application to withdraw the entire balance of an account shall be accompanied by the proper deposit book or other evidence of deposit.

SECTION 2021. Rate of Interest on Deposits. — Interest shall be allowed on deposits in the bank at the rate of two and one-half per centum per annum or at such other rate as may be authorized by the board at the beginning of any calendar year.

SECTION 2022. Time and Manner of Computing Interest. — Interest on a regular savings account shall be computed annually upon the lowest monthly balance during each calendar month the amount remains on deposit, and shall be placed to the credit of the depositor's account in the central office and thereafter draw interest.

Interest shall be allowed only for the time the amount is of record as a deposit in the central office; Provided, however, That deposits recorded in the central office of the bank during the first five days of any calendar month shall be allowed interest from the first day of the month they are so recorded. No interest shall be computed upon fractions of a peso.

Interest on special-deposit accounts shall be computed in accordance with the regulations of the bank.

SECTION 2023. Accounts Not to Draw Interest. — No interest shall be allowed on general savings accounts upon which there has been no deposit, withdrawal, or other transaction at the request of the depositor for ten years after the end of the fiscal year in which the last transaction in the account was made, or for ten years after stipulation period named in the application when the account...
was opened, nor on money to the credit of any depositor in excess of six thousand pesos in addition to the amount represented by firearms certificates of deposit, except that deposits made by charitable, benevolent, or mutual aid societies, and labor unions as provided in section two thousand and nine, not in excess of ten thousand pesos, shall bear interest.

[2657–1253; 3328–4(1542); C.A. 394–9(1543).]

SECTION 2024. Deposit Books or Certificates Not Negotiable. — Deposit books, certificates, or other evidences of deposit issued by the bank, shall not be negotiable, but any depositor who has an account in the bank may, subject to the bank regulations, appoint another person to make a deposit in, or withdrawal from, that account.

[2657–1254.]

SECTION 2025. Nomination of Beneficiary. — Any depositor of the age of majority may execute a nomination in connection with his postal savings account, providing for the transfer of his deposit, if not in excess of five hundred pesos, or any part thereof not in excess of the same limit, to the nominee upon the occasion of the depositor's death.

Such nomination shall be executed in writing, in prescribed form, and shall be signed by the depositor in the presence of a subscribing witness (other than the nominee), and upon due execution, shall be forwarded during the depositor's lifetime to the chief of the postal savings bank division for registration.

[2657–1255.]

SECTION 2026. Formalities Incident to Payment to Beneficiary. — When a claim is made under a nomination executed by a depositor in the manner above provided, and in force at the depositor's death, the nominee shall be required, before receiving any benefits from the depositor's account, to forward to the chief of the postal savings bank division satisfactory evidence of the depositor's death and of his identity as the person named in the nomination. The chief of the postal savings bank division, upon being satisfied from the above-mentioned evidence of the death of the depositor, the identity of the nominee, and the legality of his claim, shall pay to the nominee the sum legally due him as provided in the nomination.

[2657–1256.]

SECTION 2027. Title of Beneficiary. — The rights acquired by a beneficiary under such nomination shall not be greater than he might have acquired as legatee under the depositor's will. Such nomination, if executed before the birth
of a descendant of the depositor, shall be automatically rendered of no effect from the date of such birth.

[2657–1257; C.A. 394–10(1544).]

SECTION 2028. Disposition of Small Account in Absence of Nomination of Beneficiary. — When a depositor dies leaving an account of not more than two hundred pesos, the Director of Posts may, if no administration of the estate is undertaken within thirty days after the depositor's death, authorize the payment of the deposit to the person whom he shall believe to be the nearest relative of the deceased, without prejudice to the legal rights of any other lawful claimant thereto.

[2657–1258.]

SECTION 2029. Investment of Bank Funds. — The investment of the funds of the bank may be made by the board in any or all of the ways provided herein and in no other manner:

(a) In bonds or other evidences of indebtedness of the United States.

(b) In bonds or other evidences of indebtedness of the (Insular) National Government of the (Philippine Islands) Philippines, the City of Manila, or any municipality in the (Philippine Islands) Philippines, issued in pursuance of section sixty-six of the Act of Congress approved July first, nineteen hundred and two, as amended by section three of the Act of Congress approved February sixth, nineteen hundred and five. Not more than ten per centum of the total funds of the bank shall be invested in bonds of municipalities of the (Philippine Islands) Philippines outside of the City of Manila.

(c) In interest-bearing deposits, under security approved by the board, in any bank situated in the United States or in the (Philippine Islands) Philippines having an unimpaired, paid-up capital equivalent to one million five hundred thousand pesos or over of Philippine currency.

(d) In stocks or shares of banks doing business in the (Philippine Islands) Philippines having a paid-up capital of one million five hundred thousand pesos or over, but not more than ten per centum of the total funds of the bank shall be invested in such stocks or shares.
(e) Upon first mortgage, deed of trust, or deed with contract for resale to the bank of improved and unencumbered real estate, with a title duly registered according to law, when the buildings are of a permanent and substantial character, situated in the (Philippine Islands) Philippines, but no such loan or investment shall be for more than sixty per centum of the value of such property as determined by the board.

[3328–5(1545); 4093–6(1546).]

(f) In first mortgage, deed of trust, or deed with contract for resale, to the bank, of leasehold interest in lands having still not less than fifty years to run, and all buildings thereon, when said lands are situated in the Philippine Islands) Philippines, with title in the Government of the (Philippine Islands) Commonwealth of the Philippines and the buildings are of a permanent, substantial, and valuable character; but the amount of the loan or investment shall in no case exceed sixty per centum of the value of the buildings as determined by the Board: Provided, That whenever the instrument, deed, or contract for granting of the loan or investment is prepared, executed, transferred, or cancelled by the Board, the Secretary thereof is hereby authorized to charge the mortgagor, trustee, or assignor, fees at the rate to be fixed by the Board and five pesos for each transfer or cancellation of the same.

[3328–5(1547).]

(g) Upon first mortgage, deed of trust, or deed with contract for resale to the bank of actually cultivated, improved, and unencumbered agricultural lands in the (Philippine Islands) Philippines with a title registered in accordance with law when the buildings thereon are of a permanent, substantial, and valuable character, but no investment shall be made upon such property in an amount in excess of sixty per centum of his value as determined by the Board, nor upon any one piece of such property in an amount in excess of ten thousand pesos: Provided, That whenever the instrument, deed, or contract for the granting of a loan or investment is prepared, executed, transferred, or cancelled by the Board, the secretary thereof is hereby authorized to charge the mortgagor, trustee, or assignor, fees at the rate to be fixed by the Board and five pesos for each
transfer or cancellation of the same. 

[3328–5(1548).] 

(h) In securities the principal or interest of which is guaranteed by the Government of the United States or of the (Philippine Islands) Philippines.

(i) In loans or securities the principal or interest of which is guaranteed by the Government of the United States or of the (Philippine Islands) Philippines; but such loans shall not exceed eighty per centum of the market value of such securities and no loan shall be made on such securities for a period longer than one year.

(j) In bonds which are valid obligations against all the property of any public-service corporation incorporated under the laws of the United States or of the (Philippine Islands) Philippines.

(k) In bonds of the Manila Railroad Company known as "A debentures, Manila Railroad, nineteen hundred and six, limited."

(l) In loans to the (Insular) National Government of not exceeding the aggregate amount of five hundred thousand pesos, for the purchase or construction of public buildings for the offices of the (Insular) National Government: Provided, That authority from the (Legislature) National Assembly shall be secured prior to the granting of any loan.

[2856–1; 3369–1(1549).] 

(m) In loans to provincial and municipal governments and chartered cities for the construction of permanent public improvements. These loans shall be repaid in not more than ten annual installments with interest at not to exceed six per centum per annum, payable quarterly. In case the province, municipality or chartered city which has contracted the loan fails to pay the principal or interest of any installment, the National Loan Investment Board shall so notify the Collector of Internal Revenue, in the case of a province, the provincial treasurer, in the case of a municipality, or the city treasurer, in case of a chartered city, and such Collector of Internal Revenue,
provincial treasurer, or city treasurer, as the case may be, is authorized and directed to retain from any revenues coming into his possession, belonging to the province, municipality or chartered city that contracted the loan, an amount sufficient to satisfy the sum due, and shall remit such sum to the National Loan and Investment Board.

[2657–1259; 2805–1(1550); 4093–6(1551); C.A. 322–1(1552).]

(n) Upon mortgage of unencumbered real property situated in the cities and municipalities, to be determined by the Board, having properly registered title in accordance with law: Provided, That the loan which may be granted under the provisions of this subsection shall be employed for no other purpose than the construction of buildings of a permanent character on the property on which said loan has been granted; and that the construction of said buildings shall be executed subject to the rules and conditions to be established by the Postal Savings Bank Board, which Board may cancel the loan in the event that its proceeds are used for other purposes: And provided, further, That whenever the instrument, deed, or contract for the granting of the loans or investment is prepared, executed, transferred, or cancelled by the Board, the secretary thereof is hereby authorized to charge the mortgagor, trustee, or assignor, fees at the rate to be fixed by the Board and five pesos for each transfer or cancellation thereof.

[2657–1260; 2856–1(1553); 3328–5(1554); see C.A. 7(1555), 112(1556), 198(1557), and 459(1558).]

SECTION 2030. Appraisement of Property or Securities. — To ascertain the actual value and to secure other information relative to properties and securities upon which loans are contemplated, the (Governor-General) President of the Philippines shall, upon the request of the Board, appoint committees of appraisement whose duties shall be to examine such properties and securities and report promptly thereon to the Board such information as it may require. By proper resolution the Board may fix and pay a compensation for each of the members composing the committee serving in the City of Manila and provinces, the provisions of existing law to the contrary notwithstanding: Provided, That said compensation shall not exceed three hundred pesos per annum for the chairman and two hundred forty pesos per annum for any of the members, to be paid monthly.
SECTION 2031. Restriction Upon Investment or Loans Upon Real Property. — No investment or loan shall be made upon a mortgage or deed on any property, including buildings thereon or upon the buildings or land alone, as hereinbefore provided, in an amount in excess of ten per centum of the total amount of the funds of the bank or for a longer time than ten years, but loans granted for a longer term than three years shall be repaid on monthly, quarterly, semi-annual or annual basis; and every loan shall be made upon the condition that it may be recalled by the Board in the event of any material depreciation of the value of the security, unless additional guaranty is given if required by the Board, or if any of the conditions of the loan are not complied with; and total investment upon such mortgages and deed shall in no event exceed in the aggregate seventy-five per centum of the total funds of the bank.

In the consideration of applications for loans of Government institutions, the provinces, municipalities, and chartered cities will be given preference, insofar as the amounts applied for by them are within their borrowing capacity and duly recommended by the Department Head.

Any real estate mortgage loan which may become overdue or payable may, in the discretion of the Board and on written application of the debtor made within six months before or thirty days after from the date the loan falls due, be renewed for a period not to exceed ten years, but loans so renewed shall be liquidated on monthly, quarterly, semi-annual, or annual amortization plan.

SECTION 2032. Restrictions Upon Investment in Bonds of Public-Service Corporations. — Before an investment is made in the bonds of a public-service corporation, under subsection (j), the board shall make request upon the (Governor-General) President of the Philippines for the appointment of a committee to inquire into the value of the securities in question. It shall thereupon be the duty of the (Governor-General) President of the Philippines, if he deems the contemplated investment desirable, to appoint such committee, whose duty it shall be to ascertain the total reasonable value of all the property of the corporation on which the total issue of the bonds in question shall constitute valid obligations and also the total amount of all the obligations included in said issue or prior thereto; and no investment shall be made if the said committee finds that the said total issue of said bonds, together with all prior existing obligations, shall exceed eighty per centum of the total reasonable value of the said property, nor shall such investment
be made unless, during the three years prior to the same, the net earnings of the corporation shall have been more than double the amount necessary to pay the interest on the total issue of the bonds offered for investment. Not more than twenty per centum of the total funds of the bank on the date of the investment shall be invested in securities of any public-service corporation, unless the principal or interest of such securities shall have been guaranteed by the Government of the United States or by the Government of the (Philippine Islands) Commonwealth of the Philippines.

[2657–1262.]

SECTION 2033. Title to Real Property Acquired by Bank. — The title to real estate, leasehold, buildings, and other property acquired by foreclosure or otherwise shall be vested in the bank and shall be managed for the benefit of the bank under the direction of the board until such time as the board may, in its discretion, sell or otherwise dispose of it.

[2657–1263.]

SECTION 2034. Proceeds and Earnings of Property Held by Bank. — All sums derived from the operation or sale of real estate, buildings, and other property and securities acquired by the bank in excess of the amounts chargeable for interest taxes, insurance, and other expenses shall accrue to bank as additional earnings.

[2657–1264.]

SECTION 2035. Postal Savings Bank Reserve Fund. — The earnings of the Postal Savings Bank in any year in excess of the expenses of the bank for that year shall constitute its reserve fund which shall be invested with other bank funds in accordance with law.

[2657–1265; 3328–8(1564).]

SECTION 2036. Expenses and Earnings — How Ascertained. — To ascertain the earnings and expenses of the bank for any period, only the amounts actually paid and received and payable and receivable during that period shall be taken into account.

[2657–1266.]

SECTION 2037. Payment of Expenses of Bank. — The expense of the operation and administration of the bank shall be paid out of the funds of the Bureau of Posts in the same manner as the expenses of its other divisions are paid.
At the end of each fiscal year the total of the amounts so paid shall be repaid to the Bureau of Posts out of the bank's current earnings and the postal savings bank reserve fund.

[2657–1267.]

SECTION 2038. Increase of Interest Rate on Deposits. — A portion of the earnings of the Postal Savings Bank mentioned in section two thousand thirty-five may be also used, with the approval of the Board of investment of the funds of the said bank, to increase the rate of interest on deposits.

(a) Investment of deposits in Government bonds. — The depositor's written authority being previously had, the Director of Posts with the consent of the Board of Investment may invest the entire or any portion of the amount deposited by the former in the purchase of bonds of the (Insular) National Government or of the provincial or municipal government including the City of Manila and other cities to which the (Legislature) National Assembly may hereafter grant special charters.

[2657–1268; 3328–9(1565).]

CHAPTER 53

(Bureau of Supply) Division of Purchase and Supply(1566)

PRELIMINARY ARTICLE

Title of Chapter

SECTION 2039. Title of Chapter. — This chapter shall be known as the Supply Law.

[2657–1894.]

ARTICLE I

Organization of (Bureau) Division

SECTION 2040. Chief Officials of (Bureau of Supply) Division of Purchase and Supply. — The (Bureau of Supply) Division of Purchase and Supply shall have one chief and one assistant chief, to be known respectively as the Purchasing Agent and Assistant Purchasing Agent.

[2657–1895; see Act 4007–12(1567).]
SECTION 2041(1568). Functions of (Bureau of Supply) Division of Purchase and Supply. — It shall be the function of the (Bureau of Supply) Division of Purchase and Supply to procure and furnish supplies to the various offices, officials, and branches of the Government and to other persons entitled to make purchases through said (Bureau) Division, the same being required for official or other lawful use; and in the absence of special provision, all purchases of supplies for the use of the various Departments, Bureaus, and Offices of the (Insular) National Government or for the use of a chartered city or of any province or municipality shall be made exclusively through this (Bureau) Division.

The Secretary of (Commerce and Communications) Finance may also, in his discretion, authorize the performance of the same service for the authorities of the United States in the (Philippine Islands) Philippines or for other persons therein.

[2657–1896; 2864–1(1569).]

ARTICLE II

Purchase of Government Supplies

SECTION 2042. Scope of Term "Supplies." — "Supplies," as herein used, includes everything, except real estate, which may be needed in the transaction of official business or for public use, whether of the nature of furniture, equipment, stationery, materials for construction, live-stock, foodstuffs, or personal property of any sort.

[2657–1897.]

SECTION 2043. Authorization of Purchase in Other Mode Than Through (Bureau of Supply) Division of Purchase and Supply. — Purchases which, under section two thousand and forty-one hereof, are required to be made through the (Bureau of Supply) Division of Purchase and Supply may be effected through other channel when the public interest so requires and the Secretary of (Commerce and Communications) Finance shall so order.

In cases where the Secretary of (Commerce and Communications) Finance exercises the power herein conferred he shall, if practicable, make provision, in the order conferring the authority, for such restrictions upon the method or methods of purchase as will secure the articles in question at the lowest prices consistent with the emergency presented and the conditions of the market, and shall require the branch of the Government making such purchase to file the proper requisition with the (Bureau of Supply) Division of Purchase and Supply, the same as in other cases.
SECTION 2044. General Exceptions. — A purchase may in any case be effected in the open market and without the intervention of the (Bureau of Supply) Division of Purchase and Supply, if the purchaser so desires, in either of the following situations:

(a) Where a purchaser is made from the United States Government; or where an article is purchased upon terms fixed by contract between the United States Government and the dealer, of which the Government of the (Philippine Islands) Commonwealth of the Philippines is allowed the benefit.

(b) Where purchase is made of materials, supplies, or other articles needed for the use of a provincial government, such things being procurable in the provinces at prices deemed by the provincial board to be reasonable.

(c) Where purchase is made of materials or supplies for use in the construction, repair, or maintenance of a public work upon the occasion of any emergency involving danger to life or property or in any case where the location of the work is remote from Manila.

(d) In any case where the Secretary of (Commerce and Communications) Finance shall be of the opinion that the public interest requires that the purchase be made without the intervention of the (Bureau of Supply) Division of Purchase and Supply.

ARTICLE III

Requisitions for Supplies

SECTION 2045. Requirement of Requisition. — No order for supplies shall be filled by the (Bureau of Supply) Division of Purchase and Supply for any branch of the Government except upon written requisition as hereinbelow provided.

SECTION 2046. Officers Having Authority to Draw Requisitions. —
(Insular) National requisitions shall be drawn by the chief of Bureau or Office concerned or other officer having control of the appropriation to which the expenditure is chargeable; provincial requisitions shall be drawn by the provincial treasurer; municipal requisitions, by the municipal treasurer; requisitions for the City of Baguio, by the treasurer of said city; and for the City of Manila, by the head of the department of the city government for which the supplies are required.

[2657–1901.]

SECTION 2047. Certificate Showing Existence of Appropriation. — Every requisition must be accompanied by a certificate, signed by the person having control of the disbursement of the fund against which the proposed expenditure is chargeable, showing that an appropriation therefor exists and that the estimated amount of such expenditure has been set aside for its liquidation.

[2657–1902.]

SECTION 2048. Approval of Requisition. — (Insular) National requisitions shall be approved by the respective Department Heads. In the case of provincial and municipal requisitions, and of the Cities of Manila and Baguio and chartered cities, the approval of the provincial treasurer, the municipal treasurer, and the mayor, respectively, shall be sufficient: Provided, That the (Chief of the Executive Bureau) Secretary of Finance may, in the case of provincial and municipal requisitions, make rules and regulations not inconsistent with this Act, in order to retain the control and supervision over the provincial and municipal disbursements: Provided, further, That the approval of the municipal treasurer and the mayor in chartered cities shall not be necessary when the cost of the articles to be purchased for urgent needs of the city or municipal governments does not exceed the sum of hundred pesos.

[2657–1903; 3216–1(1574); see Act 4007–33(1575) and C.A. 78(1576).]

SECTION 2049. Action in Emergency Cases. — With the approval of the (Chief of the Executive Bureau) Secretary of Finance, a request for the delivery or forwarding of supplies for a province or municipality, or the City of Baguio, may be acted upon, in a case of emergency, before the requisition and certificate of appropriation are received the requisitioning officer being responsible for the prompt submission of the same through the usual channels.

[2657–1904; see Act 4007–33(1577) and C.A. 78(1578).]

ARTICLE IV
Standardization

SECTION 2050. Standardization of Supplies. — The (Governor-General) President of the Philippines may, by executive order, constitute a committee on standardization of supplies, whose duty it shall be, after studying the requirements of the various branches of the service, to establish certain makes, grades, qualities, or kinds of material and equipment as the standards of their class to be furnished for Government use, and said committee shall also direct the use and redistribution of serviceable material and equipment belonging to the various branches of the service, whenever in its opinion the same can be used more advantageously elsewhere, subject to the restrictions of the existing appropriation law.

After the standards of any classes of material or equipment have thus been established, the Purchasing Agent shall furnish no others upon requisitions unless (1) specifically authorized by the Secretary of (Commerce and Communications) Finance, (2) sanctioned by subsequent action of the committee, or (3) to admit of the disposal of material and equipment already on hand.

[2657–1905; see Act 4007–4, 12(1579).]

ARTICLE V

Charges for Supplies

SECTION 2051(1580). Charges for Supplies. — For services rendered and supplies furnished, the (Bureau of Supply) Division of Purchase and Supply shall charge the cost thereof plus a surcharge not in excess of seven and one-half per centum which shall be fixed by the Purchasing Agent, with the approval of the Secretary of (Commerce and Communications) Finance. "Cost," as here used, shall include, in the case of supplies, not only the original price but the freight and expenses incidental to delivery at the warehouse of the (Bureau of Supply) Division of Purchase and Supply in Manila.

[2657–1906; 2864–3(1581); see Act 4007–4, 12(1582).]

SECTION 2052. Expense of Delivery. — Upon shipping supplies to points out of the City of Manila the Purchasing Agent shall prepay the cost of transportation or settle the account therefor, and shall include such amount as a separate item in his bill.

No charge shall be made for the delivery of Government supplies in the City of Manila except where the (Bureau of Supply) Division of Purchase and Supply is subjected to extra expense through the failure of the purchasing Bureau or Office
to accept timely and proper delivery, in which case such extra expense may be charged.

[2657–1907; see Act 4007–12(1583).]

ARTICLE VI

Cold Storage and Ice Plant

SECTION 2053. Operation of Cold Storage and Ice Plant. — The (Bureau of Supply) Division of Purchase and Supply shall operate the (Insular) National cold storage and ice plant in Manila, shall rent cold-storage space therein, and shall dispose of the products thereof according to law.

Receipts of the division of cold storage and ice plant in the (Bureau of Supply) Division of Purchase and Supply shall constitute a separate reimbursable fund to the credit of said division.

[2657–1908; see Act 4007–4, 12(1584).]

SECTION 2054. Supply of Ice and Cold Storage to United States Army and Employees of United States and of (Insular) National Government. — Cold storage and ice shall be supplied by the (Bureau of Supply) Division of Purchase and Supply to the Army of the United States in the (Philippine Islands) Philippines in accordance with the contracts from time to time entered into between the (Insular) National Government and the Commanding General of the United States Army, Philippine Department.

The (Bureau) Division shall also furnish and deliver ice for private use to officers, soldiers, and sailors of the United States Army and Navy, in Manila, or in the offices of the military government, at the same price as shall be fixed for furnishing ice of the Army of the United States. Ice shall be sold to employees of the civil service of the (Insular) National Government or of the City of Manila at rates to be fixed from time to time by the Purchasing Agent, with the approval of the Secretary of (Commerce and Communications) Finance.

[2657–1909; 2864–4(1585); see Act 4007–4, 12(1586).]

SECTION 2055. Competition with Private Firms Prohibited. — The cold storage and ice plant shall not engage in competition with private individuals or corporations in providing cold storage or ice or distilled water, but should there be any cold-storage space available not required by the Army of the United States under its contract with the (Insular) National Government, such space may be made available for private individuals at prices to be fixed by the Purchasing
Agent with the approval of the Department Head; but the terms so fixed shall be such as not to create a competition with existing industries. Ice and distilled water produced in the plant, if in excess of the demands for the purposes specified in the last preceding section, may be disposed of to the public at large under such restrictions to be fixed by the Purchasing Agent, with the approval of the Department Head, as shall not constitute a competition with existing industries.

[2657–1910; see Act 4007–12(1587).]

ARTICLE VII

Inspection of Stocks of Supplies on Hand

SECTION 2056. Inspection of Stocks of Supplies on Hand. — The Purchasing Agent, or his duly authorized representative, shall make an annual inspection or more frequently in the discretion of the (Governor-General) President of the Philippines of the stock of supplies kept on hand by each Bureau, Office, or other branch of the (Insular) National Government, or by the City of Manila, in the manner hereinafter prescribed, for the purpose of ascertaining what supplies are carried in stock that, in his opinion, are unnecessary.

Each chief of Bureau or Office, or other branch of the (Insular) National Government, or department of the City of Manila, shall within fifteen days after receipt of written notice from the Purchasing Agent, prepare and submit to the latter an itemized statement of all supplies he has on hand, showing the quantities thereof, the purposes for which they are to be used, the length of time they have been in stock, and the condition thereof. As soon as possible thereafter, the Purchasing Agent may, in his discretion, cause an inspection of such supplies to be made, and the chief of such Bureau, Office, or other branch of the (Insular) National Government, or department of the City of Manila, shall render all the assistance necessary for the due accomplishment thereof.

[2657–1911.]

SECTION 2057. Report of Purchasing Agent to (Governor-General) President of the Philippines. — Upon the completion of such inspection, the Purchasing Agent shall prepare and submit to the (Governor-General) President of the Philippines a written report covering such supplies found in stock as he deems unnecessary, giving a full description of the condition thereof and submitting his recommendations as to the advisability of continuing such supplies in stock, which in his opinion are not commonly used, which quickly deteriorate, or which he considers unnecessary. Such action as the (Governor-General) President of the Philippines may take thereon shall be final and notice thereof shall be given to the
(Insular) Auditor General, the Purchasing Agent, and the chiefs of Bureaus, Offices, Departments, or other branches of the Government concerned.

[2657–1912; see Act 4007–4, 12(1588).]

CHAPTER 54

Bureau of Labor(1589)

SECTION 2058. Chief Officials of Bureau of Labor. — The Bureau of Labor shall have one chief (and one assistant chief,) designated, (respectively,) as the Director of Labor (and the Assistant Director of Labor).

[2657–1272; see Act 4007–34, 36(1590).]

SECTION 2059. Duties and Functions of Bureau of Labor. — The Bureau of Labor shall have the power, and it shall be its duty —

(a) To see to the proper enforcement of all laws relating to labor and capital in the (Philippine Islands) Philippines, and to promote the enactment of legislation which shall tend to establish the material, social, intellectual, and moral improvement of workers.

(b) To acquire, collect, compile, systematize, and submit from time to time reports to the Department Head, statistical data relative to the hours and wages of labor, the number of workers in each trade or occupation, employed and unemployed, their place of birth, age, sex, civil status, and moral and mental culture; the estimated number of families of married workers, houses rented by them, and annual rental; property owned by them, the value of such property; the cost of living, the amount of labor required, the estimated number of persons dependent on their daily wages, the probable changes in all the persons employed, the condition of shops, factories, railways, tramways, industrial and commercial establishments, and all other place or centers of labor, whether public or private, including the penal institutions of these Islands, with respect to the safety of life and health of workers; the means adopted to avoid accidents or make reparation therefor; the number of accidents which take place, their causes and the action taken in each case; conditions and certainty of the payment of wages; the business of savings banks with the working classes; corporations, strikes,
suspensions of work, and other labor difficulties, their causes and the remedies adopted in each case; mutual benefit associations, workers' insurance societies, associations for the collection of statistics and cooperative production, and other labor organizations, and their effects on labor and capital; private employment, complaint, defense, and consultation agencies for laborers; their conditions and effects and other matters relative to the commercial, industrial, social, educational, moral, and sanitary condition of the working classes and the permanent prosperity of the various industries of the Islands; and in the case of laborers born in foreign countries, the date of their arrival and the length of their stay in these Islands.

(c) To inspect all shops, factories, railways, tramways, vessels, industrial and commercial establishments, and all other places or centers of labor, whether public or private, and to take the proper legal steps to prevent the exposure of the health or lives of laborers, and to aid and assist by all proper legal means laborers and workers in securing just compensation for their labor, and the indemnity prescribed by law for injuries resulting from accidents when engaged in the performance of their duties.

(d) To secure the settlement of differences between employer and laborer and between master and servant and to avert strikes and lockouts, acting as arbitrator between the parties interested, summoning them to appear before it, and advising and bringing about, after hearing their respective allegations and evidence, such arrangement as these may, in his judgment, show to be just and fair.

(e) To organize in such towns in the (Philippine Islands) Philippines as it may deem necessary or advisable one or more free employment agencies. A fee in an amount to be fixed by the Director of Labor, with the approval of the Department Head, may be collected by said Director from employers for services performed by an employment agency in securing servants and employees. An employment agent shall not be subject to the provisions of the Civil Service Law, unless his appointment shall so state.

[2657–1273; see Act 3428–31(1591).]
SECTION 2060. **Attorney of Bureau of Labor.** — There shall be in the Bureau of Labor an attorney to be known as the attorney of the Bureau of Labor. It shall be his duty to assist the Director (or Assistant Director) of Labor in all legal questions by them submitted to him, and to bring suit gratuitously, in the proper courts, for indigent laborers or servants when he shall deem this proper after the failure of the endeavors to bring about a friendly settlement made by the Director (or Assistant Director) of Labor in the performance of the duties imposed and the exercise of the powers conferred upon them by subsection (d) of the next preceding section hereof.

[2657–1274; see Acts 4007–34, 36(1592) and 4152(1593).]

SECTION 2061. **Taking of Evidence by Officials of Bureau of Labor.** — The Director of Labor (and the Assistant Director of Labor) shall have power to administer oaths in matters connected with the administration of the Bureau of Labor and to take testimony in any investigation conducted in pursuance of the provisions of this chapter.

The attorney of the Bureau of Labor shall have power to administer oaths as aforesaid and may, when thereunto specially deputed by the Director of Labor, exercise the authority to take evidence which is herein-above vested in said Director.

[2657–1275; see Act 4007–34, 36(1594) and C.A. 172(1595).]

**CHAPTER 55**

*Bureau of Coast and Geodetic Survey*

SECTION 2062. **Chief Official of Bureau of Coast and Geodetic Survey.** — The Bureau of Coast and Geodetic Survey shall have one chief, to be known as the Director of Coast Surveys.

[2657–1150.]

SECTION 2063. **Functions of Bureau of Coast and Geodetic Survey.** — The functions of the Bureau of Coast and Geodetic Survey shall embrace the following matters:

(a) The making of hydrographic and topographic surveys of harbors, gulfs, bays, channels, approaches, seas, navigable rivers and lakes, and other waters adjacent to the (Philippine Islands) Philippines or pertaining thereto.
(b) The determination and location of geographic positions to be used as points of control for the coast and interior surveys.

(c) The establishment and marking of meridian lines and the determining of the magnetic variation on such lines and the annual changes therein.

(d) The making of tidal observations and the collection and compilation of such tidal data as may be necessary for charts and predictions of tidal movements and the collection of such data concerning currents as may be required in a complete hydrographic survey.

(e) The compilation, from all available sources, of information pertaining to other surveys in or near the (Philippine Islands) Philippines which may be of general value and the publication in suitable form, for the (Insular) National Government, of topographic maps of the several islands.

(f) The collection and distribution of hydrographic and geographic information valuable to craft navigating in Philippine waters.

(g) The compilation of all available data for complete coast pilots and sailing directions for the Islands, to be issued in sections, convenient for revision and reference.

(h) The publication in Manila, so as to give early publicity to valuable information obtained, of advance editions of the charts of the coast, of coast pilots, of notices to mariners, and such other publications relating to the geography or hydrography of the Archipelago as come within the scope of the Survey.

[2657–1151.]

SECTION 2064. Supervision Over Bureau. — The Bureau of Coast and Geodetic Survey shall be administered and its work performed under the direction of the Coast and Geodetic Survey of the United States; but the Director of the Bureau shall be accountable to the Government of the (Philippine Islands) Commonwealth of the Philippines so far as concerns the expenditure of funds furnished by said Government.

[2657–1152.]
SECTION 2065. *Title of chapter.* — This chapter shall be known as the Provincial Law.

[2657–1990.]

[See Act No. 3798, as amended by Act No. 4216, classifying the provinces as follows:

(a) First class-A: The provinces that have obtained an average total revenue of five hundred thousand pesos or more *per annum* for five consecutive years;

(b) First class-B: The provinces that have obtained an average total revenue of four hundred thousand pesos or more *per annum*, but less than five hundred thousand pesos, for five consecutive years;

(c) First class: The provinces that have obtained, an average total revenue of three hundred thousand pesos or more *per annum*, but less than four hundred thousand pesos, for five consecutive years;

(d) Second class: The provinces that have obtained an average total revenue of two hundred thousand pesos or more *per annum*, but less than three hundred thousand pesos, for five consecutive years;

(e) Third class: The provinces that have obtained an average total revenue of one hundred thousand pesos or more *per annum*, but less than two hundred thousand pesos, for five consecutive years;

(f) Fourth class: The provinces that have obtained an average total revenue of
revenue of fifty thousand pesos or more *per annum*, but less than one hundred thousand pesos, for five consecutive years;

\[(g)\] Fifth class: The provinces that have obtained an average total revenue of less than fifty thousand pesos *per annum* for five consecutive years:

*Provided*, That in computing the average total revenue, all receipts in the form of aid or allotments from the (Insular) National Treasury, except the internal-revenue allotment under the provisions of section four hundred ninety-one of Act Numbered Twenty-seven hundred and eleven shall be excluded. (Section 1.)

See Department Order No. 8, issued by the Secretary of the Interior on July 1, 1936, re last classification of provinces, effective October 16, 1936, pursuant to Act No. 3798.]

**ARTICLE I**

*General Provisions*

**SECTION 2066.** *Territorial application of Titles VIII and IX.* — This title and the next succeeding title hereof do not apply to the Department of Mindanao and Sulu.

[2657–1991.]

**SECTION 2067.** *Corporate character and powers of provinces.* — Each province is a political body corporate, and as such is endowed with powers to be exercised by and through its respective provincial government in conformity with law.

Such powers include the following: (a) To have continuous succession in the corporate provincial name; (b) to sue and be sued; (c) to have and use a corporate seal; (d) to acquire and convey real property; (e) to acquire and dispose of personal property; (f) to make contracts for labor and material needed in the construction of duly authorized public works; and (g) to exercise such other rights and incur such other obligations as are expressly authorized by law.

[2657–1992.]

**SECTION 2068.** *Execution of deeds and contracts.* — When the government of a province is party to a deed or instrument conveying the title of real property, such deed or instrument shall be executed on behalf of said government by the provincial governor, upon resolution of the provincial board, and with the approval of the (Governor-General) President of the Philippines.
ARTICLE II

Provincial Offices and Officers in General

SECTION 2069. Chief officials of provincial government. — The chief officials of the provincial government are the provincial governor, the provincial treasurer, and the members of the provincial board.

SECTION 2070. General qualification for provincial office. — No person shall be appointed to any provincial office or be eligible thereto unless he is a citizen of the United States or a citizen of the (Philippine Islands) Philippines.

SECTION 2071. Qualifications of provincial officer. — No person shall be eligible to a provincial office unless at the time of the election he is a qualified voter of the province, has been a bona fide resident therein for at least one year prior to the election, and is not less than thirty years of age.

SECTION 2072. Appointive provincial officer required to reside at provincial capital. — Nonresidence in the province shall not render the person appointed to a provincial office ineligible; but during incumbency he shall, except as otherwise allowed by law, reside at the capital of the province, and keep office in the provincial government building.

SECTION 2073. Permission for official to absent himself from province. — Except as allowed by law, no provincial official engaged in the discharge of continuous duties shall leave the province without obtaining permission so to do from the Department Head: Provided, however, That as regards provincial fiscals and (deputy) assistant provincial fiscals, permission to leave the province shall be obtained directly from the (Attorney-General) Secretary of Justice.

SECTION 2074(1600). Term of office of elective official. — (Repealed)
SECTION 2075(1603). Vacancy in elective provincial office. —
(Repealed)

SECTION 2076(1605). Temporary designation of provincial officer. —
(Repealed)

SECTION 2077. Compensation for person appointed to temporary service. — When a person not in the Government service is appointed to fill temporarily the position of a provincial officer, the appointee shall receive during the period of his service, compensation equal to that fixed by law for the permanent appointee, to be paid from the provincial treasury as other salaries.

In case of the temporary absence or disability of a provincial officer or in case of a vacancy in a provincial office, the (Governor-General) President of the Philippines or officer having the power to fill such position may in his discretion, order the payment of compensation, or additional compensation, to any Government officer or employee designated or appointed temporarily to fill the place; but the total compensation paid shall not exceed the salary authorized by law for the position filled.

SECTION 2078. Suspension and removal of provincial officer by (Governor-General) President of the Philippines. — Should the (Governor-General) President of the Philippines have reason to believe that any provincial officer or any lieutenant governor of a subprovince is guilty of disloyalty, dishonesty, oppression, or misconduct in office, he may suspend him from the discharge of the duties of his office, and, after due notice to the suspended officer, shall investigate the cause of suspension and either remove him from office, or reinstate him, as the circumstances may require.

SECTION 2079. Payment of salary accruing pending suspension. — When a provincial officer is suspended he shall receive no salary from and after the date of his suspension, unless so provided in the order of suspension; but upon subsequent reinstatement of the suspended person or upon his exoneration, if death should render reinstatement impossible, any salary so withheld may be paid in
whole or in part upon order of the Department Head approved by the
(Governor-General) President of the Philippines.

[2657–2004.]

SECTION 2080. Oath of office. — The oaths of office of provincial officers, upon being severally subscribed by them, shall be filed and preserved in the office of the (Chief of the Executive Bureau) Secretary of the Interior.

[2657–2005; see Act 4007–33(1607).]

SECTION 2081. Employment of subordinates. — Subject to regulation by the (Chief of the Executive Bureau) Secretary of the Interior, the provincial board shall fix the number of assistants, deputies, clerks, and other employees for the various branches of the provincial government and the rates of salary or wage they shall receive.

After their number and compensation shall have been thus determined, the provincial governor, treasurer, fiscal, or other provincial official, shall appoint the personnel under their respective control, and except as otherwise specially provided, in conformity with the provisions of the Civil Service Law.

[2657–2006; see Act 4007–33(1608).]

ARTICLE III

Provincial Governor

SECTION 2082. Provincial governor as chief executive of province. — The provincial governor shall be elected by the qualified voters of the province, and he shall be the chief executive officer of the provincial government. As such it shall be his duty to exercise, in conformity with law, a general supervision over the government of the province and of the municipalities or other political subdivision contained in it and to see that the laws are faithfully executed by all officers therein.

He shall make known to the people of the various municipalities and municipal districts of the province, by proclamations or communications delivered to the respective mayors, all general laws or governmental orders which especially concern them.

[2657–2008; 2824–2(1609); C.A. 233–3(1610).]

SECTION 2083. Visitation of municipalities. — From time to time and, if
practicable, not less frequently than once in every six months, the provincial governor shall visit each municipality and municipal district in his province. Upon such occasion he shall inform himself as to the conditions of local administration and shall advise the authorities in the performance of their duties. He shall also, upon such visitation, receive any complaint that may be made regarding the official conduct of any of the local officials and shall take appropriate action thereon.

[2657–2009; 2824–2(1611).]

SECTION 2084. Control of local police by provincial governor. — So far as may be consistent with other provisions of law, the provincial governor shall have control of the police of the various municipalities and municipal districts of the province; and he may, when the public interest requires, temporarily withdraw from the locality in which such police are organized a part thereof for use in another portion of the province.

[2657–2010; 2824–2(1612).]

SECTION 2085. Suppression of violence. — Whenever, in the opinion of the governor, the public interests so requires, he shall call upon the provincial inspector or other officer in charge of the Philippine Constabulary in the province to suppress disorder, riot, lawless violence, or rebellious or seditious conspiracy or to apprehend violators of law.

Whenever lawless violence or rebellious or seditious conspiracy and disturbance of the public peace shall occur of so formidable a character as to be beyond the power of the local police and the Philippine Constabulary, it shall be the duty of the governor to call upon the (Governor-General) President of the Philippines to request the commanding general to order troops of the Army of the United States to aid the local authorities in suppressing the same. In the provinces between the capitals of which and Manila there is no available telegraphic communication, the governor of the province may in such cases make a direct call for aid upon the nearest military commander, without awaiting the result of an application to the (Governor-General) President of the Philippines and through him to the commanding general.

[2657–2011; see C.A. 233–2(1613).]

SECTION 2086(1614). Salaries of provincial governors. — The salaries of the provincial governors of the provinces hereinbelow named shall be paid from the funds of the several respective provinces and in amount as follows:

(a) In the Provinces of Cebu, Iloilo, and Pangasinan six thousand
pesos *per annum* each;

(b) In the Provinces of Albay, Ambos, Camarines, Batangas, Bulacan, Ilocos Sur, Laguna, Leyte, Occidental Negros, Pampanga, and Tayabas, five thousand pesos *per annum* each;

(c) In the Provinces of Bohol, Cagayan, Capiz, Nueva Ecija, Rizal, Samar, and Sorsogon, four thousand five hundred pesos *per annum* each;

(d) In the Provinces of Cavite, Ilocos Norte, La Union, Misamis, Oriental Negros, Surigao and Tarlac; four thousand pesos *per annum* each;

(e) In the Provinces of Antique, Bataan, Isabela, and Zambales, three thousand pesos *per annum* each.

(f) In the Province of Abra the provincial governor shall receive compensation at a rate to be fixed by the provincial board, which shall not exceed two thousand pesos *per annum*.

The provincial board, with the previous approval of the Department Head, may in its discretion provide quarters for the provincial governor, or allow the value thereof, in addition to his salary.

[2657–2012.]

SECTION 2087. Annual report. — The annual report of the provincial governor to the Secretary of the Interior shall contain a résumé of all matters pertinent to the administration and progress of the government of the province in question, and full information as to its commercial, economic, financial, industrial, and political conditions.

Should unexpected events or matters of special importance to the general welfare of the province occur subsequent to the date of the regular annual report, such matters may be made the subject of a supplemental report or reports to be filed under such conditions and at such times as the Secretary of the Interior shall prescribe.

[2657–2013; see Act 4007–36(1615).]

**ARTICLE IV**

*Provincial Treasurer*
SECTION 2088(1616). Provincial treasurer. — The provincial treasurer shall be the chief financial officer of the province. His compensation shall be as fixed below:

(a) Provincial treasurers of Cebu, Iloilo, and Pangasinan, five thousand four hundred pesos per annum each.

(b) Provincial treasurers of Albay, Ambos Camarines, Batangas, Bulacan, Ilocos Sur, Laguna, Leyte, Occidental Negros, Pampanga, and Tayabas, four thousand eight hundred pesos per annum each.

(c) Provincial treasurers of Bohol, Cagayan, Capiz, Nueva Ecija, Rizal, Samar, and Sorsogon, four thousand two hundred pesos per annum each.

(d) Provincial treasurers of Cavite, Ilocos Norte, La Union, Misamis, Oriental Negros, Surigao, and Tarlac three thousand six hundred pesos per annum each.

(e) Provincial treasurers of Antique, Bataan, Isabela and Zambales, three thousand pesos per annum each.

(f) In the Province of Abra the provincial treasurer shall receive the compensation at the rate to be fixed the provincial board, which shall not exceed one thousand nine hundred pesos per annum.

Provided, That vacancies left by provincial treasurers who retired or may retire under Act Numbered Two thousand five hundred and eighty-nine, entitled "An Act providing for a gratuity by reason of retirement to officers and employees of the Philippine Government who have rendered satisfactory service during six continuous years or more, and for other purposes," or any other retirement Act that may hereafter be enacted, shall be filled in accordance with the provisions of this section.

[2657–2014; see Acts Nos. 2829(1617), 3088(1618), 3798(1619).]

SECTION 2088 (A). Assistant provincial treasurer. — In the office of the provincial treasurer in each province, there shall be an assistant provincial treasurer who shall be appointed by the provincial treasurer subject to the approval of the Secretary of (the Interior) Finance in conformity with the provisions of the Civil Service Law. His compensation shall be fixed by the provincial board with the approval of the Secretary of (the Interior) Finance.
The assistant provincial treasurer shall perform the duties which are being performed by the chief clerk and deputy of the provincial treasurer at the time of the approval of this Act and such other duties as the provincial treasurer may assign to him. The present position of chief in the office of the provincial treasurer is hereby abolished and shall not be recreated except by law.

[3558–1(1620).]

SECTION 2089. Functions of provincial treasurer.—As fiscal officer, the provincial treasurer shall exercise the following functions:

(a) Advise the provincial board, the municipal councils, the provincial and municipal officers, and the (insular) national officers concerned in the disposition of the provincial and municipal funds, on all matters relative to the public finance and the acquisition and alienation of property of the Government.

(b) Collect the taxes throughout the province, including the (insular) national, provincial, and municipal taxes and other revenues authorized by law.

(c) Have the custody and supervision of all provincial funds and property, including the provincial buildings and grounds, and, subject to the approval of the provincial governors, assign rooms to provincial officers and other public officials who by law are entitled to office space in the provincial building.

(d) Have charge of the disbursement of all provincial funds and other funds the custody of which may be entrusted to him by law or other competent authority.

(e) Acquire for the provincial government all necessary supplies, material, and office equipment for which the proper appropriation has been authorized by the provincial board or other competent authority.

(f) Act as chief internal-revenue officer in the province in conformity with the Internal Revenue Law, under the administrative authority of the Collector of Internal Revenue and in accordance with the rules and regulations promulgated by him.
(g) Act as public land officer as regards the administration and disposition of land of the public domain other than forest land, and of land confiscated by the Government for delinquent taxes in the province, under the direction of, and when required by, the Director of Lands, in accordance with the rules and regulations promulgated by the latter.

(h) Act, with the approval of the Department Head, as agent of the Philippine National Bank in case the same has been established an agency in the province, with such powers and duties and subject to such conditions as the board of directors of the Philippine National Bank may confer and impose upon him.

(i) Inspect, under the supervision of the provincial board, the operation of public utilities belonging to, leased, or operated by the provincial government or other local governments, such as telegraph and telephone lines, land and water transportation, waterworks, electric-light plants, irrigation systems, bonded warehouses, ferries, markets, and slaughterhouses, and all other commercial and industrial enterprises of the province and the municipalities.

[2657–2015; 3211–1(1621); see Acts 3160(1622), 3500(1623) and 3798(1624).]

SECTION 2090. Authority of (chief clerk) assistant provincial treasurer to administer oaths. — The (chief clerk in the office of provincial treasurer) assistant provincial treasurer shall have authority to administer oaths concerning notices and notifications to those delinquent in the payment of the real property tax and concerning official matters relating to the accounts of provincial treasuries or otherwise arising in the offices of provincial treasurer and provincial assessors.

[2657–2016; see Act 3558–2(1625).]

SECTION 2091. Inspection of books by Auditor — Seizure of office by examining officer. — The books, accounts, papers, and cash of the provincial treasurer shall at all times be open to the inspection of the (Insular) Auditor General or his duly authorized agent. In case an examination of the office of a provincial treasurer discloses a shortage in the cash which should be on hand, it shall be the duty of the examining officer to seize the office and its contents and notify the (Insular) Auditor General and thereupon at once take full possession of the office, the books, papers, vouchers, and cash of such provincial treasurer, close and render his accounts to the date of taking possession, and temporarily continue
the public business of such office.

A (district) provincial auditor who takes possession of the office of a provincial treasurer hereunder shall *ipso facto* supersede the treasurer and shall exercise all his functions until the officer in question is restored or other provision lawfully made for filling the office.

[2657–2017.]

**ARTICLE V**

*Provincial Assessor (1626)*

**SECTION 2092.** (1627) *Provincial assessor.* — There shall be a provincial assessor in each province wherein is located real property subject to the annual *ad valorem* tax.

Except as otherwise specially provided, he shall be appointed by the (Chief of the Executive Bureau) upon nomination pointed of the provincial board. He shall be a resident of the province to which appointed, and his salary shall be as fixed by the provincial board with the approval of the (Chief of the Executive Bureau) Secretary of Finance.

[2657–2018.]

**SECTION 2093.** Application of Civil Service Law to assessor deputy assessor. — The position of assessor and deputy assessor shall not be primarily subject to the provisions of Civil Service Law; but if any civil-service employee should be transferred to such position or the duties thereof should be imposed upon any such employee, his civil-service status and privileges shall not be thereby suspended or impaired.

A Government officer or employee appointed to the position of assessor or deputy assessor may be allowed additional compensation for his services in such capacity which shall be fixed in his appointment or designation.

[2657–2019; 3211–2(1628).]

**SECTION 2094.** Oath of office of assessor and deputy. — The oath of office of a provincial assessor and deputy assessor shall contain a statement to the effect that the affiant will appraise the real property subject to taxation in the province at its true value in money, as required by law.

[2657–2020.]
ARTICLE VI

Provincial Board

SECTION 2095. Composition of provincial board. — Except as otherwise specially provided, the provincial board shall be composed of the provincial governor, who shall be the presiding officer of the board, and of two other members, to be elected by the qualified voters of the province.

[2657–2021.]

SECTION 2096. Duties of elective members. — The elective members of the provincial board shall attend the sessions of the provincial board and perform their duties as members thereof. They shall not, however, be required to reside at the capital of the province or to have an office in the provincial building.

By unanimous resolution of the provincial board, approved by the Department Head, either elective member may be required, for the time specified in such resolution, to perform the duties of any other provincial officer or to perform any ministerial duty required by the board. Such resolution shall set forth the grounds upon which it is adopted.

[2657–2022.]

SECTION 2097. Compensation of elective members. — Except as otherwise specially provided, the elective members of the provincial board shall receive a compensation, to be fixed by resolution of the provincial board, of not less than five or more than fifteen pesos for each day of actual attendance at the sessions of the board; and except as otherwise specially provided, compensation shall in no case be paid for service rendered by a member of the board out of session. The amount of the per diem shall not be changed more than once a year.

If not a resident of the provincial capital, an elective member of the provincial board shall be entitled to reimbursement of his actual and necessary travel expenses from his place of residence to the place where the provincial board holds it sessions, when going to said sessions and returning from the same.

[2657–2023; C.A. 247–1(1629).]

SECTION 2098. Secretary of provincial board. — There shall be a secretary of the provincial board, whose duty it shall be to attend the meetings of the board and act as its recording officer and secretary.
The secretary of the provincial board shall be the keeper of the seal of the province and he shall attest therewith the official acts of the provincial governor and shall record all those of the governor's acts which are required by law to be recorded. He shall receive from the provincial governor and file in his office all reports to the provincial governor required by law, and he shall generally act as custodian of all provincial records and documents, except declarations of real estate and any other documents having reference to the assessment of real estate, for the collection of the real estate tax, which are in the possession of the provincial assessor. He shall, on demand; furnish certified copies of all public records and documents in his custody, for which he shall charge a sum of not less than ten nor more than twenty centavos for each one hundred words, including the certificate, all the proceeds whereof shall be paid into the provincial treasury.

The position of the secretary shall be regarded as within the unclassified civil service, but may be filled in the manner in which classified positions are filled, and if so filled, the appointee shall be entitled to all the benefits and privileges of classified employees, except that he shall hold office only during the term of office of the appointing governor and until a successor in the office of secretary is appointed and qualified, unless sooner separated.

[2657–2024; 3476–2(1630); 3682–2(1631); 3841–1(1632); see sec. 671(j) supra, as amended by C.A. 177, dated November 13, 1936; and Ex. Or. 32, dated May 25, 1936 re schedule of fees for certified copies of public records.]

SECTION 2099. Meetings of the board. — Each provincial board shall hold regular weekly meetings upon a day to be fixed by the board. Special meetings may be called by the provincial governor for any day.

The meetings of the board shall in general be open to the public, but the board may order that the public be excluded from any session where the discussion relates to an appointment or where the board has under consideration the character or conduct of any individual.

[2657–2025.]

SECTION 2100. Minutes of meeting of provincial board. — The provincial board shall keep in such form and manner as shall be prescribed by the (Chief of the Executive Bureau) Secretary of the Interior a complete, permanent, and carefully written record, arranged in proper chronological sequence, showing the proceedings at its various meetings.

The minutes shall show the date of the meeting and its character; whether
regular or special; the names of the members present; the name of the presiding officer; whether the minutes of the last meeting were read and approved, or the reasons for disapproval, if such actions were taken. The minutes shall also show the name of each member presenting a resolution and the resolution in full, as well as the vote of each member by name. The minutes of the board shall be signed by the presiding officer and attested by the secretary of the board, who shall be charged with their preservation.

[2657–2026; see Act 4007–33(1633).]

SECTION 2101. Copies of minutes and of executive orders to be supplied to (Chief of the Executive Bureau) Secretary of the Interior. — A copy or copies of the minutes of each meeting of the provincial board, duly signed and attested, and a copy or copies of all executive orders of the provincial governor shall be furnished to the (Chief of the Executive Bureau) Secretary of the Interior under such regulations, as he may prescribe.

[2657–2027; see Act 4007–33(1634).]

SECTION 2102. Certain duties and powers of the provincial board. — It shall, among other things, be the duty of the provincial board:

(a) To provide a seal for the province.

(b) To provide suitable offices for the provincial officers and other officials who by law are entitled thereto at provincial expense.

(c) To provide a courthouse containing a room or rooms suitable for the holding of court and for offices for the court officers, and a provincial jail in the municipality fixed by law as the capital of the province.

(d) To provide and equip for the division superintendent of schools stationed in the province the necessary room or rooms for his office and for use in storing and distributing supplies, and to supply an adequate messenger and janitor service in connection with said office.

(e) To furnish to the provincial treasurer a suitable vault or safe for the keeping of public funds.

(f) To direct, in its discretion, the bringing or defense of civil suits on behalf of the provincial government and to compromise the same upon the recommendation of the provincial fiscal and the
approval of the judge of first instance for the district.

(g) To order, in its discretion, upon the recommendation of the district engineer, the construction, repair, or maintenance of roads, bridges, and ferries and the making of other provincial public works and improvements in accordance with law.

(h) To agree upon the recommendation of the district engineer with the provincial board of an adjoining province on the terms within the limitations of law, upon which roads forming the boundary between the two provinces and bridges and ferries crossing streams forming such boundary shall be constructed, repaired, or maintained under the joint control of the two provincial governments.

(i) To order, in its discretion, the execution by the district engineer, at provincial expense, of such minor surveys and examinations as may be necessary to determine the advisability of making public improvements, either by the provincial government or the (Insular) National Government within the jurisdiction of the province.

(j) To authorize and conduct, pursuant to law, systematic campaigns or operations against dangerous communicable diseases, agricultural pests, and epidemics of cattle diseases, when the province is afflicted by or threatened with an invasion of the same.

[2657–2028.]

SECTION 2103. Decision of controversy as to sufficiency of accommodations for courts. — If in any case there should arise a controversy between the judge of first instance in any district and the provincial authorities over the question of the sufficiency of the accommodations supplied for the Court of First Instance in the province, the matter shall be referred to the (Governor-General) President of the Philippines, whose decision therein shall be final; and any necessary expense authorized by the (Governor-General) President of the Philippines in order to carry his decision into effect shall be a lawful charge against the province.

[2657–2029]

SECTION 2104. Transportation of non-official passengers and freight. —
In any province in which the provincial board is maintaining a launch or other vessel for the transportation of its officers and for other public purposes, the provincial board is authorized to transport non-official passengers and freight from one place in the province to another and to fix a reasonable tariff for such carriage and to adopt regulations to govern the officers in charge of such launch or other vessel in respect to the transportation of non-official passengers and freight; but non-official passengers and freight shall be received only when consistent with the carriage of all official passengers and freight, and such business shall not be permitted to compete with regular commercial lines transporting passengers or freight between points in the same province, it being the intent of this section merely to permit the provincial board to supply transportation for the public where the same cannot be otherwise obtained.

[2657–2030.]

SECTION 2105. Appropriations and loans. — The provincial board shall have the power to make appropriations from the provincial general funds for the following purposes:

(a) The satisfaction of the lawful indebtedness of the provincial government and for carrying on its lawful activities.

(b) The purchase and maintenance of draft animals for breeding purposes, to be used under such regulations as the provincial board shall prescribe and the Director of (Agriculture) Animal Industry approve.

(c) The organization, equipment, and maintenance of a police force in any municipality or municipal district of the province where the local funds are insufficient to bear such expense.

(d) The payment, in cases where such course seems equitable and just, of the value, in whole or in part, of buildings or other property destroyed by the health authorities under power conferred upon them by the Public Health Law.

(e) The making of a loan to any municipality or municipal district in the province to enable it to combat any dangerous communicable disease, agricultural pest, or cattle disease, when the local political division in question has not sufficient funds available to enable it to cope with any such disease, or pest, prevalent or likely to become prevalent in the community.
SECTION 2106. Powers to be exercised with approval of Department Head. — Upon approval by the Department Head of the particular resolution by which such action shall be taken, the provincial boards of the respective provinces shall have authority:

(a) To appropriate money for purposes not specified by law, having in view the general welfare of the province and its inhabitants.

(b) To fix or change the salary of the lieutenant-governor of any subprovince specified in section two thousand one hundred and thirty-six hereof.

(c) To appropriate money for loans to municipalities, or municipal districts of the province, under such conditions as to the use of the funds loaned and as to the re-payment of the loans with interest at three per centum per annum, as may be fixed by the provincial board; but the entire indebtedness of any municipality to which a loan is made shall not, inclusive of such loans, exceed five per centum of the assessed valuation of the property in said municipality.

(d) To authorize the Philippine National Bank to invest, for the account and risk of the province, an amount of exceeding twenty per centum of the fixed deposits of said province which are in the possession of the said bank, in the form of loans to rural banks or to rural credit associations organized under the provisions of Act Numbered Thirty-eight hundred and ninety-six and Thirty-eight hundred and ninety-five, respectively, and operating within the province, under such terms and conditions as are authorized by the said acts or which may hereafter be authorized by law.

(e) To authorize municipal councils of the capitals of provinces and subprovinces to fix the salaries of their municipal officers at amounts in excess of those authorized in the scale established by law, provided that the salaries authorized shall not be over fifty per centum in excess of those established by said scale.

(f) To exercise the power of eminent domain for the following purposes: the construction or extension of roads, streets,
sidewalks, bridges, ferries, levees, wharves, or piers; the
construction of public buildings, including schoolhouses, and
the making of the necessary improvements in connection
therewith; the establishment of parks, playgrounds, plazas,
market places, artesian wells, or systems for the supply of water
and the establishment of cemeteries, crematories, drainage
systems, cesspools or sewage systems.

(g) To permit, upon favorable recommendation by the Secretary of
Public Works and Communications, and subject to such
conditions as may properly protect the public interests, the
construction and maintenance, for private use, of railways,
conduits, and telephone lines across public thoroughfares,
streets, roads, and other public property in the province:
Provided, That such construction and private use shall not
prevent or obstruct the public use of such thoroughfares, streets,
roads, or other public property, and that the permit granted shall
at all times be subject to revocation by the Secretary of the
Interior, if in the judgment of that official, the public interest
requires it.

[2657–2032; 2797–1(1636); 3905–1(1637); see Act 4007–36(1638) and
C.A. 41(1639).]

SECTION 2107. Duty of provincial board to obtain treasurer's opinion on
financial matters. — The provincial board shall obtain the written opinion of the
provincial treasurer, not being a member of the board, in any matter involving the
levying or collection of taxes or expenditure of funds, but the opinion so obtained
shall have no weight beyond that of a recommendation; and the provincial board
shall have full authority to decide the matter in such form as it may deem most just
and advisable for the interests of the province.

[2657–2033; see Ex. Or. No. 167, dated October 8, 1938.]

SECTION 2108. Convocation of mayors. — The provincial board is
authorized, when in its discretion the public good requires, to call a convention or
meeting of any or all of the mayors of the province at such place and time as it may
designate.

Not less than one nor more than four such general conventions or meetings
of mayors shall be called in any one year except upon previous approval of the
Department Head. In case any such convention or meeting is called for the purpose
of considering or acting on special business, the call shall so state.
A mayor shall be entitled to his actual and necessary travel expense while going to, attending, and returning from any such convocation, in an amount not exceeding that fixed by law for the travel expense of provincial officials, the same to be paid from the provincial treasury upon approval of the provincial board.

[2657–2034; C.A. 233–3(1640).]

SECTION 2109. Power to take testimony. — The provincial board, or upon authorization of the board, any member thereof, shall have the power to take testimony in connection with any investigation or inquiry which may be lawfully undertaken or conducted by it. The same power may, in particular cases, be exercised by any other person thereunto especially deputed by such board.

[2657–2035.]

ARTICLE VII

Provincial Finance

SECTION 2110. Deposit of surplus funds. — The provincial Measurer shall deposit his surplus funds in the Philippine National Bank or, upon resolution of the provincial board approved by the Department Head, in any bank duly designated as a Government depository.

[2657–2036.]

SECTION 2111. Provincial general fund. — All provincial moneys in the provincial treasury which are not lawfully dedicated or reserved for some particular use shall constitute the general fund and shall be available for the payment of obligations not chargeable to other funds, though transfers of moneys therefrom to other funds of the province may be made by proper appropriation for their augmentation and use.

[2657–2037.]

SECTION 2111-1/2. School fund. — There shall be maintained in the provincial treasury a special fund to be known as the provincial school fund, to which shall be credited all amounts that the provincial board may from time to time, by resolution, transfer thereto from the provincial general fund; all income or profits from operation of provincial schools; and all tuition fees which may be collected under the provisions of section twenty-one hundred and twenty-four of this Act. Said fund shall be available exclusively for the maintenance of provincial schools, and disbursements therefrom shall be made by the provincial treasurer upon properly executed vouchers, pursuant to the school budget approved by the
SECTION 2112. Exhibition fund. — Any provincial board may, in its discretion, create a special fund in the provincial treasury to be known as the provincial exhibition fund and may make appropriation to the credit thereof. Such fund shall be utilized in its discretion for local provincial or interprovincial exhibitions or to enable the province to make a creditable exhibit at any Philippine Exposition which may be authorized by law.

The exhibition fund may at any time be disestablished by resolution of the provincial board, with the approval of the (Chief of the Executive Bureau) Secretary of the Interior, in which event such part of the fund as belongs to the province shall revert to the provincial general fund, and any portion contributed by any municipality or its proportionate share of any unexpended balance, shall be returned to it.

SECTION 2113. Road and bridge fund. — There shall be maintained in the provincial treasuries of the respective regularly organized provinces a special fund to be known as the road and bridge fund, which shall be available, upon appropriation by the provincial board, exclusively for the following purposes:

(a) The repair, maintenance, improvement, and construction of roads and bridges in the province; and in applying this fund to such uses, adequate provision shall be made for the maintenance of existing, unabandoned roads and bridges before new construction is undertaken.

(b) The providing and maintaining of wharves, piers, and docks, in accordance with plans and specifications furnished by the Bureau of Customs, and for removing obstructions to navigation within the limits of the province.

(c) Subsidizing or for acquiring, operating, and maintaining means of water transportation within the province or between the province and neighboring provinces or islands or to dredge rivers and provide facilities for communication and transportation by river, as well as for establishing and operating telephone systems within the territory of the province.

An appropriation made by a provincial board under the authority of
subsection (b) or (c) hereof shall not be valid until approved by the Department Head.

[2657–2039.]

SECTION 2114. Non-Christian inhabitants' fund. — There shall be maintained in the provincial treasuries of such of the regularly organized provinces as contain non-Christian inhabitants a special fund to be known as the non-Christian inhabitants' fund, which shall be available, exclusively, for expenditures for the benefit of the non-Christian inhabitants of the province, upon approval of the Secretary of the Interior.

[2657–2040.]

SECTION 2115. Road and public works fund. — There shall be maintained in the provincial treasuries of the respective specially organized provinces a special fund to be known as the road and public-works fund, which shall be available, upon appropriation by the provincial board, exclusively for the repair, maintenance, improvement, and construction of roads, bridges, and other public works. In applying this fund to the uses indicated, adequate provision shall be made for the maintenance of existing, unabandoned roads, bridges, and works before new construction is undertaken.

With the approval of the Department Head, the provincial board shall have authority to make appropriation from the road and public-works fund for the subsidizing or acquiring, operating, and maintaining means of water transportation within the province or between the province and neighboring provinces or islands or to dredge rivers and provide facilities for communication and transportation by river.

[2657–2041.]

SECTION 2116. Township and settlement fund. — [There shall be maintained in the provincial treasuries of the respective specially organized provinces a special fund to be known as the township and settlement fund, which shall be available, exclusively, for expenditures for the benefit of the townships and settlements of the province and non-Christian inhabitants of the province, upon approval of the Secretary of the Interior.]

[2657–2042.]

SECTION 2117. Loan of municipal funds for permanent public works and school purposes. — Not to exceed twenty per centum of municipal funds deposited with the provincial treasurer and held in reserve may be loaned by the provincial
treasurer to municipalities upon application by resolution of the municipal council of the municipality desiring the loan for permanent public works and, upon recommendation of the division superintendent of schools, with the approval of the Director of Education, also for the following purposes: (a) the erection of school buildings of strong materials; (b) the purchase of land for school purposes.

Only funds deposited by municipalities that have been previously authorized by resolution of their respective councils the use of such funds for loans of this kind, shall be available for the purposes hereof.

Such loans shall be paid in equal annual installments over a period of not to exceed ten years, and the provincial treasurer shall withhold from the proceeds of tax collections of the municipality receiving the loan sufficient revenues to pay each installment as it falls due.

[2657–2043; C.A. 463–1(1643).]

SECTION 2118. Purchase of necessaries for payment of laborers. — Money expendable for provincial improvements of any character may, when duly authorized by the provincial board, be used for purchasing rice or other necessaries to be sold or paid in kind, without profit, to laborers actually engaged upon such improvements.

[2657–2044.]

ARTICLE VIII

Provincial Budget

SECTION 2119. Detailed statement of receipts and expenditures for preceding year. — On or before the fifteenth day of January of each year, the provincial treasurer shall present to the provincial board a certified detailed statement of all receipts and expenditures pertaining to the preceding fiscal year.

[2657–2045; see C.A. 373, approved August 28, 1938 changing the fiscal year.]

SECTION 2120. Estimate of revenues and receipts for current year — Annual provincial budget. — Immediately upon receipt of the statement of receipts and expenditures from the provincial treasurer, the provincial board will make a careful estimate of the revenues and receipts for the current year. Upon the basis of such estimated income the provincial board will, likewise, make detailed appropriations covering the estimated expenditures for the year, but in no case
shall such appropriations be in excess of the estimated revenues and receipts. The statement of receipts and expenditures for the preceding year, together with the estimates and appropriations by the provincial board for the current year, shall be known as the annual provincial budget. Changes in the estimates and appropriations may be made by the provincial board from time to time during the year by supplemental budgets: Provided, That no changes shall be made to appropriations made for health without first consulting the chief of the sanitary division.

[2657–2046; 3115–4(1644).]

SECTION 2121. Disbursement of provincial funds — Statement of provincial accounts. — Disbursement of provincial funds shall be made by the provincial treasurer upon properly executed vouchers in accordance with the appropriations made by the provincial board in the budgets and without the necessity for further approval by said provincial board. Within ten days after the close of each month, the provincial treasurer will furnish to the provincial board, for its information a statement of the appropriations, expenditures, and balances in all provincial accounts.

[2657–2047.]

SECTION 2122. Restriction upon limit of disbursements. — Disbursements made by the provincial treasurer in accordance with the appropriations of the provincial board, as shown in the provincial budgets, may be made from any funds in the hands of the provincial treasurer; but the total disbursements from any provincial fund shall in no case be in excess of the actual collections plus fifty per centum of the uncollected estimated revenues accruing to such fund: Provided, however, That in case of an emergency caused by typhoon, earthquake or any other public calamity which may seriously affect the collection of revenues in the province during any year, the Secretary of (the Interior) Finance may authorize the provincial treasurer to continue making disbursements from any fund in his possession in excess of the limitation herein provided, but only for such purposes and amounts included in the provincial budget as the said Secretary of (the Interior) Finance shall determine, after consultation with the provincial board. Any overdraft which may be incurred at the end of the year in any provincial fund by virtue of the provisions hereof shall be covered with the first collections of the following fiscal year accruing to such provincial fund.

[2657–2048; 3601–1(1645); see Ex. Or. No. 167, dated October 8, 1938 and C.A. 78.]

ARTICLE IX
Provincial Schools and Aid for Provincial Students

SECTION 2123. Provincial schools. — The provincial boards of the various provinces may establish and maintain provincial schools, to be conducted as a part of the public-school system in conformity with the provisions of the School Law.

[2657–2049.]

SECTION 2124. Tuition in provincial schools. — No charge shall in any case be made for instruction in the primary grades; but for higher instruction the provincial board may, subject to the approval of the Director of Education, require moderate tuition fees.

[2657–2050; see sec. 5, Art. XII of Constitution of the Philippines.]

SECTION 2125. Tuition of student transferring from home province. — In any province where full courses are not given in the higher grades, the provincial board may make provision for the payment of the tuition of resident pupils of the province who may wish to enter a school of another province or of the City of Manila for courses not given in their home province. Such transfers shall be effected in accordance with the school regulations and with the approval of the provincial board, or Municipal Board of the City of Manila as the case may require.

[2657–2051.]

SECTION 2126. Maintenance of professional students in City of Manila. — Any provincial board shall have power to appropriate the amount necessary for one or two permanent allowances, at the rate of not to exceed forty pesos a month, for one or two students, residents of the province, in the University of the Philippines or in any governmental educational institution to enable them to follow a professional career.

In addition to the allowance, a student selected to receive such assistance shall be entitled to reimbursement of the actual and necessary traveling and subsistence expenses from his residence to his place of study and vice versa, at least once each school year; to matriculation and graduation fees, if any; to reimbursement of the cost of the books required for each course; and to be admitted into and treated in the Philippine General Hospital free of charge, in case of illness.

[2657–2052; 3184–1(1646).]
SECTION 2127. *Conditions antecedent to receiving allowance.* — To be entitled to an allowance under the preceding section, a person must be (a) a resident of the province granting the allowance; (b) not over twenty-one years of age; (c) the possessor of a certificate of having studied and satisfactorily completed an entire official course in the high schools; (d) of good conduct and physical constitution; and (e) whose parents or guardians are unable to meet the expenses of high education.

[2657–2053.]

SECTION 2128. *Conditions and mode of application.* — When a province, being in condition to make one or more allowances as herein provided, shall determine to grant them, it shall determine the profession or professions to the preparation for which such allowances shall be devoted, and shall advertise a general convocation, to which it shall give the widest publicity throughout its territorial jurisdiction, during the first fortnight in the month of April in the year in which such allowances are to be granted or renewed, in order that applicants therefor may make application in writing to the provincial board, within thirty days following such first fortnight of the aforesaid month of April.

The application, the blanks for which shall be prepared, printed, and distributed, subject to reimbursement of the cost thereof, by the Director of Education, shall contain a statement to the effect that the applicant has the requisites exacted by the next preceding section hereof; and the whole shall be subscribed and sworn to by the applicant and his father, or, in default thereof, his legal guardian.

[2657–2054.]

SECTION 2129. *Examination of contestants.* — After the applications have been presented and received the superintendent of schools of the province shall, in the presence of the provincial board or some person thereunto deputed by said board, proceed to hold an examination of such applicants; and the applicants obtaining the highest general average in such examination, or, if such averages are equal, those having the highest average for the subjects necessary for the career proposed to be followed shall be designated.

[2657–2055.]

SECTION 2130. *Service to be rendered by students.* — Upon finishing their studies, students receiving provincial aid in the pursuit of their professional studies shall be obliged to perform, in the province or subprovince granting such aid, the duties of the profession for which they have been prepared, for a period of
time equal to that during which they have received their allowance; but this obligation shall not operate to prevent such students from going abroad upon a Government scholarship at the expense of the (Insular) National Government, upon successfully passing a competitive examination therefor.

[2657–2056.]

ARTICLE X

Toll Roads, Bridges, and Ferries

SECTION 2131. Provincial toll roads, bridges and ferries. — When the provincial board of any province shall deem such course to be necessary for the proper maintenance of any provincial road within the province, it may designate such road, or part thereof, or any bridge, or ferry built, or to be built or maintained as part thereof, as a toll road, bridge or ferry, and may fix the toll rates to be paid for the use thereof upon authorization by the (Governor-General) President of the Philippines and the recommendation of the Secretary of Public Works and Communications in the case of roads, and in the case of bridges or ferries upon authorization and approval by the Secretary of Public Works and Communications: Provided, That the rates fixed shall not be subject to revision by the Public Service Commission.

[2657–2057; 3965–1(1647); 3992–74;(1648) see Act 4007–36(1649).]

SECTION 2132. Collection and application of tolls. — In the exercise of the authority hereinabove conferred, the provincial board may erect toll gates or equip ferries and may employ the persons necessary to operate the same. The proceeds derived from such sources shall be applied only to the payment of interest and sinking fund charges in case the toll road or bridge has been financed from loans or bond issues, and to the repair and maintenance of the road, bridge or ferry for which the collections were made.

In the event of such proceeds exceeding the amount which the province shall apply annually to the payment of interest and sinking fund charges on the said bonds and to the repair and maintenance of the road, bridge or ferry for which the collections are made, the provincial board may, subject to the approval of the Secretary of Public Works and Communications and upon such terms and conditions as he may prescribe, make a loan to the province of not to exceed ninety per centum of the excess collections, without interest and for public works only.

[2657–2058; 3065–2(1650); C.A. 96–1(1651).]

SECTION 2133. Establishment of toll ferry upon municipal road by
action of provincial board. — Whenever for thirty days after service of a request by the provincial board, any municipality shall decline or neglect to establish and maintain a suitable ferry over any stream or other water situated upon the course of a municipal road, the provincial board may establish and maintain a provincial toll ferry at such place, in the manner above provided.

[2657–2059.]

SECTION 2134. Exemptions from tolls. — No toll or ferriage authorized by this article shall be collected from (a) officers or enlisted men of the United States Army and Navy or other employees of the United States Government in the Philippines; (b) officers or enlisted men of the Constabulary; (c) members of the municipal police; (d) (insular) national, provincial or municipal officers on official business; (e) any person traveling on foot or mounted on an animal, alone or accompanying animals; (f) vehicles engaged primarily in the carrying of mail; and (g) animal-drawn vehicles.

[2657–2060; 3748–1(1652); 4235–1(1653).]

SECTION 2135. Discontinuance of collection of tolls. — When the provincial board shall decide that the collection of tolls on any road, bridge, or ferry, in accordance with the provisions hereof, may be discontinued without injury to the public welfare, it shall order a discontinuance of the collection of such tolls, and thereafter the road, bridge, or ferry in question shall be free for public use.

[2657–2061.]

ARTICLE XI

Government of Subprovinces in Certain Provinces

SECTION 2136(1654). Subprovinces subject to provisions of this article. — The provisions of this article are applicable to the subprovince of Catanduanes, in the Province of Albay, [the subprovince of Marinduque, in the Province of Tayabas, the subprovince of Masbate, in the Province of Sorsogon, the subprovince of Romblon, in the Province of Capiz], and the subprovince of Siquijor, in the Province of Oriental Negros.

[2657–2062.]

SECTION 2137. Lieutenant-governor of subprovince. — There shall be a lieutenant-governor for each subprovince specified in the next preceding section hereof, who shall be elected by the duly qualified voters of the subprovince. The office of the lieutenant-governor shall be maintained at the capital of the
The qualifications for the office of lieutenant-governor of subprovince shall be the same as are prescribed for provincial officers at large, with the additional requirement that a candidate for such office must, at the time of election, be a resident of the subprovince.

[2657–2063.]

SECTION 2138. Duties of lieutenant-governor. — The duties of a lieutenant-governor of a subprovince shall be these:

(a) He shall be the custodian of such public records and documents pertaining to the subprovince as shall be kept within the subprovince.

(b) He shall, under the supervision of the provincial governor and as his representative, discharge within the subprovince the duties which are by law made incumbent upon provincial governors.

(c) He shall from time to time make to the provincial board, through the provincial governor, report concerning his semiannual visitation of the municipalities and of other inspections of the various communities of the subprovince.

(d) He shall submit annually to the provincial board, through the provincial governor, a report concerning the commercial, economic, financial, industrial, and political conditions within his subprovince; and he shall from time to time, in the same manner, make such recommendations as he shall deem necessary for the best interests of the subprovince.

[2657–2064.]

SECTION 2139. Lieutenant-governor as member of provincial board. — The lieutenant-governor shall constitute a fourth member of the provincial board of the province to which he pertains with power to vote in such matters only as relate to the subprovince, but in the absence of special direction his attendance shall not be compulsory nor shall his absence affect the quorum.

A lieutenant-governor shall not receive additional remuneration as a member of the provincial board, but he shall be entitled to the reimbursement of his actual and necessary travel expense in going to and returning from the board.
meetings, to be paid from the provincial funds.

[2657–2065; see Act No. 3143 (approved March 6, 1924), granting to the subprovince of Siquijor the right to elect a member to represent the interests of the subprovince in the provincial board of Oriental Negros.]

SECTION 2140. Absence or disability of lieutenant-governor. — In case of the absence, suspension, or other temporary disability of the lieutenant-governor of a subprovince, his duties shall be performed by the governor of the province; in case of a vacancy in said office, the duties of lieutenant-governor shall likewise be discharged by the governor of the province until the (Governor-General) President of the Philippines shall appoint some other person to the vacancy or until a successor shall have been duly elected and qualified.

[2657–2066; see sec. 16 (a) and (b), C.A. 357(1655).]

SECTION 2141. Subprovincial treasury. — A permanent suboffice of the provincial treasury may by resolution of the provincial board, approved by the Secretary of the Interior; be established at the capital of a subprovince to serve as a treasury for such province. When so established, the office shall be in charge of a deputy of the provincial treasurer, and all expenses incident to the conduct of the same shall be chargeable to the funds of the subprovince.

[2657–2067; see C.A. 78(1656).]

SECTION 2142. Funds pertaining to subprovince. — Seventy per centum of all provincial taxes, fines, or other revenue collected in any subprovince or by reason of any right originating therein shall accrue to the treasury of such subprovince for the sole use and benefit thereof. The remaining thirty per centum of such collections shall accrue to the general fund of the province: Provided, however, That the collections belonging to the road tax of any subprovince shall accrue in their entirety to the treasury of such subprovince.

There shall also accrue to the treasury of a subprovince, for the sole use and benefit of such subprovince, seventy per centum of the internal revenue apportioned to the province in respect of the number of inhabitants contained in the subprovince, except so far as the road funds is concerned, which in accordance with this section shall accrue entirely to the subprovince.

[2657–2068; 3128–1(1657).]

SECTION 2143. Application of funds of subprovince. — The funds of a subprovince shall be appropriated and applied by the provincial board for the benefit of the subprovince and its inhabitants in the same manner and subject to the
same restrictions as govern the application of provincial funds.

[2657–2069.]

ARTICLE XII

Provisions Peculiar to Specially Organized Provinces(1658)

SECTION 2144.(1659) Territorial application of article. — (Repealed)

[2657–2075.]

SECTION 2145.(1660) Establishment of non-Christians upon sites selected by provincial governor. — (Repealed)

[2657–2077.]

SECTION 2146.(1661) Provincial officers in specially organized provinces. — (Repealed)

[2657–2078.]

SECTION 2147.(1662) Composition of provincial board in specially organized provinces. — (Repealed)

[2657–2079; 2685–1(1663).]

SECTION 2148.(1664) Salaries of provincial officers. — (Repealed)

[2657–2080.]

SECTION 2149.(1665) Allowance of quarters. — (Repealed)

[2657–2081; see Act 2907(1666).]

SECTION 2150.(1667) Fiscal of Mountain Province. — (Repealed)

[2657–2083; 3766–1(1668).]

SECTION 2151(1669). Approval of resolutions by Department Head. — (Repealed)

[2657–2084.]

SECTION 2152.(1670) Applications for insular aid. — (Repealed)
SECTION 2153.(1671) *Lieutenant governors in Mountain Province.* — (Repealed)

SECTION 2154.(1672) *Salaries of lieutenant-governors.* — (Repealed)

SECTION 2155.(1673) *Supervisory power of provincial board over township councils.* — (Repealed)

SECTION 2156.(1674) *Regulation of edible bird nest industry in Palawan.* — (Repealed)

SECTION 2157.(1675) *Extension of time for payment of taxes.* — (Repealed)

SECTION 2158(1676). *Tax for benefit of roads and public works.* — (Repealed)

SECTION 2159.(1677) *Classes of persons exempt from road tax.* — (Repealed)

SECTION 2160.(1678) *Exemption of particular communities from payment of road tax.* — (Repealed)

SECTION 2161.(1679) *Delinquency.* — (Repealed)

SECTION 2162.(1681) *Personal service required of delinquents.* —
SECTION 2163 (1683). Elections in Mountain Province and Nueva Vizcaya. — (Repealed)

[2657–2097.]

TITLE IX

Municipalities

CHAPTER 57

Municipal Law

PRELIMINARY ARTICLE

Title of Chapter

SECTION 2164. Title of chapter. — This chapter shall be known as the Municipal Law.

[2657–2110.]

ARTICLE I

General Provisions

SECTION 2165. Corporate powers of municipalities. — Municipalities are political bodies corporate, and as such are endowed with the faculties of municipal corporations, to be exercised by and through their respective municipal governments in conformity with law.

It shall be competent for them, in their proper corporate name, to sue and be sued, to contract and be contracted with, to acquire and hold real and personal property for municipal purposes, and generally to exercise the powers hereinafter specified or otherwise conferred upon them by law.

[2657–2111; see C.A. 41(1684).]

SECTION 2166. Municipal subdivisions. — The municipality shall be divided into barrios and for administrative purposes these may be grouped into districts. The number of districts in the municipality shall be equal to the number
of councilors, including the vice-mayor.

[2657–2112; C.A. 233–3(1685).]

SECTION 2167. Municipal boundary disputes — How settled. — Disputes as to jurisdiction of municipal governments over places or barrios shall be decided by the provincial boards of the provinces in which such municipalities are situated, after an investigation at which the municipalities concerned shall be duly heard. From the decision of the provincial board appeal may be taken by the municipality aggrieved to the Secretary of the Interior, whose decision shall be final. Where the places or barrios in dispute are claimed by municipalities situated in different provinces, the provincial boards of the provinces concerned shall come to an agreement if possible, but, in the event of their failing to agree, an appeal shall be had to the Secretary of the Interior, whose decision shall be final.

[2657–2113.]

SECTION 2168. Beginning of corporate existence of new municipality. — Where provision is made for the creation or organization of a new municipality, it shall come into existence as a separate corporate body upon the qualification of the mayor, vice mayor, and a majority of the councilors, unless some other time be fixed therefor by law.

When a township or other local territorial division is converted or fused into a municipality all property rights vested in the original territorial organization shall become vested in the government of the municipality.

[2657–2114; C.A. 233–3(1686); see sec. 2, Act 2824(1687).]

ARTICLE II

Organization of Municipal Government

SECTION 2169. Chief officials of municipal government. — The chief officials of the municipal government are the mayor, the vice mayor, the treasurer, and the councilors.

With the exception of the treasurer, these officers shall be elected by the qualified voters of the municipality.

[2657–2115; C.A. 233–3(1688).]

SECTION 2170. Classification of municipalities — Number of councilors. — Municipalities are divided into five classes, according to their receipts, as
follows: Municipalities of the first class shall be those the annual receipts of which averaged fifty thousand pesos or more during the last three years, and shall have eight councilors; of the second class, those the annual receipts of which averaged thirty thousand pesos or more, but less than fifty thousand pesos, during the last three years, and shall have eight councilors; of the third class, those the annual receipts of which averaged fifteen thousand pesos or more, but less than thirty thousand pesos, during the last three years, and shall have six councilors; of the fourth class, those the annual receipts of which averaged five thousand pesos or more, but less than fifteen thousand pesos, during the last three years, and shall have six councilors; of the fifth class, those the annual receipts of which averaged less than five thousand pesos during the last three years, and shall have four councilors: Provided, That the councilors elected at the last general election in each municipality shall continue to hold office during the term for which they were elected, and the reduction or increase of the number of councilors in accordance with the classification of municipalities prescribed in this Act shall take effect beginning with the general election of nineteen hundred and twenty-eight.

[2657–2116; 3261–1(1689).]

SECTION 2771. Change of amount of receipts as affecting classification of municipalities. — Beginning with the year nineteen hundred and twenty-five, and for each period of three consecutive years after said date, the Secretary of the Interior shall order the classification of the municipalities readjusted in accordance with the rules established in the last preceding section.

[2657–2117; 3261–2(1690).]

SECTION 2172(1691). Additional councilors for municipality passing to higher class. — (Repealed)

[2657–2118.]

SECTION 2173(1692). Reduction in number of councilors for municipality passing to lower class. — (Repealed)

[2657–2119.]

ARTICLE III

Municipal Offices and Officers in General

SECTION 2174. Qualifications of elective municipal officer. — An elective municipal officer must, at the time of the election, be a qualified voter in his municipality and must have been resident therein for at least one year; he must
be loyal to the United States, and not less than twenty-three years of age. He must also be able to read and write intelligently either Spanish, English, or the local dialect.

[2657–2120.]

SECTION 2175. Persons ineligible to municipal office. — In no case shall there be elected or appointed to a municipal office ecclesiastics, soldiers in active service, persons receiving salaries or compensation from provincial or National funds, or contractors for public works of the municipality.

[2657–2121.]

SECTION 2176. Inhibition against holding of pecuniary interest by municipal official. — It shall be unlawful for a municipal officer to possess a pecuniary interest, either direct or indirect, in any municipal contract, contract work, or other municipal business, or to hold such interest in any cockpit or other game licensed by municipal authority.

[2657–2122.]

SECTION 2177(1693). Term of elective officer. — (Repealed)

[2657–2123; 3879–2(1694); C.A. 233–1(1695).]

SECTION 2178. Term of appointive officer. — An officer appointed by the mayor shall, in the absence of special provision, hold until the end of the term of the mayor making the appointment and until his own successor is appointed and qualified, unless prior thereto he shall resign or be removed according to law.

Other appointive municipal officers shall hold until resignation or removal from office according to law.

[2657–2124; C.A. 233–3(1696).]

SECTION 2179. Change of territory as affecting tenure of office. — When a part of a barrio is detached from a municipality to form a new municipality or to be added to an existing municipality any officer of the old municipality living in the detached territory may continue to hold this office and exert the functions thereof for the remainder of his term; but if he is resident of a barrio the whole of which is detached, his office shall be deemed to be vacated.

[2657–2125.]
SECTION 2180(1697).  Vacancies in municipal office. — (Repealed)

[2657–2126; C.A. 233–3(1698).]

SECTION 2181.  Declaration of vacancy in elective municipal office. — Should any elective municipal officer become permanently incapacitated for the proper discharge of his duties during his term of office, through accident or disease, his office may be declared vacant by the vote of a majority of all the members of the council.

[2657–2127.]

SECTION 2182.  Resignation of municipal officer. — Any elective municipal officer who has qualified may be allowed to resign in the interest of the public service, with the approval of the provincial board.

[2657–2128.]

SECTION 2183.  Salaries of municipal officers. — The salaries of the mayor and municipal secretary shall be fixed by the council; that of the municipal treasurer by the provincial board.

[2657–2129; C.A. 233–3(1699).]

SECTION 2184.  Maximum limit of salaries. — Except as otherwise specially provided, the annual salaries of municipal officers shall not exceed the amounts hereinbelow fixed:

In municipalities of the first class: for the mayor, two thousand pesos; for the municipal secretary, twelve hundred pesos; and for the municipal treasurer, eighteen hundred pesos, of which twelve hundred pesos shall be payable out of municipal funds, in his capacity as municipal treasurer, and six hundred pesos out of provincial funds, in his capacity as deputy of the provincial treasurer.

In municipalities of the second class: for the mayor, sixteen hundred and eighty pesos; for the municipal secretary, nine hundred and sixty pesos; and for the municipal treasurer, thirteen hundred and eighty pesos, of which nine hundred and twenty pesos shall be payable out of municipal funds, in his capacity as municipal treasurer, and four hundred and sixty pesos out of provincial funds, in his capacity as deputy of the provincial treasurer.

In municipalities of the third class: for the mayor, twelve hundred and sixty pesos; for the municipal secretary, seven hundred and twenty pesos; and for the municipal treasurer, one thousand and eighty pesos, of which seven hundred and
twenty pesos shall be payable out of municipal funds, in his capacity as municipal treasurer, and three hundred and sixty pesos out of provincial funds; in his capacity as deputy of the provincial treasurer.

In municipalities of the fourth class: for the mayor, nine hundred and sixty pesos; for the municipal secretary, six hundred pesos; and for the municipal treasurer, nine hundred pesos, of which six hundred pesos shall be payable out of municipal funds in his capacity as municipal treasurer, and three hundred pesos out of provincial funds, in his capacity as deputy of the provincial treasurer.

In municipalities of the fifth class: for the mayor, six hundred pesos; for the municipal secretary, three hundred and sixty pesos; and for the municipal treasurer, five hundred and forty pesos, of which three hundred and sixty pesos shall be payable out of municipal funds, in his capacity as municipal treasurer, and one hundred and eighty pesos out of provincial funds, in his capacity as deputy of the provincial treasurer.

From the decisions of the provincial board with regard to salaries and **per diems** of municipal officers, the municipal officer or council concerned or any member of the provincial board having expressed his disconformity when the resolution objected to was passed, may appeal, and such appeal shall, within ten days after his receipt by the provincial board, be forwarded to the Secretary of the Interior, whose decision shall be final.

[2657–2130; 3261–3(1700); Act 4007–33(1701); C.A. 233–3(1702).]

**SECTION 2185.** Additional compensation for municipal treasurer acting as municipal secretary. — The municipal council, with the approval of the provincial board, may require that the municipal treasurer shall, in addition to the regular duties of his office, perform the duties of municipal secretary; in which case he may be paid additional compensation in an amount fixed by the municipal council, with the approval of the provincial board; but the compensation thus paid to the treasurer for his services in both capacities shall not exceed seventy-five **per centum** of the sum of the salaries attached to the two offices.

[2657–2131.]

**SECTION 2186(1703).** Additional compensation for treasurer in the capacity of deputy provincial treasurer. — A municipal treasurer may receive, for his services in the capacity of deputy provincial treasurer, such additional compensation, to be paid from provincial funds, as the provincial board may fix and the (Chief of the Executive Bureau) Secretary of Finance may approve.
SECTION 2187. Compensation of vice-mayor and councilors. — Full pay for sick mayor. — The municipal council may, with the approval of the provincial board and the Department of the Interior, grant to the vice-mayor and each councilor a per diem not to exceed two pesos for each day of regular session of the council actually attended by them; but when, by reason of absence, suspension, or other disability, the mayor ceases to discharge the duties of his office, the vice-mayor or councilor acting as mayor shall receive compensation equivalent to the salary of the mayor during the period of such service.

The mayor shall receive full salary when absent from the municipality upon occasion of any meeting of mayors convoked by the provincial board or when absent therefrom upon any other business the performance of which is required of him by express provision of law or competent administrative authority or if the general funds of the municipality permit when he is absent from his office because of illness contracted through no fault of his own, provided the absence in the latter case does not exceed thirty days during the year, which fact must be attested by an affidavit of the interested party and by a medical certificate or, if there be no physician in the locality, by a health officer's certificate; and if during such authorized or justified absence the vice-mayor or a councilor temporarily discharges the local duties of mayor, the officer rendering such service may receive compensation in an amount to be fixed by the council, with the approval of the provincial governor, which amount shall not be in excess of the salary of mayor for the same period: Provided, That per diems for attendance of the sessions of the council shall not be paid to an officer rendering such service.

When absent from their permanent stations on official business other than attendance at the session of the council, vice-mayor and councilors shall be allowed their actual expenses of travel with the approval of the provincial governor.

[2657–2132; see Act 4007–33(1704) and C.A. 78(1705).]

ARTICLE IV

Provincial Supervision Over Municipal Officers

SECTION 2188. Supervisory authority of provincial governor over municipal officers. — The provincial governor shall receive and investigate complaints made under oath against municipal officers for neglect of duty, oppression, corruption or other form of maladministration of office, and conviction by final judgment of any crime involving moral turpitude. For minor delinquency
he may reprimand the offender; and if a more severe punishment seems to be
desirable he shall submit written charges touching the matter to the provincial
board, furnishing a copy of such charges to the accused either personally or by
registered mail, and he may in such case suspend the officer (not being the
municipal treasurer) pending action by the board, if in his opinion the charge be
one affecting the official integrity of the officer in question. Where suspension is
thus effected, the written charges against the officer shall be filed with the board
with within five days.

[2657–2134; 3167–1(1709); 3935–1(1710).]

SECTION 2189. Trial of municipal officer by provincial board. — When
written charges are preferred by a provincial governor against a municipal officer,
the provincial board shall, at its next meeting, regular or special, set a day, hour,
and place for the trial of the same and notify the respondent thereof; and at the time
and place appointed, the board shall proceed to hear and investigate the truth or
falsity of said charges, giving the accused official full opportunity to be heard in
his defense. The hearing shall occur as soon as may be practicable, and in case
suspension has been effected, not later than ten days from the date the accused is
furnished or has sent to him a copy of the charges, unless the suspended official
shall, on sufficient grounds, request an extension of time to prepare his defense.

The preventive suspension of a municipal officer shall not be for more than
thirty days. At the expiration of the thirty days, the suspended officer shall be
reinstated in office without prejudice to the continuation of the proceedings against
him until their completion, unless the delay in the decision of the case is due to the
fault, neglect, or request of the accused, in which case the time of the delay shall
not be counted in computing the time of the suspension: Provided, That the
suspension of the accused may continue after the expiration of the thirty days
above mentioned in case of conviction until the (Executive Bureau) Secretary of
the Interior shall otherwise direct or the case shall be finally decided by said
(Bureau) Secretary.

[2657–2135; 3167–1(1711); see Act 4007–33(1712).]

SECTION 2190. Action by provincial board. — If, upon due
consideration, the provincial board shall adjudge that the charges are not sustained,
the proceedings shall be dismissed; if it shall adjudge that the accused has been
guilty of misconduct which would be sufficiently punished by reprimand or further
reprimand, it shall direct the provincial governor to deliver such reprimand in
pursuance of its judgment; and in either case the official, if suspended, shall be
reinstated.
If in the opinion of the board the case is one requiring more severe discipline, and in case of appeal, it shall without unnecessary delay forward to the (Chief of the Executive Bureau) Secretary of the Interior, within eight days after the date of the decision of the provincial board, certified copies of the record in the case, including the charges, the evidence, and the findings of the board, to which shall be added the recommendation of the board as to whether the official ought to be suspended, further suspended, or finally dismissed from office; and in such case the board may exercise its discretion to reinstate the official, if suspended.

The trial of a suspended municipal official and the proceedings incident thereto shall be given preference over the current and routine business of the board.

[2657–2136; 3167–1(1713); see Act 4007–33(1714).]

SECTION 2191. Action by (Chief of Executive Bureau) Secretary of the Interior. — Upon receiving the papers in any such proceedings the (Chief of the Executive Bureau) Secretary of the Interior shall review the case without unnecessary delay and shall make such order for the reinstatement, dismissal, suspension, or further suspension of the official, as the facts shall warrant and shall render his final decision upon the matter within thirty days after the date on which the case was received. Disciplinary suspension made upon order of the (Chief of the Executive Bureau) Secretary of the Interior shall be without pay. No final dismissal hereunder shall take effect until recommended by the Department Head and approved by the (Governor-General) President of the Philippines.

[2657–2137; 3167–1(1715); see Act 4007–33(1716) and C.A. 233–2(1717).]

SECTION 2192. Salary of officer pending suspension. — A municipal officer suspended from duty pending an investigation of charges against him shall receive no pay during such suspension; but upon subsequent exoneration or reinstatement, the Department Head may order the payment of the whole or part of the salary accruing during such suspension.

[2657–2138.]

SECTION 2193. Duty of provincial governor to order prosecution in certain cases. — Upon receiving information to the effect that any municipal officer is guilty of official misconduct involving criminal or civil liability of such character as to make advisable the institution of judicial proceedings, the provincial governor shall direct the provincial fiscal to institute such proceedings
ARTICLE V

Mayor

SECTION 2194. Mayor as chief executive of municipality. — The mayor shall be the chief executive officer of the municipal government. As such it shall be his duty to exercise, in conformity with law, a general supervision over local administrative affairs in the municipality and to see that the laws and municipal ordinances are faithfully executed therein.

He shall have the following duties:

(a) He shall supervise the discharge of official duties by all subordinates.

(b) He shall lend his assistance and give support to the provincial treasurer and his deputies in the collection of taxes and shall cooperate with the health authorities in the enforcement of sanitary laws and regulations in force in the municipality.

(c) He shall issue orders relating to the police or to public safety and orders for the purpose of avoiding conflagrations, floods and the effects of storms or other public calamities.

(d) He shall preside at the meetings of the municipal council and shall recommend to said body from time to time such measures connected with the public health, cleanliness, or ornament of the municipality or the improvement of its finances as he shall deem expedient.

(e) He shall attend such conventions of mayors as may be lawfully called by the provincial board.

SECTION 2195. Temporary disability of mayor. — Upon the occasion of the absence, suspension, or other temporary disability of the mayor, his duties shall be discharged by the vice-mayor, or if there be no vice-mayor, by the councilor who at the last general election received the highest number of votes.
SECTION 2196. Execution of deeds. — When the Government of a municipality is party to a deed or an instrument which conveys real property or any interest therein or which creates a lien upon the same, such deed or instrument shall be executed on behalf of the municipal government by the mayor, upon resolution of the council, with the approval of the provincial governor.

SECTION 2197. Authority of mayor to make preliminary investigations. — In case of the temporary absence of both the justice of the peace and the auxiliary justice from the municipality, town, or place wherein they exercise their jurisdiction, the mayor shall make the preliminary investigation in criminal cases when such investigation can not be delayed without prejudice to the interests of justice. He shall make report of any preliminary investigation so made to the justice of the peace or to the auxiliary justice immediately upon the return of one or the other. He shall also have authority in such cases to grant bail to the accused in criminal proceedings brought in the justice court for such municipality, town, or place.

SECTION 2198. Copies of executive orders to be forwarded to provincial board. — Within thirty-six hours after the issuance of any executive order by the mayor, the municipal secretary shall forward a correct copy thereof to the provincial board.

Executive orders promulgated by the mayor shall be numbered consecutively throughout the calendar year.

SECTION 2199. Appointment of subordinate officers and employees in general. — Appointments to all non-elective positions in the municipal service shall be made by the mayor by and with the consent of a majority of all the members of the council, except that of the municipal secretary which shall be made exclusively by the mayor. This requirement shall not, however, apply to the employment of laborers engaged for the performance of authorized work, nor to local employees or laborers whose duties are connected with health work and who shall be appointed by the chief local health officer, upon recommendation by the mayor.
SECTION 2200. Nominations to be made by mayor. — Nominations to all places that may be filled by appointment of the mayor shall be by him submitted to the council at its first meeting after his assumption of office; and if a vacancy occurs in any such place during the term of office of the mayor he shall submit a nomination therefor at the next regular meeting of the council. If a nomination should be rejected, the mayor shall submit the name of another nominee for the place at the next regular meeting of the council, and in case the second nomination is also rejected by the said council, the mayor may appeal to the provincial board within ten days and said provincial board shall have the power and duty to decide the controversy over said appointment within fifteen days after receiving such appeal, and in case the mayor does not agree with the decision of the provincial board, he may also appeal against the resolution of the same to the (Chief of the Executive Bureau) Secretary of the Interior who shall decide said appeal within twenty days from the receipt of the same and whose decision shall be final.

SECTION 2201. Supervisory authority of Mayor over subordinates. — The mayor may at any time for cause, suspend any nonelective officer or employee over whose position he has the power of appointment, for a period of not exceeding ten days, without pay, which suspension may be continued for a longer period by the council; and by and with the consent of a majority of all the members of the council he may discharge any such officer or employee.

If a charge shall be brought in any court against any such subordinate for violating his official duty, the mayor shall have jurisdiction to suspend him, pending action on such violation by the municipal council; and, if a fine is imposed against such officer, it may be collected by withholding the requisite amount from such salary as is or may become due to him: Provided, That employees and laborers appointed by the chief local health officer as provided for in section twenty-one hundred and ninety-nine shall not be removed by the chief local health officer without the approval of a majority of the municipal council concerned.

SECTION 2202. Quarterly report on crop and live-stock conditions. — The mayor of each municipality shall, upon forms to be supplied by the Director of Agriculture, and in such detail as shall be required by him, make quarterly reports of the condition of agriculture and live-stock in his municipality, and of such other
matters as relate to the development of those interests.

The report so made shall be submitted to the municipal council, and, if approved, a copy thereof shall be forwarded to the office of the provincial governor, a second copy to the representative from the district, a third copy to the Director of Agriculture, and a fourth copy shall be filed in the office of the municipal secretary.

[2657–2148; C.A. 233–3(1734).]

SECTION 2203. Annual report of mayor. — During the month of December of each year the mayor shall prepare and make out in duplicate an annual report, in which he shall set forth the most important events which have occurred in the municipality within the current year. One copy of the report so prepared shall be forwarded to the provincial governor upon the first of the succeeding January or as soon thereafter as practicable. The other copy shall be submitted to the municipal council at its next meeting.

[2657–2149; C.A. 233–3(1735); see C.A. 373, approved August 23, 1938, changing the fiscal year.]

ARTICLE VI

Vice-mayor

SECTION 2204. Vice-mayor as ex officio member of council. — The vice-mayor shall be an ex officio member of the council, with all the rights and duties of any other member, and there shall be assigned to him the barrio or district in which the municipal offices are situated.

[2657–2150; C.A. 233–3(1736).]

ARTICLE VII

Municipal Treasurer

SECTION 2205. Appointment and removal of treasurer. — The municipal treasurer shall be appointed by the provincial treasurer, subject to the provisions of the Civil Service Law.

[2657–2151; 3693–1(1737).]

SECTION 2206. Temporary disability of treasurer. — Upon the occasion of the absence, suspension, or other disability of the municipal treasurer, the provincial treasurer shall designate some suitable person to discharge the duties of
SECTION 2207. Employees and clerks in office of municipal treasurer. — The municipal treasurer shall appoint the clerks and other employees necessary to aid him in the discharge of his duties, the number and salaries thereof being determined by the municipal council as in case of other employees.

When it appears that the number or salaries of such clerks or employees are manifestly inadequate, it shall be within the power of the provincial board, on application, to increase the same.

The municipal treasurer may for cause, suspend from office without salary for not to exceed thirty days any employee thus appointed or, with the approval of the provincial treasurer, remove him from office.

SECTION 2208. Duties of municipal treasurer. — The municipal treasurer shall be the financial officer of the municipality and with respect to the collection of revenue, shall be ex officio deputy of the provincial treasurer.

The principal duties of the municipal treasurer shall be these:

(a) He shall collect and receive all moneys due or accruing to the municipality and, except as otherwise specially provided, all other Government revenue collectible therein.

(b) He shall give to every person paying money to him in his official capacity a proper receipt showing the date, the amount paid, the name of the person making payment, and the account upon which it was paid.

(c) He shall keep a detailed account of all moneys received, and shall pay the same out or dispose thereof pursuant to lawful authority.

(d) He shall, under the direction of the council, be the custodian of municipal property in general, including lands, buildings, and equipment, and shall keep a complete record thereof.

(e) He shall, as deputy of the provincial treasurer, perform in the municipality such other duties not inconsistent with law as the
provincial treasurer may assign to him.

[2657–2154; 3211–3(1739).]

SECTION 2209. **Misuse of public funds.** — Municipal funds shall be kept by the municipal treasurer separate and distinct from his own money, and he shall not make profit out of public money or lend or otherwise apply it to any use not authorized by law.

[2657–2155.]

SECTION 2210. **Inspection of municipal treasurer's accounts.** — The books, accounts, papers, and cash of the municipal treasurer shall at all times be open to the inspection of the provincial treasurer or his deputy specially authorized for that purpose, and of the provincial auditor or his deputy, and at least once in every three months, the office of each municipal treasurer shall be examined by the provincial auditor. For the purpose of making such examination he may use a special deputy of his own or a special deputy in the office of the provincial treasurer.

[2657–2156.]

SECTION 2211. **Suspension of delinquent treasurer.** — In case such an examination discloses a shortage in the cash which should be on hand or any misuse of the funds in violation of section two thousand two hundred and nine hereof; it shall be the duty of the examining officer to seize the cash, books, accounts, and papers, verifying the amount of cash so seized in the presence of at least two municipal councilors or other municipal officer, who shall certify to the amount so seized. The provincial treasurer shall thereupon suspend from office the municipal treasurer in default, and immediately take such action as may be warranted. The provincial treasurer shall treat the funds so seized as a municipal deposit in his accounts pending a decision of the matter or the appointment of a new municipal treasurer or an acting municipal treasurer duly qualified to receive said funds.

[2657–2157; see C.A. 177(1740).]

**ARTICLE VIII**

**Municipal Secretary**

SECTION 2212. **Duties of secretary.** — The municipal secretary shall be the clerk of the municipal council and shall perform such duties as the council shall by ordinance prescribe:
(a) He shall be the custodian of the municipal archives.

(b) He shall attend the meetings of the municipal council and shall keep a journal of its proceedings and a record of other acts of the municipal government.

(c) He shall keep his office in the building where the municipal council meets, or at some place convenient thereto, as the council shall direct.

(d) He shall keep a civil register for the municipality and shall record therein all births, marriages, and deaths, with their respective dates. In case of marriages, he shall further record the previous residences of the contracting parties, the name of the person solemnizing the marriage, and the names of the witnesses. In case of deaths, the causes of death shall be recorded when known.

All entries in the civil register shall be made by the municipal secretary free of charge.

[2657–2158; see Act 3753–20(1741).]

(e) He shall, at the end of each quarter, send to the chief of the division of archives, certified copies of the civil register, containing entries of all the births, marriages, and deaths that have occurred during the quarter.

(f) He shall properly collect the copies of the Official Gazette received by him and claim in due time from the Bureau of Printing any missing numbers, and shall at the termination of his term of office be required to pay for any copies that may have disappeared.

[3022–1(1742).]

SECTION 2213. Issuance of certified copies of municipal records. — The municipal secretary shall issue upon demand of any person a certified copy of any record within his control, and shall be authorized to charge and receive a fee, which shall not exceed, for both the writing and certificate, ten centavos per one hundred words, the same to be paid into the municipal treasury. The records shall during usual business hours be open to inspection by all residents of the municipality and by all officers of the municipal, provincial and (insular) national
governments.

[2657–2159; see Ex. Or. No. 32, dated May 25, 1936 re fees for certified copies of official records and documents.]

SECTION 2214. Report of births and deaths. — Physicians and midwives residing within the limits of a municipality shall forward to the municipal secretary prompt notification of every birth or death that occurs under his or her professional observation, together with the necessary information for making the proper entry in the civil register.

[2657–2160; see Act 3753–20(1743).]

SECTION 2215. Report of marriages. — Every person resident within the limits of the municipality who is authorized by law to celebrate marriages shall immediately forward to the municipal secretary notification of every marriage which he celebrates, together with the necessary data for properly recording said marriage in the civil register.

Where forms are prescribed for such reports they shall be furnished at the expense of the municipality.

[2657–2161; see Acts 3613–16(1744) and 3753–20(1745).]

ARTICLE IX

Municipal Council — Its Constitution and Powers in General

SECTION 2216. Duties of councilor. — The members of the council shall participate in the exercise of the powers vested in the municipal council as a body and shall therein serve as the representative of the true interests of the people of the entire municipality.

As an individual officer, the councilor shall exercise an immediate supervision over the barrio or district confided to his care; and it shall be his special duty to bring to the attention of the council the particular needs thereof.

By means of suitable notices posted in a public and conspicuous place in each barrio under his care, he shall keep the inhabitants thereof informed as to the acts of the council or other governmental measures which directly concern them.

It shall be his further duty promptly to inform the mayor of any unusual or disturbing event occurring within his district.
SECTION 2217. Assignment of barrios or districts to councilors. — The council shall define the limits of the barrios of the municipality prescribing for them such boundaries that the barrios taken collectively shall include the entire territory of the municipality. If the number of barrios is less than or equal to the number of councilors, the council shall put each of its members in immediate charge of a barrio or part of a barrio, so that each barrio shall be under the direction of one or more councilors.

If the number of barrios exceeds the number of councilors, including the vice-mayor, the council may unite one or more barrios or parts of barrios into a district or districts, to be assigned in such manner as the proper distribution of the territory of the municipality shall require.

SECTION 2218. Appointment of lieutenants and substitute lieutenants by councilors. — Each councilor shall be empowered to appoint one lieutenant in each barrio or part of barrio under his immediate supervision. A lieutenant of barrio shall be a duly qualified elector, shall serve without compensation, and shall report directly to the councilor appointing him. Each councilor shall be empowered to appoint a substitute lieutenant who shall be a duly qualified elector, for each barrio or part of barrio under his immediate supervision, to take the place of the lieutenant of such barrio, or part of barrio, during his temporary absence or inability to perform his duties.

SECTION 2219. Duties of lieutenants. — The lieutenant, or in his absence or inability the substitute lieutenant of barrio, shall assist the councilor in the performance of his ministerial duties in such barrio, or part of barrio, to which he is assigned. The term of his office shall be that fixed in his appointment. The councilor may, for cause, suspend or dismiss the lieutenant of barrio from his office with the advice and consent of the municipal council.

SECTION 2219-1/2. Rural council. — Each barrio or rural subdivision with a barrio lieutenant shall also have four rural councilmen who shall be appointed in the same manner as the barrio lieutenants. These rural councilmen shall be duly qualified electors of the place. Their chairman shall be the barrio lieutenant or, in his absence or inability, the substitute lieutenant. They shall serve
without compensation. Their term of office shall be fixed in their appointment. The officer who appointed them may, however, remove them or suspend them from office, for cause. They shall, together with the barrio lieutenant, form an organization which shall be known as rural council and shall have the following duties and powers: (a) to represent the barrio or portion of barrio where it is located, in cases in which such representation is not incompatible with the personality of the municipal council; (b) to hold a regular session once a month; (c) to make their own rules of procedure which shall be approved by the councilor of the place before they take effect; (d) to submit to the municipal council, through said councilor, such suggestions or recommendations as they may see fit for improvements in their place or for the welfare of the inhabitants thereof; (e) to provide for the publication by town crier or such other means as they may see fit, of new laws and municipal ordinances they may consider as important; (f) to organize at least three times a year civic lectures tending to generalize information concerning the duties and rights of citizenship; and (g) to offer to the Government the cooperation necessary locally for the success of measures of general interest. The rural councilmen may hold their sessions in the public school building of the place during hours when there are no classes, or in any house or lot in the barrio the provisional or permanent use of which may be granted to them for said purpose free of charge; and shall elect from among their number a secretary who shall prepare short minutes of the proceedings of the council and draft the recommendations or suggestions to be submitted by the same to the municipal council, in either of the official languages of the country or in the local dialect.

[3861–1(1748).]

SECTION 2220. Regular and special meetings of council. — The municipal council shall prescribe the time and place of holding its meetings. Regular meeting shall be held once in every two weeks and special meetings, not to exceed twenty-four annually, may be held whenever there is a real necessity for them. Any meeting, regular or special, may, in case the amount of business shall require, be adjourned from day to day until the business is completed.

The mayor, or any two members of the council, may call a special meeting by giving written notice of it to each member of the council, which notice shall be served personally or left at his usual place of abode.

[2657–2166; 3261–4(1749); C.A. 233–3(1750).]

SECTION 2221. Quorum of council — Enforcing attendance of absent members. — The majority of the council elected shall constitute a quorum to do business; but when a quorum is lacking a majority of those in actual attendance may adjourn from time to time and may enforce the immediate attendance of any
member absent without good cause by issuing to the municipal police an order for his arrest and production at the session; or they may impose a fine upon him in such amount as shall have been previously prescribed by ordinance.

[2657–2167.]

SECTION 2222. Public sessions — Closed sessions. — The regular sessions or meetings of the municipal council shall be public and the person presiding has the authority to exact from all present due respect and proper deportment, to prevent disturbances and disorder, and to order the room cleared of any or all present who give reason for such action improper behavior.

The council may hold special sessions with closed doors to consider and vote upon appointments submitted to it by the mayor.

[2657–2168; C.A. 233–3(1751).]

SECTION 2223. Rules of procedure — Suspension or expulsion of member. — The municipal council shall determine its own rules of procedure, punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members, the council may suspend or, subject to the approval of the provincial board, may expel a member for cause.

[2657–2169.]

SECTION 2224. Journal of proceedings — Majorities necessary for transaction of business. — The council shall keep a journal of its own proceedings. The ayes and noes shall be taken upon the passage of all ordinances, upon all propositions to create any liability against the municipality, and upon any other proposition, upon the request of any member, and they shall be entered upon the journal. The affirmative vote of a majority of all the members of the municipal council shall be necessary to the passage of any ordinance or of any proposition creating indebtedness; but other measures, except as otherwise specially provided, shall prevail upon the majority vote of the members present at any meeting duly called and held.

The journal of the council shall be signed by both the presiding officer and the secretary.

[2657–2170.]

SECTION 2225. Restriction upon right of mayor to vote in council. — The mayor, as presiding officer of the council, shall have no right to vote, except in case of a tie.
SECTION 2226. Nominations to be passed upon at first meeting. — At the first regular meeting after the election and qualification of a new mayor, the council shall pass on his nominations to nonelective municipal offices and shall prescribe the duties of all appointed officers and employees when not determined by law.

SECTION 2227. Ordinances of council. — Legislative acts passed by the municipal council in the exercise of its lawmaking authority shall be denominated ordinances.

SECTION 2228. Numbering of ordinances and resolutions. — Ordinances and resolutions of the council shall be numbered consecutively throughout the calendar year.

SECTION 2229. Approval of ordinances by mayor — Veto power. — Except as hereinbelow provided, ordinances and resolutions passed by the municipal council shall be approved and signed by the mayor. If he shall consider any such ordinance or resolution prejudicial to the public welfare, he may veto it by signing to the council his disapproval thereof in writing but the council may, by a two-thirds vote of all its members, pass an ordinance or resolution over the veto of the mayor in which case it shall be valid without his approval or signature. If the mayor shall not either approve or veto an ordinance or resolution within five days after its passage it shall likewise be valid without his approval or signature.

SECTION 2230. Time of taking effect of ordinance — Posting of ordinance. — Every ordinance shall go into effect on the tenth day after its passage, unless the ordinance shall provide that it shall take effect at an earlier or a later date. The ordinance on the day after its passage shall be posted by the municipal secretary at the main entrance of the municipal building. He shall certify to the fact of posting and shall spread his certificate upon the minutes of the council, but failure to post an ordinance shall not invalidate the same.
SECTION 2231. **Translation of ordinance into native dialect.** — In addition to the duties of the municipal secretary, as defined in section twenty-two hundred and twelve of this Act, it shall be his duty to translate into the dialect used by the majority of the people of the municipality, all ordinances immediately after their approval by the municipal council and to have them posted as translated into such dialect, at the main entrance of the municipal building and in other frequented public places in the town and its barrios.

[2657–2177; 3623–1(1755).]

SECTION 2232. **Copies of resolutions and ordinances to be forwarded to provincial board.** — Within thirty-six hours after a session of the council, the municipal secretary shall forward to the provincial board a correct copy of each resolution and approved ordinance passed at such session. When an ordinance has not been approved by the mayor within such time, the copy shall thereafter be forwarded immediately upon approval, or in case of an ordinance passed over the mayor's veto, immediately upon such passage.

When an ordinance authorizes or necessitates the collection of municipal revenue an additional copy shall at the same time be forwarded to the provincial treasurer.

[2657–2178; C.A. 233–3(1756).]

SECTION 2233. **Provincial board to pass on legality of municipal proceedings.** — Upon receiving copies of resolutions and ordinances passed by municipal councils and of executive orders promulgated by mayors, the provincial board shall examine the documents or transmit them to the provincial fiscal, whose duty it shall thereupon become to examine the same promptly and inform the provincial board of any defect or impropriety which he may discover therein, and make such other comment or criticism as shall appear to him proper.

If the board should in any case find that any resolution, ordinance, or order, as aforesaid, is beyond the powers conferred upon the council or mayor making the same, it shall declare such resolution, ordinance, or order invalid entering its action upon the minutes and advising the proper municipal authorities thereof. The effect of such action shall be to annul the resolution, ordinance, or order in question, subject to action by the (Chief of the Executive Bureau) Secretary of the Interior as hereinafter provided.

[2657–2179; see Act 4007–33(1757); C.A. 233–3(1758).]

SECTION 2234. **File to be kept by provincial governor.** — After the same
have been passed upon by the provincial board, all municipal resolutions, ordinances, and executive orders shall be filed with the provincial governor, who shall keep a complete file of the same conveniently arranged in consecutive order by municipalities for reference, which shall be open for public inspection, and in case the municipal secretary neglects or omits to forward any such, the provincial governor shall immediately demand a copy. Repeated negligence in forwarding resolutions, ordinances, or executive orders, as aforesaid, shall be cause for suspension and removal of the officer so offending.

[2657–2180.]

SECTION 2235. Appeal from action of provincial board. — Should the council of any municipality be dissatisfied with the decision of the provincial board, an appeal may be taken by two-thirds vote of the council to the (Chief of the Executive Bureau) Secretary of the Interior, who shall decide the same question which was presented to the provincial board and either affirm or reverse the decision of the provincial board. The mayor concerned may likewise appeal from the decision of the provincial board annulling an executive order. If the decision of the provincial board is affirmed, the ordinance, resolution, or executive order involved shall be null and void. If, however, he shall reverse the decision of the provincial board, then and in that case notice of his decision shall be given to the provincial board and to the council of the municipality appearing, and upon receipt of notice by the appellant, the ordinance, resolution, or executive order shall be revived and come into force again.

Pending the decision on appeal from a decision of the provincial board annulling any ordinance, resolution, or executive orders, the same shall have no force or effect.

[2657–2181; see Act 4007–33(1759); C.A. 233–3(1760).]

SECTION 2236. Judicial authority to determine validity of municipal proceedings. — Nothing contained in either of the three last preceding sections hereof shall be construed to deprive any judicial tribunal of power to hold void for want of statutory authority any act, ordinance, or resolution of a municipal council or executive order of a mayor the validity of which shall be involved in any cause arising before such tribunal, without respect to the decision of the executive authorities.

[2657–2182; C.A. 233–3(1761).]

SECTION 2237. Attempt to enforce void or suspended resolution, ordinance, or order. — Any attempt to enforce any ordinance, resolution, or
executive order, after the disapproval or suspension thereof is brought to the attention of the municipal council or mayor, as the case may be, shall be sufficient ground for the dismissal of the officer or officers attempting to enforce the same.

[2657–2183; C.A. 233–3(1762).]

SECTION 2238. General power of council to enact ordinances and make regulations. — The municipal council shall enact such ordinances and make such regulations, not repugnant to law, as may be necessary to carry into effect and discharge the powers and duties conferred upon it by law and such as shall seem necessary and proper to provide for the health and safety, promote the prosperity, improve the morals, peace, good order, comfort, and convenience of the municipality and the inhabitants thereof, and for the protection of property therein.

[2657–2184.]

SECTION 2239. Power of council to prescribe penalties for violations of ordinances. — It shall be competent for a municipal council to prescribe fines or penalties for violations of its ordinances; but no penalty so fixed shall exceed a fine of two hundred pesos or imprisonment for six months, or both.

Persons undergoing imprisonment for violation of ordinances may be required to labor for the period of imprisonment upon public works of the municipality in such manner as may be directed by the municipal council.

[2657–2185.]

SECTION 2240. Subsidiary imprisonment for nonpayment of fine. — Imprisonment shall be imposed in lieu of unpaid fines at the rate of one day's imprisonment for each peso of the fine.

Where a person is imprisoned for nonpayment of a fine he shall be released upon payment of such fine, less one peso per day that he has been confined.

[2657–2186.]

SECTION 2241. Submission of questions to provincial fiscal. — When the council is desirous of securing a legal opinion upon any question relative to its own powers or the constitution or attributes of the municipal government, it shall frame such question in writing and submit the same to the provincial fiscal for decision.

[2657–2187.]
SECTION 2242. Certain legislative powers of mandatory character. — It shall be the duty of the municipal council, conformably with law:

(a) To fix the salaries of all municipal officers and employees except the treasurer and teachers in the public schools and to provide for such expenditures as are necessary in the proper conduct of the lawful activities of the various branches of the municipal government.

(b) To provide a municipal building adequate for the municipal offices, and other buildings required for municipal uses, including schoolhouses.

(c) To provide for the levy and collection of municipal taxes and for the collection of all fees and charges constituting lawful sources of municipal revenue or income.

(d) To establish and maintain an efficient police department and an adequate municipal jail or prison.

(e) To regulate the construction, care, and use of streets, sidewalks, canals, wharves and piers in the municipality, and prevent and remove obstacles and encroachment on the same.

(f) To construct and keep in repair bridges and viaducts, and regulate the use of the same.

(g) To regulate the selling, giving away, or dispensing of intoxicating, malt, vinous, mixed, or fermented liquors at retail.

(h) To declare and abate nuisances.

(i) To restrain riots, disturbances, and disorderly assemblages.

(j) To prohibit and penalize intoxication, fighting, gambling, mendicancy, prostitution, the keeping of disorderly houses, and other species of disorderly conduct or disturbance of the peace.

(k) To provide for the punishment and suppression of vagrancy and the punishment of any person found within the town without legitimate business or visible means of support.

(l) To suppress and penalize cruelty to animals.
(m) To prohibit the throwing or depositing of filth, garbage, or other offensive matter in any street, alley, park, or public square; provide for the suitable collection and disposition of such matter and for cleaning and keeping clean the streets, alleys, parks, and other public places of the municipality.

(n) To regulate the keeping and use of animals in so far as the same affect the public health and the health of domestic animals.

(o) To require any land or building which is in an insanitary condition to be cleansed at the expense of the owner or tenant, and, upon failure to comply with such an order, have the work done and assess the expense upon the land or building.

(p) To construct and keep in repair public drains, sewers and cesspools, and regulate the construction and use of private water-closets, privies, sewers, drains, and cesspools.

(q) To establish or authorize the establishment of slaughterhouses and markets, and inspect and regulate the use of the same.

[See C.A. 165(1763).]

(r) To provide for and regulate the inspection of meat, fruits, poultry, milk, fish, vegetables, and all other articles of food.

[See C.A. 82, approved October 26, 1936 re meat inspectors.]

(s) To adopt such other measures, including internal quarantine regulations, as may from time to time be deemed desirable or necessary to prevent the introduction and spread of disease.

[2657–2188.]

SECTION 2243. Certain legislative powers of discretionary character. — The municipal council shall have authority to exercise the following discretionary powers:

(a) To suspend or remove for cause, officers or employees appointed by the mayor, two-thirds of all the members of the council concurring.

[See C.A. 177(1764).]
(b) To make provisions for the care of the poor, the sick, or persons of unsound mind.

(c) To establish fire limits in populous centers, prescribe the kinds of buildings that may be constructed or repaired within them, and issue permits for the erection or repair thereof, charging a fee which shall be determined by the municipal council and which shall not be less than two pesos for each building permit and one peso for each repair permit issued. The fees collected under the provisions of this subsection shall accrue to the municipal school fund.

[3259–1(1765).]

(d) To provide for the numbering of houses and lots; the naming of streets, avenues, and other public places and, subject to the approval of the Secretary of the Interior, the changing of the names thereof; and for the lighting of streets, and the sprinkling of the same.

[3019–1(1766); C.A. 249–1(1767).]

(e) To establish and maintain municipal roads, streets, alleys, sidewalks, plazas, parks, playgrounds, levees, and canals.

(f) To supply a suitable building for a post office and provide for the collection and delivery of mail, when it is impracticable for the Bureau of Posts to make provision for these matters.

(g) To regulate the keeping of dogs, and authorize the killing or impounding of the same when found at large contrary to ordinance.

(h) To require the owners of sheep, goats, swine, or large cattle to keep such animals from moving, running, or being at large except when in charge of some person of sufficient discretion.

(i) To regulate cockpits, cockfighting, and keeping or training of fighting cocks, or prohibit either.

(j) To regulate garages and stables and the keeping of carriages, carts, and other conveyances for hire; and to designate stands to be occupied by public vehicles when not in use.
(k) To regulate cafés, restaurants, hotels, inns, and lodging houses.

(l) To regulate or prohibit public dancing schools, public dance halls, and horse races.

(m) To regulate public billiard tables, or billiard rooms, theatrical performances, and circuses.

(n) To regulate the establishment and provide for the inspection of steam boilers within the municipality.

(o) To regulate the use of water courses, within the municipality.

(p) To provide for the impounding of animals found at large contrary to law or ordinance and for the sale of such animals in satisfaction of poundage fees or any penalty incurred and cost of proceedings, or for such other disposition thereof as may be sanctioned by law.

(q) To regulate any business or occupation subject to a municipal license tax and to prescribe the conditions under which municipal licenses may be revoked.

[2657–2189.]

(r) To regulate and fix the license fees for signs, signboards, and billboards displayed or maintained in any place exposed to public view except those displayed at the place or places where the profession or business advertised thereby is in whole or part conducted.

[2819–3(1768).]

(s) To enact an ordinance empowering the mayor to grant, subject to the requirements of the service, to any appointed municipal officer or employee, including the secretary, twelve days' vacation leave of absence with full pay, which must be taken during the year in which earned: Provided, That such vacation leave of absence shall only be granted after at least one year of continuous, faithful, and satisfactory service.

[3087–5(1769); C.A. 233–3(1770); see C.A. 490(1771).]

(t) To levy an annual privilege tax upon carts and sledges used
upon any public road in a municipality, in accordance with section twenty-three hundred and thirteen.

[3691–1(1772).]

SECTION 2243 (A). Restrictive provisions. — No commercial sign, signboard, or billboard shall be erected or displayed on public lands, premises, or buildings. If after due investigation, and having given the owner an opportunity to be heard, the mayor shall decide that any sign, signboard, or billboard displayed or exposed to public view is offensive to the sight or is otherwise a nuisance, he may order the removal of such sign, signboard, or billboard, and if same is not removed within ten days after he has issued such order he may himself cause its removal, and the sign, signboard, or billboard shall thereupon be forfeited to the municipality, and the expenses incident to the removal of the same shall become a lawful charge against any person or property liable for the erection or display thereof.

[2819–4(1773); C.A. 233–3(1774).]

SECTION 2244. Requirement of permits for certain pursuits. — In the exercise of regulative authority, the municipal council may require that a person engaged in any business or occupation hereinbelow mentioned shall obtain therefor a municipal permit:

Manufacturing or boiling varnish or oil; boiling fat, tallow, or lard; manufacturing lampblack, glue, fertilizer, turpentine, tar, or charcoal; tanning or dressing hides or skins; manufacturing bricks, pottery, or lime; crushing, grinding, or burning stones, bones, or shells; storing bones, hides or feathers; drying or curing fish; making lye or soap; manufacturing matches; storing combustible or explosive materials, dealing in second-hand clothes or furniture; maintaining of stock yards; or the conducting of any other business of an unwholesome, obnoxious, offensive, or dangerous character.

A reasonable fee, in no case to be in excess of ten pesos per annum, may be charged for such permit; and the conditions under which the business in question shall be conducted may be specified therein or otherwise determined by the council. A provincial board may in its discretion abolish or reduce any fee imposed under the authority of this section.

[2657–2190.]

SECTION 2245. Exercise of power of eminent domain. — Subject to the approval of the Department Head, a municipal council shall have the power to
exercise the right of eminent domain over property and to authorize the institution of proceedings for the condemnation of the same according to law, for any of the following purposes: the construction or extension of roads, streets, sidewalks, bridges, ferries, levees, wharves, or piers, the construction of public buildings, including schoolhouses, and the making of improvements in connection therewith; the establishment of parks, playgrounds, plazas, market places, artesian wells, or systems for the supply of water; and the establishment of cemeteries, crematories, drainage systems, cesspools, or sewage systems.

[2657–2191.]

SECTION 2246. Authority to close thoroughfare. — With the prior authorization of the Department Head, a municipal council may close any municipal road, street, alley, park, or square; but no such way or place aforesaid, or any part thereof, shall be closed without indemnifying any person prejudiced thereby.

Property thus withdrawn from public servitude may be used or conveyed for any purpose for which other real property belonging to the municipality might be lawfully used or conveyed.

[2657–2192.]

SECTION 2247. Restriction upon measures relative to sanitation. — Ordinances, regulations, and orders enacted or promulgated by a municipal council in the exercise of authority over matters of sanitation shall not be inconsistent with the regulations of the (Philippine Health Service) Bureau of Health.

[2657–2193; see Act 4007–14(1775).]

SECTION 2248. Aid to (insular) national and provincial charitable institutions. — With the approval of the Department Head, a municipal council may make appropriations for the use of (insular) national and provincial institutions of a charitable, benevolent, or educational character, such appropriations to be made only from funds which would be available if the institution or institutions to be assisted were maintained by the municipality.

[2657–2794.]

ARTICLE X

Municipal Schools and Aid for Municipal Students

SECTION 2249. Municipal schools. — It shall be the duty of the
municipal council to establish and maintain primary schools in the municipality, to be conducted as a part of the public-school system in conformity with the provisions of the School Law.

[2657–2195; see C.A. 381(1776).]

SECTION 2250. Special and professional schools. — After adequate provision has been made for the primary schools of a municipality, the council may establish and maintain intermediate, secondary, or professional schools; and with the approval of the Director of Education, reasonable tuition fees may be charged for instruction in such institutions.

[2657–2198; see C.A. 381(1777).]

SECTION 2251. Cooperation of municipalities in maintenance of school giving intermediate instruction. — Where the number of pupils eligible for intermediate instruction in any municipality is not sufficient to justify the maintenance by it of a school giving intermediate instruction or where the municipal funds are insufficient to make adequate provision therefor, the municipal council may, with the approval of the Director of Education, cooperate with the authorities of any other municipality or municipalities in the same province in the maintenance of such a school.

[2657–2196; see C.A. 465(1778).]

SECTION 2252. Support of students attending school in other municipality. — When a public school giving secondary instruction is not maintained in a municipality, the council may provide for the expenditure from the school fund, or general funds not otherwise appropriated, of not more than forty pesos per month during the school year, to be used in equal parts towards the support of two residents of the municipality while receiving training for positions as public-school teachers in the municipality at any public secondary school established under the Department of Public Instruction.

The persons thus supported shall be one young man and one young woman, whose respective ages shall not be less than fifteen nor more than twenty-five years, and whose parents are not able to pay their expenses while attending schools of secondary instruction. They shall be appointed by the mayor from a list recommended by the division superintendent of schools, by and with the consent of the majority of all the members of the council, subject to confirmation, after one month's attendance, by the principal of the schools in which they are appointed to receive instruction.
SECTION 2253. Maintenance of night schools. — Municipal councils shall have authority to appropriate at the beginning of each year a certain sum out of the school funds for the maintenance of night schools in English, under the following conditions:

(a) That one hundred pupils at least, with the assent of the school superintendent of the province, petition the municipal council for their creation.

(b) That the monthly salary of any teacher who is to attend and teach in said schools shall not be greater than thirty pesos.

The superintendent shall appoint a teacher for each school, giving preference to the public school teachers of each municipality, and shall fix the salary in accord with the respective municipal council and subject to the limitation contained in paragraph (b) above. In case he should deem it necessary, the superintendent may also appoint a principal teacher or a supervisor, whose monthly salary, which shall not be greater than fifty pesos, shall likewise be fixed by him, with the approval of the respective municipal council.

SECTION 2254. Travel expense of teachers attending summer schools. — Municipal councils may provide for defraying the necessary travel expenses of municipal teachers who are required to attend a normal institute or vacation assembly at Manila, Baguio, or a provincial capital or other place in the province designated by the superintendent.

SECTION 2255. Support of students attending special school. — A municipal council may provide for the payment of not to exceed forty pesos per month during the school year for each person appointed, as hereinbelow provided, to receive in the Philippine Normal School, the Philippine School of Arts and Trades, the Central Luzon Agricultural School, the College of Agriculture, University of the Philippines, or any other (insular) national, provincial, or special school, or college, special training for the teaching of the academic branches, domestic science, agriculture, or arts and trades.

SECTION 2256. Mode of appointment and qualifications of students. —
The total number of students so appointed shall not exceed four from any one municipality. They shall be appointed by the mayor, by and with the consent of the majority of all the members of the council, from a list of eligibles certified to the mayor by the division superintendent of schools, and by him recommended for such appointment. If one student is to be appointed, same shall be selected from the first three eligible certified and recommended by the division superintendent of schools; if more students are to be appointed they shall be selected from a proportionate number of eligibles certified and recommended by the division superintendent of schools.

Only those who by their qualifications can satisfactorily meet the entrance requirements of the institution they desire to enter and are not less than seventeen nor more than thirty years of age, or municipal or (insular) national teachers of the municipality who have held office for two consecutive years at least shall be eligible for appointment as special municipal students in the Philippine Normal School, the Central Luzon Agricultural School, the College of Agriculture, University of the Philippines, or any other (insular) national, provincial, or special school, or college; and only those who have satisfactorily completed the first year of the prescribed intermediate course of instruction and are not less than seventeen nor more than thirty years of age shall be eligible for appointment as special municipal students in the Philippine School of Arts and Trades.

[2657–2202; 3226–2(1782); C.A. 233–3(1783).]

SECTION 2257. Agreement to teach in municipality. — Each student appointed as above provided shall be required by the mayor to sign an agreement to the effect that, upon the termination of his studies pursued according to the terms of his appointment and agreement, he will return to the municipality appointing and maintaining him as a special student and accept an appointment either as a municipal or as (an insular) a national teacher in said municipality, and faithfully perform the duties relative thereto for such salary as may be fixed by competent authority, for a period of time equal to that spent by him in study at the expenses of the municipality from which he is appointed.

[2657–2203.]

ARTICLE XI

Municipal Police

SECTION 2258. Constitution of police force of municipality. — In each municipality there shall be a chief of police and such number of policemen as the council, with the approval of the provincial board, shall determine.
All members of said force shall be peace officers. It shall be their duty to preserve order and exercise vigilance in the prevention of public offenses. They shall exercise the general power to make arrests and seizures according to law.

[2657–2204; see C.A. 88(1784), C.A. 343(1785), Ex. Or. 153 (1938).]

SECTION 2259. Appointment of members of police force. — The chief of police and other members of the force shall be appointed by the mayor, with the consent of the municipal council. In case of disagreement between the mayor and the municipal council regarding the appointment of the chief of police, if such disagreement extends over more than three months after the submission of the nomination by the mayor, the provincial board shall take action and decide such disagreement, and its decision shall be final.

[2657–2205; 3144–1(1786); C.A. 233–3(1787); see Ex. Or. 175 (1938).]

SECTION 2260. Regulations for governance of municipal police. — The Chief of Constabulary, with the approval of the Department Head, shall prepare and promulgate general regulations for the good government, discipline, and inspection of the municipal police, compliance wherewith shall be obligatory for all members of the organization. These regulations shall be translated into Spanish.

Each municipal council, with the approval of the provincial board, may issue supplementary regulations, not incompatible with law or the general regulations, for the governance of the local force.

[2657–2206.]

SECTION 2261. Uniforms, insignia, and equipment. — The Chief of Constabulary, with the approval of the Department Head, shall prescribe the uniforms, insignia, and equipment of municipal police. These shall be alike in all municipalities, and shall differ from those of the Philippine Constabulary and of the United States Army.

[2657–2207.]

SECTION 2262. Arms to be used by police. — The Chief of Constabulary, subject to the approval of the Head of Department, shall also prescribe the kind of arms to be used by the police; and upon requisition by resolution of a municipal council duly approved by the provincial board, he shall issue to the said municipal council as many firearms as may be requested, not exceeding in any case the number of members of the municipal police including the chief, the make, model and caliber thereof to be determined by the Chief of Constabulary.
In his discretion, the (Governor-General) President of the Philippines may suspend the operation of this section in the case of any municipality when the public interest warrants such action.

[2657–2208.]

SECTION 2263. **Expense of equipment.** — Each municipality shall, at its own expense, provide all necessary police equipment, including arms, uniforms, and insignia, and may also provide the arm, uniform, and insignia of the chief of police, in conformity with the specifications of the Chief of Constabulary.

[2657–2209; 3543–1(1788).]

SECTION 2264. **Loss of arms or other equipment.** — The chief of police shall be the proper custodian of all police arms not issued to individual policemen for use and shall be responsible therefor. Individual policemen shall be responsible for arms issued to them for use, as well as for their uniforms, insignia, or other equipment. Losses of such articles shall, in all cases, be made good by the person herein declared to be responsible therefor.

[2657–2210.]

SECTION 2265. **Examining board.** — There shall be in each province a municipal-police examining board to be composed of the provincial inspector of Constabulary, a member of the provincial board, and a mayor, the two last of whom shall be appointed by the provincial governor.

The provincial inspector shall act as chairman and the member of the provincial board shall act as secretary of the examining board.

The appointive members of the examining board shall receive their actual and necessary travel expense from their places of residence to the place where an examination is held, and *vice versa*. The member of the provincial board shall also receive his lawful per diem for each day of session of the examining board. These expenses shall be paid from provincial funds.

[2657–2211; C.A. 233–3(1789); see C.A. 177(1790).]

SECTION 2266. **Time for holding examinations.** — An examination for admission to the police service shall be held in each province during the month of January of every year; and it shall be the duty of each secretary, by authority of his board and at such time as it shall determine, to give public notice of the place, day, and hour therefor.
SECTION 2267. Examination manual. — The Chief of Constabulary, with the approval of the Department Head, shall prepare and promulgate an examination manual, prescribing therein the manner in which examinations shall be conducted, the subjects which shall be the basis of examination and the standards which must be attained in them.

SECTION 2268. Qualifications for service examination. — To be eligible for such examination, a candidate shall have the following requirements

1. Be a native of the (Philippine Islands) Philippines;
2. Be from twenty-one to forty years of age;
3. Be a person of good habits;
4. Be of sound physical constitution;
5. Not suffer from any contagious disease;
6. Have no criminal record;
7. Have not been expelled or dishonorably discharged from any civil or military employment;
8. Be able to write and read English or Spanish; and
9. Have a perfect reading and writing knowledge of the vernacular.

SECTION 2269. Certification of physical proficiency. — No person shall be permitted to take the service examination except after due certification of physical proficiency, unless the examining board, in its discretion and for good cause, waives this requirement, in which case the physical examination may be made later. But no name shall be placed upon any eligible list until such certificate is forthcoming.

The physical examination shall be made by the district health officer or municipal physician or physicians to whom the chairman of the board shall give the proper orders, designating the day and hour when said examination is to take
SECTION 2270. Eligible lists. — The examining board shall keep a record of the names, residences, and examination grades of the residents of each municipality who have satisfactorily passed the service examination and who are not otherwise disqualified for police service. Such record shall constitute the eligible list of the particular municipality. A similar general list shall be kept containing the names of all eligibles throughout the province. Copies of both lists shall be furnished to each municipality in the province.

SECTION 2271. Appointments to be made from lists of eligibles. — Appointments to the police force shall in all cases be made from the municipal list of eligibles, if persons are found on said list who desire to serve, otherwise from the general list.

Persons who voluntarily leave the service and who desire to reënter may, within one year, be again appointed without further examination.

SECTION 2272. Suspension and removal of members of municipal police. — Members of the municipal police shall not be removed and, except in cases of resignation, shall not be discharged except for misconduct or incompetency, dishonesty, disloyalty to the United States or Philippine Government, serious irregularities in the performance of their duties, and violation of law or duty, and in such cases charges shall be preferred under oath by the mayor or by any other person and investigated by the municipal council, or a committee of three councilors designated for said purpose by a majority of the council, in public hearing, and the accused shall be given opportunity to make their defense. In every case filed against a member of the municipal police, a copy of the charges shall be furnished the accused by the mayor personally or by registered mail, within five days from the date of the filing of the charges, and the council or its committee shall try the case within ten days from the date the accused has been notified of the charges, unless the accused, for good reasons, shall ask for a longer period to prepare his defense. The trial of the case shall be finished within a reasonable time, and if it is tried by a committee, the same shall submit its report and findings to the council within ten days after the conclusion of the trial, and the council shall decide the case within fifteen days from the receipt of the report of the committee. If the trial is conducted by the council itself, it shall decide the case within fifteen
days after the conclusion of the trial. The decision of the council shall in all cases be appealable to the provincial board. The appellant shall exercise this right by filing with the mayor a written appeal within fifteen days from the date he has been notified of the decision, and if within this period no appeal is taken, the decision shall stand final. In case of appeal, the mayor shall forward the case with all its records to the provincial board within twenty days from the receipt by him of the appeal, and the provincial board shall investigate the case anew and render decision thereon within thirty days from the receipt of the records of the case and its decision shall be final and conclusive.

When charges are filed against a member of the police under this section, the mayor may suspend the accused, said suspension as well as the suspension the mayor is bound to decree under section eight hundred and thirty-five of the Administrative Code, shall not be longer than thirty days. If, during this period of thirty days, the case shall not have been decided finally, the accused, if he is suspended, shall ipso facto be reinstated in office without prejudice to the continuation of the case until its final decision, unless the delay in the disposition of the case is due to the fault, negligence, or petition of the accused, in which case the period of the delay shall not be counted in computing the period of suspension herein provided.

When a chief or member of the municipal police is accused in court of any felony, or violation of law by the provincial fiscal, the mayor shall immediately suspend the accused from office pending final decision of the case by the courts and, in case of acquittal, the accused shall be entitled to payment of the entire salary he failed to receive during his suspension if the court should so provide in its sentence.

Failure to observe the provisions of this section shall subject the authorities concerned to such disciplinary action as may be imposed by the (Chief of the Executive Bureau) Secretary of the Interior who may also issue such order in the case as would bring about the immediate termination of the proceedings against the accused.

[2657–2218; 3206–2(1797); C.A. 233–3(1798); see Act 4007–33(1799) and C.A. 177(1800); Ex. Or. 175 (1938).]

SECTION 2273. Salaries of members of police force. — Chiefs of police shall receive pay at a rate, to be fixed by the municipal council, of not more than two hundred pesos per month; other members of the force shall receive pay at a rate of not more than fifty pesos per month to be fixed in the same manner.

[2657–2218.]
SECTION 2274.  **Reimbursement of expenses of policeman going beyond municipal limits.** — All members of the municipal police required to absent themselves from the municipality on official business shall be entitled to reimbursement of necessary expenses supported by the proper vouchers.

[2657–2219.]

SECTION 2275.  **Requirement of police service or patrol duty from male residents.** — When the province or municipality is infested with outlaws, the municipal council, with the approval of the provincial governor, may authorize the mayor to require able-bodied male residents of the municipality, between the ages of eighteen and fifty years, to assist, for a period not exceeding five days in any one month in apprehending outlaws or other law-breakers and suspicious characters, and to act as patrols for the protection of the municipality, not exceeding one day in each week.

Nothing herein contained shall authorize the mayor to require such service of officers or men of the Army and Navy of the United States, civil employees of the United States Government, officers or employees of the (Insular) National Government, or the officers or servants of companies or individuals engaged in the business of common carriers on sea or land, or priests, ministers of the gospel, physicians, practicantes, druggist, or practicantes de farmacia actually engaged in business, or lawyers when actually engaged in court proceedings.

[2657–2221; C.A. 233–3(1801).]

SECTION 2276.  **Requirement of report from householders concerning persons sojourning with them.** — When the province or municipality is infested with outlaws, the municipal council, with the approval of the provincial governor, may further require each household of any municipal center or of any barrio of the municipality to make prompt report to the mayor or municipal councilor of the barrio as the case may be, of the name, residence, and description of any person not a resident of such municipal center or barrio who may enter the house of such householder or receive shelter or accommodations therein. The report made to the municipal councilor of the barrio shall be transmitted by such councilor within twenty-four hours after its receipt to the mayor.

[2657–2222; C.A. 233–3(1802).]

**ARTICLE XII**

*Protection Against Fire*
SECTION 2277. Organization of fire department. — In municipalities having an organized paid fire department or planning to organize one, there shall be a chief and the necessary force of firemen whose number shall be fixed by the municipal council, with the approval of the provincial board. The fire department so organized shall be regularly instructed, exercised, and trained in the duties and work of firemen not less than three times a week or as much oftener as may be necessary to reach and maintain proficiency in its duties and the use of the apparatus furnished for its use. Such department shall be regularly inspected as to drill, equipment, and efficiency by the provincial governor upon its semiannual visits to the municipalities.

[2657–2223; 3321–1(1803).]

SECTION 2277-A. Regulations for government of municipal fire department. — The Director of Public Works and the Chief of Constabulary shall, with the approval of the Department Heads concerned, jointly prepare and issue general regulations for the government, proper discipline, and inspection of the municipal fire departments, the observance of which shall be obligatory for all members of the organization. These regulations shall be translated into Spanish. Each municipal council may, with the approval of the provincial board, issue such secondary regulations for the government of the local fire department as shall not be inconsistent with law or with the general regulations.

[3321–1(1804).]

SECTION 2277-B. Salaries of members of municipal fire department. — Chiefs of municipal fire departments shall receive pay at a rate to be fixed by the municipal council, but not to exceed one hundred and fifty pesos a month; the other members of the department shall be paid at a rate not to exceed fifty pesos a month, to be fixed in the same manner.

[3321–1(1805).]

SECTION 2277-C. Reimbursement of expenses to firemen going outside limits of municipality. — Members of the municipal fire department who are required to leave the municipality on official business shall have their necessary expenses reimbursed to them upon proper vouchers.

[3321–1(1806).]

SECTION 2277-D. Appointment of members of municipal fire department. — The chief of the municipal fire department and other members of the organization shall be appointed by the mayor, with the consent of the municipal
council. In case of disagreement between the mayor and the municipal council concerning the appointment of the chief of the fire department, and if such disagreement shall still exist three months after the mayor submitted said appointment, the provincial board shall decide the matter and its decision shall be final.

[3321–1(1807); C.A. 233–3(1808); (1809)see C.A. 177(1810).]

SECTION 2277-E. Firemen's examining board. — In each province there shall be a firemen's examining board which shall be composed of a member of the provincial board designated by the latter, the district engineer, and the provincial inspector of the Philippine Constabulary. The member of the provincial board so designated and the secretary of said board shall act as chairman and secretary, respectively, of the firemen's examining board. The chairman of the firemen's examining board shall be entitled to necessary travelling expenses from his residence to the place where the examination is held, and vice versa, and to a per diem equal to that which he receives as member of the provincial board, for each day of session of the firemen's examining board. These expenses shall be paid out of provincial funds.

[3321–1(1811); see C.A. 177(1812) and Ex. Or. No. 153 (1938).]

SECTION 2277-F. Date of examinations. — An examination for admission to the fire service shall be held in each province in the month of January or June of each year, in the discretion of the firemen's examining board; and it shall be the duty of each secretary, upon authorization by his board and on such date as the same may determine, to give public notice of the place, day, and hour of such examination.

[3321–1(1813); see C.A. 177(1814).]

SECTION 2277-G. Examination manual. — The Director of Public Works and the Chief of Constabulary shall, with the approval of the Department Heads concerned, jointly prepare and issue an examination manual prescribing how said examinations shall be conducted, what subjects they shall cover, and what averages or ratings must be obtained in said subjects.

[3321–1(1815); see C.A. 177(1816).]

SECTION 2277-H. Qualifications for examination for service. — In order to be eligible for examination, an applicant must have the following qualifications:
(1) Be a native of the (Philippine Islands) Philippines;
(2) Be from twenty-one to forty years old;
(3) Be of good repute;
(4) Have a good physical constitution;
(5) Have no contagious disease;
(6) Have no criminal record;
(7) Not have been expelled or dishonorably discharged from any civil or military office or position;
(8) Be able to read and write English or Spanish; and
(9) Be able to read and write with perfection the local dialect.

[3321–1(1817); see C.A. 177(1818).]

SECTION 2277-I. **Certificate of physical fitness.** — No person shall be admitted to the examination herein provided for without the proper certificate of physical fitness, unless for good reasons the examining board shall, in its discretion, waive this requisite, in which case the physical examination can be made later. But no person shall have his name placed on the eligible list until such certificate has been produced.

The physical examination shall be made by the physician of the municipal district to whom the chairman of the board shall give the necessary orders therefor, designating the place and day when it is to be made.

[3321–1(1819); see C.A. 177(1820).]

SECTION 2277-J. **Eligible list.** — The examining board shall keep a record with the names, residences, and examination ratings of the residents of each municipality who have passed the firemen's examination and are not incapacitated for the fire service. This record shall be the eligible list of that particular municipality. A general list of a similar character shall also be kept which shall contain the names of all the eligibles in the province. Copies of both lists shall be furnished to each municipality of the province.

[3321–1(1821); see C.A. 177(1822).]

SECTION 2277-K. **Appointments to be made from eligible lists.** —
The appointments for the fire department shall in all cases be made from the municipal eligible list if there are persons in said list willing to serve; otherwise they shall be made from the general list.

Persons who have voluntarily left the service and desire to reënter the same may be reappointed within one year's time, without reëxamination.

[3321–1(1823); see C.A. 177(1824).]

SECTION 2277-L. Suspension and removal of members of municipal fire department. — Members of the municipal fire department cannot be dismissed, and except in case of resignation, can only be removed for misconduct or incompetency, dishonesty, disloyalty to the Governments of the United States or the (Philippine Islands) Philippines, serious irregularities in the service or violations of the law or of their duty, in which cases charged shall be preferred under oath by the mayor or any other person and shall be heard by the municipal council or by a committee of three councilors appointed for this purpose by the majority of the council, which committee shall hold public hearings and give the accused an opportunity to defend himself. In all proceedings against a member of the municipal fire department, the accused shall be furnished a copy of the charges preferred by the mayor, which shall be delivered to him personally or sent by registered mail, not later than five days after the filing of the charges, and the council or committee of the council shall proceed to the investigation of the case not later than ten days after the accused was notified of the charges, unless said accused, for good reasons shown, requests further time for preparing his defense. The hearing of the case shall be completed within a reasonable time, and if the case is tried by a committee, the latter shall present its report and recommendation to the council not later than ten days after the conclusion of the trial, and the council shall decide the case not later than fifteen days after receipt of the report of the committee. If the case is tried by the council itself, the latter shall render a decision not later than fifteen days after the conclusion of the trial. From the decision of the council, an appeal shall lie in all cases to the provincial board. The appellant shall exercise this right by presenting a written appeal to the mayor not later than fifteen days after having received notice of the decision, and if an appeal is not presented within said period, the decision shall be final. In case of appeal, the mayor shall transmit the record with all its documents to the provincial board, not later than twenty days after receiving the appeal, and the provincial board shall make the investigation de novo and render a decision not later than thirty days after the date on which it received the record, and its decision shall be final and conclusive. When charges under this section are preferred against a member of the municipal fire department, the mayor may suspend the accused. Such suspension shall not extend over more than thirty days. If the case has not been finally decided
within such thirty days, the accused, if suspended, shall ipso facto be reinstated, without prejudice to the prosecution of the case to a final decision, unless the delay in the proceedings is due to the fault; neglect or request of the accused, in which case the period of the delay shall not be counted in computing the period of the suspension herein referred to.

When a chief or member of the municipal fire department is accused in court by the provincial fiscal of a crime or violation of the law, the mayor shall forthwith suspend the accused from his position while the case is pending decision by the courts of justice, and in case of acquittal, the accused shall be entitled to the payment of the entire salary he failed to receive while suspended, if so stated by the court in its sentence.

Noncompliance with the provisions of this section shall make the guilty officers liable to such disciplinary measures as the Secretary of the Interior may impose, and said Secretary may also issue the necessary order to immediately drop the proceedings against any accused.

[3321–1(1825); see Act 4007–33(1826) and C.A. 177(1827); C.A. 233–3(1828).]

SECTION 2277-M. Salary for period of suspension of member of municipal fire department. — No member of municipal fire department suspended from office while charges preferred against him were pending investigation shall receive salary during such suspension, but if he is exonerated or reinstated the council may order the payment of all or part of his salary during the period of his suspension.

[3321–1(1829).]

SECTION 2277-N. Saving clause. — The provisions of section twenty-one hundred eighty-eight of this Code, as amended by Act Numbered Thirty-one hundred and sixty-seven, section twenty-two hundred and one, as amended by Act Numbered Thirty-one hundred and fifteen, and section twenty-two hundred and forty-three, paragraph (a), shall not be applicable to chiefs or members of municipal fire departments.

[3321–1(1830).]

SECTION 2277-O. Police force constituting fire department — Discipline. — In all municipalities having no paid fire department it shall be the duty of all officers and members of the police force to act as firemen and the police force of each such municipality shall constitute a fire department and be regularly
instructed, exercised, and trained in the duties and work of firemen by its officers under the direction and supervision of the mayor, with such assistance as he may require from the municipal councilors. The entire police force, as such fire department, shall be drilled in its practical duties not less than once in each week or as much oftener as may be necessary to reach and maintain proficiency in its duties and the use of the apparatus furnished for its use. Such departments shall be regularly inspected as to drill, equipment, and efficiency by the provincial governor upon his semiannual visits to the municipalities.

[3321–1(1831); C.A. 233–3(1832)].

SECTION 2278. Provision for fire-fighting apparatus. — Each municipality shall provide equipment and apparatus for protection against fire, which shall at no time consists of less than twenty-four fire buckets, twelve ladders of suitable lengths, six ropes with hooks attached, of suitable size and length, twenty-four bolos, twelve axes, and one two-man cross-cut saw, and such additional or other apparatus as may be considered necessary by the municipal council and approved by the provincial board. All apparatus shall be kept in such place or places as may be designated by the municipal council, where it shall be conveniently available and shall be kept and maintained in order and constant readiness for instant use. Such apparatus shall not be used except in case of fire or fire drills. Whenever the size or importance of any barrio shall demand fire apparatus similar in kind and amount to that above prescribed, it may be furnished by the municipality and kept in such barrio, as above prescribed. The provincial board may require any municipality to purchase and provide for the maintenance of such additional apparatus as it may deem necessary.

[2657-2224; 3321–1(1833)].

SECTION 2279. Auxiliary volunteer firemen. — The municipal council may provide for the enrollment and training of auxiliary volunteer firemen among the able-bodied male residents of the municipality, in a number not to exceed that of the police of the municipality, who shall be entitled to the privilege granted by this section, and where the number of the police is less than ten, a number of volunteer firemen not to exceed ten may be appointed.

Such volunteers shall, upon joining, obligate themselves to attend fire drills of not less than one hour at least once a week and to report to their officers immediately in case of fire and to obey the lawful orders of such officers at all drills and fires. They shall be divided into subdivisions and attached, by the chief of police, for drill and fire purposes, to the divisions or subdivisions of the police force nearest their respective residences. They shall, while members of such department, be supplied with appropriate metal badges of membership, which shall
remain the property of the municipality. Should fire helmets or uniforms be provided for the fire department by the municipality, they shall be supplied therewith for use while in such service, and they may, should they desire, purchase the same for their individual use at cost.

The commanding office of each division or subdivision shall keep a record of the attendance at drills and fires of each volunteer in his command and at the end of each calendar year shall issue to each such volunteer who has attended seventy-five per centum of all drills and fires during the year, a certificate showing such fact and that he has drilled at least one hour at each drill attended, and such certificate, when presented to the provincial treasurer, or his deputy in the municipality, shall entitle the person named therein to be paid, from the funds of the municipality, a sum equal to the amount paid by such person as cedula tax for the year covered by said certificate.

[2657–2225; 3321–1(1834).]

SECTION 2280. Social organization. — Auxiliary volunteer firemen may, at their pleasure, organize for social purposes and their organization shall be granted the use of public buildings for social purposes at such times and to such extent as may, in the judgment of the municipal council, be consistent with the public interests.

[2657–2226; 3321–1(1835).]

SECTION 2281. Authority to call upon inhabitants to aid in fighting fire. — The mayor and chief of police are authorized to call upon any able-bodied citizens, inhabitant, or sojourner within the municipality, to aid in extinguishing any fire therein, and any such person so called upon shall be subject to the orders of the mayor and the chief of police during such fire.

[2657–2227; 3321–1(1836); C.A. 233–3(1837).]

ARTICLE XIII

Celebration of Fiestas

SECTION 2282. Celebration of fiestas. — A fiesta may be held in each municipality not oftener than once a year upon a date fixed by the municipal council. A fiesta shall not be held upon any other date than that lawfully fixed therefor, except when for weighty reasons, such as typhoons, inundations, earthquakes, epidemics, or other public calamities, the fiesta cannot be held on the date fixed, in which case it may be held at a later date in the same year, by
SECTION 2283. Changing of date of fiesta. — A municipal council may, by resolution passed by two-thirds of all the members of the council, change the fixed date for the celebration of the fiesta; but when the date has been once fixed by the municipal council, it shall not be changed with greater frequency than once in five years.

[2657–2229.]

SECTION 2284. Fixing date of fiesta. — In fixing or changing the date of the fiesta, the municipal council shall give preference to a date which, by reason of an important event in the municipality, the province, the Philippine Archipelago, and in general, in the history of the (Philippine Islands) Philippines or of the United States, may be considered memorable and worthy of being commemorated by a local fiesta.

[2657–2230.]

ARTICLE XIV

Cockfighting(1838)

SECTION 2285. Restriction upon cockfighting. — Cockfighting shall take place only in licensed cockpits and, except as provided in the next succeeding section hereof, only upon legal holidays and for a period of not exceeding three days during the celebration of the local fiesta. No card game or games of chance of any kind shall be permitted on the premises of the cockpit.

[2657–2231.]

SECTION 2286. Cockfighting at fairs and carnivals. — In provinces where the provincial board resolves that a fair or exposition of agricultural and industrial products of the province, a carnival, or any other act which may redound to the promotion of the general interests thereof, shall be held on a suitable date or dates, the council of the municipality in which such fair, exposition, or carnival is held may, by resolution of a majority of the council, authorize the cockfighting permitted at a local fiesta to take place for not to exceed three days during said exposition, fair, or carnival, if these fall on a date other than that of the local fiesta. Where this action is taken, cockfighting shall not be permitted during the local fiesta unless a legal holiday occurs at such period in which case cockfighting may be permitted upon the holiday.
ARTICLE XV

Municipal Revenue in General

SECTION 2287. *Fundamental principles governing municipal taxation.* — Municipal revenue obtainable by taxation shall be derived from such sources only as are expressly authorized by law.

Taxation shall be just and in each municipality uniform.

It shall not be in the power of the municipal council to impose a tax in any form whatever upon goods and merchandise carried into the municipality, or out of the same, and any attempt to impose an import or export tax upon such goods in the guise of an unreasonable charge for wharfage, use of bridges or otherwise, shall be void.

In no case shall the collection of municipal taxes be let to any person.

SECTION 2288. *Use of municipal funds.* — Except as allowed by law, municipal funds shall be devoted exclusively to local public purposes.

SECTION 2289. *Primary disposition of municipal revenue.* — Except as a measure of safety the municipal share of the revenue collected by the municipal treasurer shall not be removed from the municipality by the provincial treasurer, but upon being collected and duly accounted for, shall be transferred by the provincial treasurer to the municipal treasurer, and the same shall thereafter be available for disposition upon account of the municipality according to law.

SECTION 2290. *Custody and deposit of municipal funds.* — Except as otherwise provided, all municipal funds shall be kept by the municipal treasurer in the municipal safe or strong box, which it shall be the duty of the municipal council to provide.

Upon resolution of the municipal council, approved by the provincial treasurer, the municipal treasurer may make current deposits of municipal funds subject to check in any local bank duly designated as a depositary for Government
Money not needed for current use may be deposited, upon the same authority, as a time deposit with the provincial treasurer, the Philippine National Bank, or any other banking institution duly designated as a depositary for Government funds. Resolutions authorizing such deposits shall clearly set forth the period for which the deposits shall be made, whether with or without interest, and if with interest, the rate thereof.

[2657–2236.]

SECTION 2291. Municipal general fund. — All moneys in a municipal treasury which are not lawfully dedicated, reserved, or appropriated to some particular use shall constitute the general fund, and be available for use or expenditure for municipal purposes according to law.

[2657–2237.]

SECTION 2291 (A). Municipal permanent public improvement fund. — There shall be a special fund in the treasury of each municipality which shall be known as permanent public improvement fund. To this fund shall accrue the appropriations from time to time made by the municipal council and twelve per centum of the general municipal fund in first and second-class municipalities and eight per centum in third, fourth, and fifth-class municipalities, as defined in the next preceding section. This fund shall be available exclusively for the construction and maintenance of all public improvements: Provided, That if the municipal council should require this fund for other peremptory needs of the municipality, it may use if for the same, subject to the approval of the provincial board.

[3589–1(1840).]

SECTION 2292. Municipal school fund. — There shall be maintained in the treasury of every municipality a special fund to be known as the school fund, into which shall be paid all moneys accruing thereto by law or by appropriation from the municipal general fund. Said fund shall be available exclusively for the maintenance of public schools, including the construction, purchase, repair, and equipment of school buildings, the purchase of land therefor, the payment of teachers and incidental expenses, and other lawful school purposes of the municipality.

[2657–2238; see C.A. 465–8(1841).]

SECTION 2293. Appropriations for exhibition purposes. — A municipal
council shall have power to appropriate money to be placed to the credit of the provincial exhibition fund, to aid the province in conducting exhibitions of its products and industries. It shall also have the power, with the approval of the Department Head first had, to appropriate such amounts as may be necessary to defray the expenses of local fairs and to enable the municipality to take part in the fairs conducted by other provinces in the (Philippine Islands) Philippines.

[2657–2239.]

SECTION 2294. Refund of customs duties on material for public works. — The (Governor-General) President of the Philippines is authorized, in his discretion, to direct the reimbursement, from (Insular) National funds, to any municipality in the (Philippine Islands) Philippines of the amount paid by such municipality from its own fund as customs duties on material used in the construction of municipal waterworks and sewer systems.

[2657–2240.]

ARTICLE XVI

Municipal Budget

SECTION 2295. Statement of receipts and expenditures for past year. — On or before the fifteenth day of January of each year, the municipal treasurer shall present to the council a certified and detailed statement of all municipal receipts and expenditures pertaining to the preceding year.

[2657–2241; see C.A. 373, approved August 23, 1938 re change of fiscal year.]

SECTION 2296. Annual budget. — Upon receiving this statement, the council shall make a careful estimate of the probable income of the municipality for the year and upon this basis shall proceed to make, by way of appropriation, detailed allotments to the respective municipal requirements for the same. The appropriation thus made by the council shall constitute the budget, and immediately upon passage, it shall be submitted to the provincial treasurer for approval, accompanied by the statement of receipts and expenditures for the preceding year and the estimate made by the council for the current year. Prior to submission to the provincial treasurer, the allotment for school purposes shall receive the approval of the division superintendent of schools, whose duty it shall be to pass upon the same, either approving or disapproving it, not later than thirty days after receiving it.

It shall be the duty of the provincial treasurer, upon receipt of the annual
and supplemental municipal budgets, to pass upon the same, by expressly either approving or disapproving them, not later than sixty and thirty days, respectively, after receiving the same, returning said budgets, with the accompanying documents, to the municipal council, through the mayor, within the time limit mentioned.

Changes in the estimates and allotments of the budget, as well as additions thereto, may in like manner be effected from time to time during the year by supplemental budgets. However, the allotments made for health work shall only be changed upon recommendation of the Director of Health.

[2657–2242; 3115–7(1842); 3451–1(1843); C.A. 233–3(1844).]

SECTION 2297. Disapproval of particular items. — If the provincial treasurer shall be of opinion that one or more items of expenditure in the proposed budget, or in any supplemental budget, are illegal or inadvisable, he may disapprove such item or items and at the same time give his approval to other parts of the budget.

When he thus disapproves any item or items of expenditure, he shall immediately submit to the council a statement in writing, giving his reasons for such disapproval. In case the municipal council is dissatisfied with the action of the provincial treasurer, a supplemental budget containing only the item or items disapproved may be submitted to the provincial board with a statement of the reasons for making such expenditure; and the provincial board shall thereupon determine the matter. If the appeal is sustained as to one or more items, the provincial treasurer shall forthwith approve the budget as to those items; but if it is denied, the item or items in question shall stand disapproved.

[2657–2243.]

SECTION 2298. Municipal salaries pending approval of budget. — Until the mayor shall receive the approved budget from the provincial treasurer, the approved budget for the preceding year shall determine the salaries and positions of all permanent officers and employees of the municipality.

[2657–2244; C.A. 233–3(1845).]

SECTION 2299. General limitation upon amount expendable for salaries and wages. — Except as hereinbelow provided, there shall not be expended during any calendar year for salaries and wages of municipal officials and employees, of every description, excluding those employed on public works, in municipalities of the first class more than fifty per centum, in municipalities of the second class
more than sixty *per centum*, in municipalities of the third class more than sixty-five *per centum*, in municipalities of the fourth class more than seventy-five *per centum*, of the annual revenues accruing to the municipal general funds during said calendar year, exclusive of all balances carried forward from preceding years, and any and all appropriations, loans, or gifts made from (insular) national, provincial, or private funds.

Nothing herein contained shall be construed to prevent the payment from the municipal school fund of salaries of municipal teachers and such other school employees as may be approved by the division superintendent of schools.

With the approval of the Secretary of the Interior, the provincial board may authorize any municipality of the province to exceed the foregoing percentages under such limitations as may be prescribed by resolution of said board.

[2657–2245.]

SECTION 2300. Disbursement of municipal funds. — Disbursements of municipal funds shall be made by the municipal treasurer upon properly executed vouchers, pursuant to the budget, and with the approval of the mayor. Vouchers covering disbursements from the school fund or for school purposes shall also be approved by the division superintendent of schools, or his authorized representative. Vouchers covering disbursements from the allotments for health work shall also be approved by the chief of the sanitary divisions, or his authorized representative.

The municipal treasurer shall keep in his office, open at all times to the inspection of members of the municipal council, a statement of the appropriations, expenditures, and balances in all municipal accounts.

[2657–2246; 3115–8(1846); C.A. 233–3(1847).]

SECTION 2301. Restriction upon disbursements. — Disbursements pursuant to the budget may be made from any municipal funds in the hands of the treasurer, but the total disbursements from any municipal fund shall in no case be in excess of the actual collections accruing to such fund, except upon written authority of the provincial treasurer, and in no case shall an overdraft in excess of twenty-five *per centum* of the uncollected revenues and receipts accruing to any fund, as shown by the approved budget, be so authorized.

[2657–2247.]

ARTICLE XVII
Civil Remedies for Collection of Municipal Revenue

SECTION 2302. Application of article. — The remedies provided in this article may be used, so far as their nature permits, for the collection of any delinquent municipal revenue except such as is mentioned in section two thousand three hundred and eight hereof.

[2657–2248.]

SECTION 2303. Civil remedies. — The civil remedies available to enforce payment of delinquent municipal revenue shall be (a) by distraint of personal property and (b) by legal action, either of which remedies or both simultaneously may be pursued in the discretion of the proper authority.

[2657–2249.]

SECTION 2304. Distraint of personal property. — The remedy by distraint shall proceed as follows: Upon the failure of the person owing any municipal tax or revenue to pay the same, at the time required, the municipal treasurer may seize and distrain any personal property belonging to such person or any property subject to the tax lien, sufficient quantity to satisfy the tax or charge in question, together with any increment thereto incident to delinquency, and the expenses of the distraint.

[2657–2250.]

SECTION 2305. Proceedings subsequent to seizure. — The officer levying the distraint shall make or cause to be made an account of the goods or effects distrained, a copy of which signed by himself shall be left either with the owner or person from whose possession such goods or effects were taken, or at the dwelling or place of business of such person and with some one of suitable age and discretion, to which list shall be added a statement of the sum demanded and note of the time and place of sale; and the said officer shall forthwith cause a notification to be exhibited in not less than two public places in the municipality where the distraint is made, specifying the time and place of sale and the articles distrained. The time of sale shall not be less than twenty days after notice to the owner or possessor of the property as above specified and the publication or posting of such notice. One place for the posting of such notice shall be at the office of the mayor of the municipality in which the property is distrained. At the time and place fixed in such notice the said officer shall sell the goods, or effects, so distrained, at public auction, to the highest bidder for cash.

Any residue over and above what is required to pay the entire claim,
including expenses, shall be returned to the owner of the property sold. The
dedue, including all the expenses, is collected.

[2657–2252.]

SECTION 2306. Municipal-tax lien. — Municipal taxes and other charges
within the purview of this article constitute a lien, enforceable by proper legal
action, in favor of the municipality superior to all liens or charges in favor of
private parties, not only upon any property which may be the subject to the charge
but also upon property used in the exercise of the occupation, business, or privilege
in respect to which the charge is imposed and upon all property rights therein.

[2657–2252.]

ARTICLE XVIII

License Taxes and Other Municipal Revenue

SECTION 2307(1849). Municipal license taxes. — [A municipal council
shall have authority to impose taxes upon persons engaged in business or
exercising privileges in the municipality as hereinbelow specified, by requiring
them to procure licenses at rates fixed by ordinance of the council:

(a) Billiard and pool rooms or public tables used for playing
billiards or pool.

(b) Circus or menagerie parades and other parades using banners,
floats, or musical instruments, for advertising purposes.

(c) Cockpits, cockfights, or training of fighting cocks.
(d) Dance halls and public dancing schools.

(e) Garages where motor vehicles are kept for hire.

(f) Hawkers, peddlers, hucksters, not including hucksters or peddlers who sell only native vegetables, fruits, or foods personally carried by them: Provided, however, That hawkers, peddlers, and hucksters who have secured licenses at the rates fixed by ordinance in any municipality shall not be required to take out licenses in other municipalities through which they may travel occasionally, unless the term for the renewal of such licenses shall have expired.

[3021–1.]

(g) Hotels, restaurants, cafés, and lodging or boarding houses.

(h) Livery and boarding stables.

(i) Pawnbroking establishments.

(j) Theaters, museums, and concert halls.

(k) The keeping of dogs.

(l) The keeping of public vehicles or conveyances (except automobiles) for hire, by persons not taxed under subsection (h) hereof.

(m) The maintenance of race tracks or conducting of horse races.

(n) The selling of intoxicating, malt, vinuous, mixed, or fermented liquors in quantities of less than two decaliters.]

[2657–2253.]

SECTION 2308. Miscellaneous revenue. — The following species of revenue shall also accrue to the respective municipalities:

(a) Proceeds of the ad valorem tax on real property.

(b) Fees for tuition in institutions of instruction, other than primary schools, founded and maintained by the municipality; but nothing herein shall require the charging of such fees.
(c) Fees for certificates of ownership of large cattle and for certificates of the transfer of title to the same.

(d) Fees, not in excess of fifty centavos in each case, for the issuance of permits for the burial or removal of the bodies of deceased persons.

(e) Fines or penalties which are by law payable into the municipal treasury.

(f) Proceeds or income from the sale, use, or management of any property lawfully held by the municipality.

[2657–2254; see C.A. 472(1850).]

SECTION 2309. Imposition of tax and duration of license. — A municipal license tax already in existence shall be subject to change only by ordinance enacted prior to the fifteenth of December of any year for the next succeeding year; but an entirely new tax may be created by ordinance enacted during the current year, effective at the beginning of any subsequent quarter.

All municipal licenses shall expire on the thirty-first of December of the year in which issued unless prior thereto they should lapse for nonpayment of the tax or be sooner annulled according to law.

[2657–2255.]

SECTION 2310. Time for payment of license taxes. — All municipal license taxes shall accrue on the first of January of each year as regards persons then liable therefor, and the same may be paid in quarterly installments during the first twenty days of each quarter. In case of failure to pay any such tax within the time required, the amount of the same shall be increased by twenty per centum.

A municipal council may by ordinance extend for an additional period of ten days the time for the payment of any municipal license tax without penalty, when the bad condition of the roads, the breaking of bridges, or the occurrence of a flood, typhoon, or other similar casualty shall render such delay desirable or necessary.

[2657–2256; 3306–1(1851).]

SECTION 2311. Record of persons paying license taxes. — It shall be the duty of the municipal treasurer to keep a record, alphabetically arranged and open
to public inspection, of the name of all persons paying municipal license taxes.

[2657–2257.]

SECTION 2312. **Revocation or suspension of liquor license.** — When a person holding a municipal license to sell liquor abuses his privilege to the detriment of the public morals or peace, or permits the place where any such business is conducted to be used as a resort for disorderly characters, criminals, or women of ill repute, or permits such place to be conducted in a disorderly or unlawful manner or in any way to become a public nuisance, it shall be the duty of the municipal council, after due investigation, to revoke or suspend his license. Where action of this character is taken it shall be unlawful for the holder of the license to conduct the business in question during the period of its suspension or revocation; and the money paid upon the license for such period shall be forfeited to the municipality without liability for the refund of any part thereof.

Any person whose license may be suspended or revoked by a municipal council pursuant to the authority contained in this section may take an appeal to the provincial board, whose action in the matter shall be final.

[2657–2258.]

**ARTICLE XIX**

**Cart and Sledge Tax**

SECTION 2313. **Cart and sledge tax.** — In the discretion of the municipal council concerned, there shall be paid an annual privilege tax upon carts and sledges used upon any public road in a municipality. The municipal council shall prescribe by ordinance the rate of the tax and the time and manner of collecting the same; but the rate established shall not be in excess of the following:

- Upon each cart having tires less than two and one-half inches in width, three pesos.
- Upon each cart having wheels rigid with the axle, two pesos.
- Upon each cart having both rigid wheels and tires less than two and one-half inches in width, five pesos.
- Upon each sledge with runners less than two and one-half inches in width, three pesos.

[2657–2259; 2951–1(1852); 3691–2(1853).]
SECTION 2314(1854). Application of proceeds. — (Repealed)

[2657–2260.]

SECTION 2315. Restriction as to use of carts and sledges. — No cart having wheels rigid with the axle and tires less than two and one-half inches in width and no sledge of any sorts shall be used upon any improved or well-constructed public road in the (Philippine Islands) Philippines, when public notice shall have been given by the provincial board as in the next paragraph provided: Provided, however, That sledges shall be permitted to cross any such public road freely and without charge if adequate cement crossings, in accordance with the plans and specifications approved by the Director of Public Works, are constructed at such places as the provincial board at the written request of property owners may, with the approval of the Secretary of Public Works and Communications, designate as crossing points. The cost of construction and maintenance of said crossings, if built for the benefit of the public at large, shall be borne by the province concerned. In the case of crossings for the exclusive benefit of plantation owners, the construction and maintenance shall be at their expense.

It shall be the duty of the provincial board of each province in which well-constructed or improved public roads exist to designate by public notice, which shall be posted at the door of the municipal building of every municipality in the province, the roads on which it shall be unlawful to use narrow-wheeled carts, carts the axles of which are rigid with the wheels, or sledges.

[2657–2261; 3150–1(1855); 4007–36(1856).]

SECTION 2316(1857). Suspension of provisions relative to carts and sledges. — (Repealed)

[2657–2262.]

ARTICLE XX

Conduct of Certain Public Utilities

SECTION 2317. Municipal waterworks. — A municipal council shall have authority to acquire, construct, and maintain waterworks for the purpose of supplying the inhabitants of the municipality with water; to regulate the supply and use of water therefrom; and to fix and collect rents for water thus supplied.

[2657–2263.]

SECTION 2318. Municipal ferries, wharves, markets, etc. — A municipal
council shall have authority to acquire or establish municipal ferries, wharves, markets, slaughterhouses, pounds, and cemeteries. Public utilities thus owned by the municipality may be conducted by the municipal authorities upon account of the municipality or may be let for a stipulated return to private parties.

[2657–2264.]

SECTION 2319. Letting of municipal ferry, market, or slaughterhouse to highest bidder. — When any ferry, market, or slaughterhouse belonging to a municipality is to be let to a private party, the same shall, unless otherwise directed by the Department Head, be let to the highest and best bidder for the period of one year or, upon the previous approval of the provincial board, for a longer period not exceeding five years, under such conditions as shall be prescribed by the Department Head.

[2657–2265.]

SECTION 2320. Establishment of certain public utilities by private parties under license. — Where provision is not made by a municipal council, pursuant to the provisions of the next two preceding sections hereof, for maintaining or conducting the ferries, wharves, markets; or slaughterhouses requisite for the needs of the municipality, the council shall have authority, in its discretion, to let the privilege of establishing and maintaining such utilities to private parties by license granted upon such terms as shall be fixed by the council.

The right to reject any or all bids shall be preserved in all proposals for such bids; and the maximum charges, rents, or fees which may be exacted by the lessees shall be fixed in advance and shall be stated in the proposals for bids. The decision of a municipal council rejecting any bid or awarding any such privilege shall be subject to final revisal by the provincial board.

[2657–2266.]

ARTICLE XXI

Grant of Fishery

SECTION 2321(1858). Grant of fishery. — A municipal council shall have authority, for purposes or profit, to grant the exclusive privilege of fishery or right to conduct a fish breeding ground within any definite portion, or area, of the municipal waters.

"Municipal waters," as herein used, includes not only streams, lakes, and tidal water, included within the municipality, not being the subject of private
ownership, but also marine waters included between two lines drawn perpendicular to the general coast line from points where the boundary lines of the municipality touch the seat at high tide, and a third line parallel with the general coast line and distant from it three marine leagues.

Where two municipalities are so situated on opposite shores that there is less than six marine leagues of marine waters between them the third line shall be a line equally distant from the opposite shores of the respective municipalities.

[2657–2267.]

SECTION 2322(1859). **Adjustment of matter of disputed jurisdiction over fishery.** — Where fresh-water lakes are not included within the limits of any one municipality, or where fresh-water or tidal streams form boundaries between municipalities, disputes which may arise as to the water within which any municipality may exercise the authority hereinabove conferred shall be referred by the respective councils of the municipalities concerned to the proper provincial board, which body shall lay the facts, with its recommendation, before the (Governor-General) President of the Philippines, to the end that he may either adjust the boundary so as to settle the jurisdiction or recommend the passage of adequate legislation.

[2657–2268.]

SECTION 2323(1860). **Restriction upon letting of fishery to private party.** — When a fishery or fish-breeding ground is granted to a private party as hereinabove authorized, the same shall be let to the highest bidder in the manner and subject to the conditions prescribed in section two thousand three hundred and nineteen hereof.

[2657–2269.]

SECTION 2324(1861). **License tax upon taking of fish in municipal waters.** — Where a municipal council has not granted the exclusive privilege of fishery in municipal waters, it may impose a license tax upon the privilege of taking fish in such waters with nets, traps, or other fishing tackle; but no such license shall confer an exclusive right of fishery.

[2657–2270.]

CHAPTER 58

Township Law(1862)
PRELIMINARY ARTICLE

Title of Chapter

SECTION 2325(1863)  Title of chapter. — [The chapter shall be known as the Township Law.]

[2657–2280.]

ARTICLE I

General Provisions(1864)

SECTION 2326.(1865)  Corporate character and powers of townships. — (Repealed).

[2657–2282.]

SECTION 2327.(1866)  Disputed township boundaries. — (Repealed)

[2657–2283.]

SECTION 2328.(1867)  Division into barrios. — (Repealed)

[2657–2284.]

SECTION 2329.(1868)  Organization of township government. — (Repealed)

[2657–2285.]

SECTION 2330.(1869)  Conveyance of real property. — (Repealed)

[2657–2286.]

SECTION 2331.(1870)  Blank forms. — (Repealed)

[2657–2287.]

ARTICLE II

Township Offices and Officers in General(1871)

SECTION 2332.(1872)  Township officers. — (Repealed)

[2657–2288.]
SECTION 2333. (1873)  Qualifications for township officer. — (Repealed)
[2657–2289.]

SECTION 2334. (1874)  Oath of township officers. — (Repealed)
[2657–2290.]

SECTION 2335. (1875)  Provisions relative to salaries of township officers. — (Repealed)
[2657–2291.]

SECTION 2336. (1876)  Appointment and removal of township officers and subordinates. — (Repealed)
[2657–2292.]

SECTION 2337. (1877)  Duties of employees to be prescribed by council. — (Repealed)
[2657–2293.]

SECTION 2338. (1878)  Terms of office of appointive officers. — (Repealed)
[2657–2294.]

SECTION 2339. (1879)  Authority of provincial governor to fill temporary vacancies. — (Repealed)
[2657–2295.]

SECTION 2340. (1880)  Interest in contract works and games prohibited. — (Repealed)
[2657–2296.]

SECTION 2341. (1881)  Supervision of provincial governor over township official in certain provinces. — (Repealed)
[2657–2297.]

ARTICLE III
Elections and Elective Officers (1882)

SECTION 2342. (1883)  Election of township officers — Term of office. — (Repealed)
[2657–2298.]

SECTION 2343. (1884)  Qualifications of electors. — (Repealed)
[2657–2299.]

SECTION 2344. (1885)  Oath of elector. — (Repealed)
[2657–2300.]

SECTION 2345. (1886)  Persons disqualified from voting. — (Repealed)
[2657–2301.]

SECTION 2346. (1887)  Rules for conduct of elections — Election judges. — (Repealed)
[2657–2302.]

SECTION 2347. (1888)  Determination of result — Special election. — (Repealed)
[2657–2303.]

SECTION 2348. (1889)  Certificate of election. — (Repealed)
[2657–2304.]

SECTION 2349. (1890)  Determination of election in case of tie. — (Repealed)
[2657–2305.]

SECTION 2350. (1891)  Procedure where member of provincial board is incompetent. — (Repealed)
[2657–2306.]

SECTION 2351. (1892)  Declination of township office prohibited. — (Repealed)
— (Repealed)

SECTION 2353. (1894) Chief executive of township. — (Repealed)

SECTION 2354. (1895) Recommendations of president to council. — (Repealed)

SECTION 2355. (1896) Power of president as committing magistrate in general. — (Repealed)

SECTION 2356. (1897) Annual report of township president. — (Repealed)

ARTICLE V

Vice-President(1899)

SECTION 2357. (1900) Duties of vice-president. — (Repealed)

ARTICLE VI

Township Secretary(1901)

SECTION 2358. (1902) Duties of township secretary. — (Repealed)
SECTION 2359.(1903)  Civil register of township. — (Repealed)
[2657–2315.]

ARTICLE VII

Township Treasurer(1904)

SECTION 2360.(1905)  Appointment and removal of treasurer. — (Repealed)
[2657–2316.]

SECTION 2361.(1906)  Temporary disability of treasurer. — (Repealed)
[2657–2317.]

SECTION 2362.(1907)  Duties of township treasurer. — (Repealed)
[2657–2318.]

SECTION 2363.(1908)  Deposit of funds with provincial treasurer or depository bank. — (Repealed)
[2657–2319.]

ARTICLE VIII

Township Council — Its Constitution and Powers(1909)

SECTION 2364(1910).  Functions of councilor. — (Repealed)
[2657–2320.]

SECTION 2365.(1911)  President as presiding officer of council. — (Repealed)
[2657–2321.]

SECTION 2366.(1912)  Veto power of president. — (Repealed)
[2657–2322.]

SECTION 2367.(1913)  Meetings of township council. — (Repealed)
[2657–2323.]
SECTION 2368. (1914)  Quorum of council. — (Repealed)

[2657–2324.]

SECTION 2369. (1915)  Formal functions of council. — (Repealed)

[2657–2325.]

SECTION 2370. (1916)  Journal of council. — (Repealed)

[2657–2326.]

SECTION 2371. (1917)  Majority required. — (Repealed)

[2657–2327.]

SECTION 2372. (1918)  Acts of council to be forwarded to provincial board. — (Repealed)

[2657–2328.]

SECTION 2373. (1919)  Nominations to be submitted at first meeting of council. — (Repealed)

[2657–2329.]

SECTION 2374. (1920)  Delimitation of barrios. — (Repealed)

[2657–2330.]

SECTION 2375. (1921)  Mandatory powers of township council. — (Repealed)

[2657–2331.]

SECTION 2376. (1922)  Sundry additional powers of township council. — (Repealed)

[2657–2332.]

SECTION 2376 (A).  Restrictive Provisions. — No commercial sign, signboard, or billboard shall be erected or displayed on public lands, premises, or buildings. If after due investigation, and having given the owners an opportunity to be heard, the township president shall decide that any sign, signboard, or billboard displayed or exposed to public view is offensive to the sight or is otherwise a nuisance, he may order the removal of such sign, signboard, or billboard, and if
same is not removed within ten days after he has issued such order he may himself cause its removal, and the sign, signboard, or billboard shall thereupon be forfeited to the township, and the expenses incident to the removal of the same shall become a lawful charge against any person or property liable for the erection or display thereof.

[2819–6.]

SECTION 2377.(1923) Submission of local questions to fiscal. — (Repealed)

[2657–2333.]

ARTICLE IX

Supervisory Authority of Provincial Board Over Acts of Township Council(1924)

SECTION 2378.(1925) Acts of council to be approved by provincial board. — (Repealed)

[2657–2334.]

SECTION 2379.(1926) Amendments. — (Repealed)

[2657–2335.]

SECTION 2380.(1927) Promulgation of provincial orders concerning matters neglected by council. — (Repealed)

[2657–2336.]

SECTION 2381.(1928) Delegation of provincial governor to act for board. — (Repealed)

[2657–2337.]

SECTION 2382.(1929) Revocation of liquor license. — (Repealed)

[2657–2338.]

ARTICLE X

Township Police and Supervision Thereof (1930)

SECTION 2383.(1931) Township police force. — (Repealed)
SECTION 2384.(1932)  Regulation of township police. — (Repealed)

SECTION 2385.(1933)  Protection against fire. — (Repealed)

ARTICLE XI

Celebration of Fiestas(1934)

SECTION 2386.(1935)  Celebration of fiesta. — (Repealed)

SECTION 2387.(1936)  Changing date of fiesta. — (Repealed)

SECTION 2388.(1937)  Fixing date of fiesta. — (Repealed)

SECTION 2389.(1938)  Restriction upon cockfighting. — (Repealed)

ARTICLE XII

Township Revenue in General(1939)

SECTION 2390.(1940)  Fundamental principles of taxation. — (Repealed)

SECTION 2391.(1941)  Primary disposition of township revenue. — (Repealed)

SECTION 2392.(1942)  Species of township revenue. — (Repealed)
ARTICLE XIII

Real-Property Tax (1943)

SECTION 2393. (1944) Tax upon real property. — (Repealed)

SECTION 2394. (1945) Exemptions. — (Repealed)

SECTION 2395. (1946) Declaration by owner — Assessment. — (Repealed)

SECTION 2396. (1947) Failure to declare — Determination of value by board. — (Repealed)

SECTION 2397. (1948) List of taxpayers. — (Repealed)

SECTION 2398. (1949) Notice to taxpayers. — (Repealed)

SECTION 2399. (1950) Time for payment of tax. — (Repealed)

SECTION 2400. (1951) Delinquency. — (Repealed)

SECTION 2401. (1952) Lien of tax. — (Repealed)

SECTION 2402. (1953) Remedy by civil action. — (Repealed)
SECTION 2403. (1954) Authority of provincial board to abrogate tax imposed in this article. — (Repealed)

SECTION 2404. (1955) Annual taxes fixed by council. — (Repealed)

SECTION 2405. (1956) Payment of license and privilege taxes. — (Repealed)

SECTION 2406. (1957) Termination of license and privilege taxes. — (Repealed)

SECTION 2407. (1958) Public record of persons paying license and privilege taxes. — (Repealed)

SECTION 2408. (1959) Cart and sledge tax. — (Repealed)

SECTION 2409. (1960) Restriction as to use of carts and sledges. — (Repealed)

SECTION 2410. (1961) Suspension of provisions of this article. — (Repealed)
[2657–2366.]

ARTICLE XVI

Conduct of Certain Public Utilities (1964)

SECTION 2411.(1965)  Waterworks. — (Repealed)

SECTION 2412.(1966)  Ferries, wharves, markets, etc. — (Repealed)

SECTION 2413.(1967)  Letting of privileges to highest bidder. — (Repealed)

SECTION 2414.(1968)  Establishment of certain public utilities by private parties under license. — (Repealed)

ARTICLE XVII

Township Court (1969)


SECTION 2416.(1971)  Jurisdiction of township court. — (Repealed)

SECTION 2417.(1972)  Appeal to Court of First Instance. — (Repealed)

SECTION 2418.(1973)  Docket of trials. — (Repealed)

SECTION 2419.(1974)  Payment of fines. — (Repealed)
SECTION 2420.(1975)  
Civil jurisdiction of township court. — (Repealed)

ARTICLE XVIII

Popular Representative of Townships and Settlements(1976)

SECTION 2421.(1977)  
Election of popular representative. — (Repealed)

CHAPTER 59

Settlements(1978)

SECTION 2422.(1979)  
When settlement may be established. — (Repealed)

SECTION 2423.(1980)  
Creation, abolition, and reorganization of settlements. — (Repealed)

SECTION 2424.(1981)  
Appointment of officers and definition of their duties. — (Repealed)

SECTION 2425.(1982)  
Imposition of taxes by provincial board. — (Repealed)

SECTION 2426.(1983)  
Ends to be accomplished in administration of law. — (Repealed)

TITLE X

Chartered Cities
CHAPTER 60

The City of Manila

PRELIMINARY ARTICLE

Title of Chapter

SECTION 2427. Title of chapter. — This chapter shall be known as the Charter of the City of Manila.

[2657–2400.]

ARTICLE I

General Provisions

SECTION 2428. Corporate character of City of Manila. — The City of Manila constitutes a political body corporate and as such is endowed with the attribute of perpetual succession and possessed of the powers which pertain to a municipal corporation, to be exercised in conformity with the provisions of this charter.

[2657–2401.]

SECTION 2429. Seal and general powers of city. — The city may have a common seal, and alter the same at pleasure, and may take, purchase, receive, hold, lease, convey, and dispose of real and personal property for the general interests of the city, condemn private property for public use, contract and be contracted with, sue and be sued, and prosecute and defend to final judgment and execution, and exercise all the powers hereinafter conferred.

[2657–2402.]

SECTION 2430. City not liable for damages. — The city shall not be liable or held for damages or injuries to persons or property arising from the failure of the mayor, the Municipal Board, or any other city officer, to enforce the provisions of this chapter, or any other law or ordinance, or from negligence of said mayor, Municipal Board, or other officers while enforcing or attempting to enforce said provisions.

[2657–2403; 2774–3(1984).]

SECTION 2431. Boundaries of city. — The boundaries and limits of the
city are established and prescribed as follows: (1) Beginning at a point near the south bank of the Estero de Maytubig at the line of low water on the shore of Manila Bay; thence through the center of monument No. 1, at the line of high water on the shore of Manila Bay, and through the centers of monuments Nos. 2 to 6, inclusive, N. 74º 51' E., 1,197.42 meters to monument No. 7, the said monument being situated on the east bank of the Estero Tripa de Gallina; (2) thence through the centers of monuments Nos. 8 to 9 inclusive, N. 44º 12' E., 819.99 meters to monument No. 10; (3) thence N. 44º 12' E., 18.79 meters to point "A", which is at the intersection of monuments Nos. 10 and 11 and on the south side of the wagon road leading to the South Cemetery; (4) thence N. 62º 16' E., 20.97 meters to point "B"; (5) thence S. 86º 26' E., 1,370.47 meters to point "C"; (6) thence S. 20º 47' W., 242.16 meters to point "D"; (7) thence S. 69º 13' E., 500 meters to point "E"; (8) thence N. 20º 47' E., 500 meters to point "F"; (9) thence N. 69º 13' W., 500.01 meters point "G"; (10) thence N. 20º 47' E., 295.40 meters to point "H"; (11) thence N. 78º 18' W., 15.19 meters to point "I"; (12) thence S. 20º 47' W., 539.81 meters to point "J"; (13) thence N. 86º 26' W., 1,355.19 meters to point "K"; said point being the intersection of monuments Nos. 10 and 11 and the north line of the road to the South Cemetery; (14) thence through the centers of monuments 11 to 16, inclusive, N. 44º 12' E., 1,835.10 meters to monument No. 17; (15) thence continuing in the same direction approximately 127 meters to the center of the channel of the Pasig River; (16) thence along the center of the channel of the Pasig River to a point in the channel of the river opposite the ferry landing at (San Felipe Neri) Mandaluyong; (17) thence to monument No. 18, on the north bank of the Pasig River, the said monument being N. 32º 22' E., 913.99 meters from monument No. 17, above mentioned; (18) thence from monument No. 18 diagonally through the municipality of (San Felipe Neri) Mandaluyong, N. 34º 22' E., 756.92 meters through the centers of monuments Nos. 19 to 22, inclusive, to monument No. 23, the said monument being near the south or left bank of the San Juan River; (19) thence continuing in the same direction to the center of the channel of the San Juan River; (20) thence along the center of the channel of the San Juan River to a point approximately 350 meters southeast of the stone bridge by which Calle Santa Mesa crosses the said river; (21) thence N. 51º 37' 30" W. to monument No. 24, the said monument being approximately 64 meters northeast from the center of the bridge above described and on the west side of the road leading to the municipality of San Juan del Monte; (22) thence though the centers of monuments Nos. 25 to 36, inclusive, N. 51º 37' 30" W., 4,245.53 meters to monument No. 37, the said monument being on the east side of Calle Blumentritt; (23) thence N. 11º 19' 40" W., 9.89 meters to monument No. 37-a; (24) thence through the center of monument No. 38, N. 17º 57' 40" E., 765.54, meters to monument No. 39; (25) thence N. 17º 57' 10" E., 404.77 meters to monument No. 40; (26) thence N. 72º 05' W. 271.56 meters to monument No. 41; (27) thence N.
73º 58' 30º W., 529.14 meters to monument No. 42; (28) thence S. 63º 29' W., 452.18 meters to point 42-a; (29) thence No. 4º 54' W., 19.74 meters to point 42-b; (30) thence N. 37º 04' E., 22 meters to point 42-c; (31) thence N. 11º 01' W., 81.32 meters to point 42-d; (32) thence N. 37º 23' W., 102.67 meters to point 42-e; (33) thence N. 47º 52' E., 30.76 meters to point 42-f; (34) thence N. 53º 49' W. 102.79 meters to point 42-g; (35) thence S. 86º 39' W., 50.87 meters to point 42-h; (36) thence S. 60º 14' W., 91.35 meters to point 42-i; (37) thence S. 67º 20' W., 86.67 meters to point 42-j; (38) thence S. 23º 43' E., 74.45 meters to point 42-k; (39) thence S. 22º 38' E., 36.23 meters to point 42-l; (40) thence S. 22º 38' E., 87.27 meters to point 42-m; (41) thence S. 15º 34' E., 69.36 meters to point 42-n; (42) thence S. 15º 34' E., 11.68 meters to point 42-o; (43) thence S. 22º 38' E., 87.27 meters to point 42-p; said point being the intersection of the monuments Nos. 43 to 44 and the E. side of Calle Marulas; (44) thence through the centers of monuments Nos. 44 to 49, inclusive, S. 89º 42' W., 2,226.80 meters to monument No. 50; the last-mentioned monument being situated at the line of high water on the shore of Manila Bay, approximately 916 meters south of Calle Pescadores of the Municipality of Navotas; (45) thence in the same direction to the line of low water on the shore of Manila Bay; (46) and thence following said line of low water in a generally southerly and southeasterly direction, approximately 3,800 meters to the point of beginning.

[2657–2404; 3466–1(1985).]

SECTION 2432. Division of city into districts. — The City of Manila is divided into fourteen districts for all administrative and other municipal purposes, including the description of property, with names and boundaries as follows:

Tondo. — Beginning at a point on the city boundary line between monuments forty-two and forty-three, where it is intersected by the center line of Avenida Rizal; thence southerly along the center line of Avenida Rizal to the center of the track of the Antipolo branch of the Manila Railroad Company; thence westerly along the center line of said tract to its intersection with Estero de San Lazaro; thence southerly along the center line of Estero de San Lazaro, and westerly along the center line of Calle Azcarraga, to high water line on the shore of Manila Bay; thence northerly along said high-water line to monument numbered fifty on the city boundary line; thence in an easterly direction along said city boundary line to a point at the intersection of said boundary line with the E. side of Calle Marulas; thence N. 16º 31' W., 15.98 meters to point 'A'; thence N 15º 34' W., 11.68 meters to point 'B'; thence N. 15º 34' W., 69.36 meters to point 'C' thence N. 22º 38' W., 87.27 meters to point 'D'; thence N 22º 38' W., 36.23 meters to point 'E'; thence N. 23º 43' W., 74.45 meters to point 'F'; thence N. 67º 20' E., 86.67 meters to point 'G'; thence N. 60º 14' E., 91.35 meters to point 'H'; thence N. 86º
39° E., 50.87 meters to point 'I'; thence S. 53° 49' E., 102.79 meters to point 'J'; thence S. 47° 52' W., 30.76 meters to point 'K'; thence S. 37° 23' E., 102.67 meters to point 'L'; thence S. 11° 01' E., 81.32 meters to point 'M'; thence S. 37° 04' W., 22 meters to point 'N'; thence S. 4° 54' E., 19.74 meters to point 'O'; and thence easterly along said boundary line to the point of beginning.

San Nicolas. — Beginning at a point on the high-water line on the shore of Manila Bay; thence along the center line on Calle Azcarraga, Esteros de la Reina and de Binondo, and the Pasig River, to a point opposite the lighthouse; and thence along the high-water line on the shore of Manila Bay to the point of beginning.

Binondo. — Beginning at a point in the center line of Calle Azcarraga where it crosses the center line of Estero de la Reina; and thence along the center lines of Calle Azcarraga, Esteros de San Lazaro and De la Reina, the Pasig River, and the Estero de Binondo, to the point of beginning.

Santa Cruz. — Beginning at a point on the city boundary line between monuments forty-two and forty-three, where it is intersected by the center line of Avenida Rizal to the center of the tract of the Antipolo branch of the Manila Railroad Company; thence westerly along the center line of said track to its intersection with Estero de San Lazaro and de la Reina, the Pasig River, Puente Colgante, Calles Norzagaray and Regidor, and Estero de Quiapo to a point about one hundred and ten meters northeast of Iris Bridge; thence northerly along the center lines of Calles Andalucia, Laong-Laan, and Dimas-Alang to Calle Blumentritt; thence easterly along the center line of Calle Blumentritt to the city boundary line; and thence along said boundary line to the point of beginning.

Quiapo. — Beginning at the intersection of the center lines of Calle Azcarraga and Estero de Quiapo; thence along the center lines of Calles Azcarraga, Alix, and E. Mendiola, Estero de San Miguel, the Pasig River, Puente Colgante, Calles Norzagaray and Regidor, and Estero de Quiapo, to the point of beginning.

San Miguel. — Beginning at the intersection of the center lines of Calles Azcarraga and Alix thence along the center lines of Calles Alix and Nagtahan, the Pasig River (following its south channel around Isla de Convalecencia), Estero de San Miguel, and Calles E. Mendiola and Alix, to the point of beginning.

Sampaloc. — Beginning at the intersection of the center line of Calle Blumentritt and the city boundary line; thence southeasterly along said boundary line to its intersection with the center line of the San Juan River south of the stone bridge by which Calle Santa Mesa crosses the said river; thence along the center lines of the San Juan River, the Pasig River, and Calles Nagtahan, Alix and Azcarraga, to the middle of the Iris Bridge; thence northerly along the center line
of Estero de Quiapo to a point about 110 meters northeast of Iris Bridge; and thence along the center lines of Calles Andalucia, Laong-Laan, Dimas-Alang, and Blumentritt, to the point of beginning.

Intramuros. — Beginning at the intersection of the center line of the Pasig River with the prolongation of the center line of Cavite Boulevard; and thence along the center lines of the Pasig River, Paseo del P. Burgos, and Cavite Boulevard, to the point of beginning.

El Puerto. — Beginning at the intersection of the center line of the Pasig River with the prolongation of the center line of Cavite Boulevard; thence along the center line of Cavite Boulevard to its intersection with the south side of Twenty-fifth Street; thence along said side of said street to the high-water line on the Muelle de San Francisco; thence along said high-water line around the piers to its end on the army wharves and continuing in the direction of the last course to the high-water line on the west side of Engineer Island; thence around said island to the center line of the Pasig River; and thence along the center line of the Pasig River to the point of beginning.

Ermita. — Beginning at the intersection of the high-water line on the Muelle de San Francisco with the south side of Twenty-fifth Street; thence along the south side of Twenty-fifth Street to its intersection with the center line of Cavite Boulevard; thence along the center lines of Cavite Boulevard, Paseo del P. Burgos, the Pasig River, Ayala Bridge, Calles Marques de Comillas, Isaac Peral, San Marcelino, Gral. Luna, Herran, M. H. del Pilar, and Cuarteles, to the west face of the sea wall of Cavite Boulevard; and thence northerly along the west face of the sea walls of said boulevard and of the Luneta extension to the point of beginning.

Malate. — Beginning at the intersection of the west face of the sea wall on Cavite Boulevard and the center line of Calle Cuarteles; thence along the center lines of Calles Cuarteles, M. H. del Pilar and Herran, and Esteros de Paco and Tripa de Gallina, to the city boundary line; thence westerly along said boundary line to high water line on Manila Bay; and thence northerly along said high water line and the west face of said sea wall to the point of beginning.

Paco. — Beginning at a point where the center line of Puente de Ayala crosses the center line of the south channel of the Pasig River; and thence along the center lines of the Pasig River, Esteros de Pandacan, Tripa de Gallina and Paco, Calles Herran, Gral. Luna, San Marcelino, Isaac Peral and Marques de Comillas, and Puente de Ayala, to the point of beginning.

Pandacan. — Beginning at the intersection of the center lines of the Pasig
River and the north end of Estero de Pandacan; thence along the center line of the Pasig River to its intersection with the center line of the east end of Estero de Pandacan; and thence along the center line of Estero de Pandacan to the point of beginning.

Santa Ana. — Beginning at the intersection of the center lines of the Pasig River and the San Juan River; thence along the center line of the San Juan River to the city boundary line; thence along the city boundary line to its intersection with the north line of the road leading to the South Cemetery; thence S. 86º 26' E., 1,355.19 meters to point 'A'; thence N. 20º 47' E., 539.81 meters to point 'B'; thence S. 78º 18' E., 15.19 meters to point 'C'; thence S. 20º 47' W., 295.40 meters to point 'D'; thence S. 69º 13' E. 500.01 meters to point 'E'; thence S. 20º 47' W., 500 meters to point 'F'; thence 69º 13' W., 500 meters to point 'G'; thence 20º 47' E., 242.16 meters to point 'H'; thence N. 86º 26' W., 1,370.47 meters to point 'I'; thence S. 62º 16' W., 20.97 meters to the intersection of the south line of the road leading to the South Cemetery with the city boundary line; thence along the city boundary line to its intersection with the center line of Estero Tripa de Gallina; and thence along the center lines of Esteros Tripa de Gallina and de Pandacan, and the Pasig River, to the point of beginning.

[2657–2405; 3466–2(1986).]

SECTION 2433. Jurisdiction of city for police purpose. — The jurisdiction of the City of Manila for police purpose only shall extend to three miles from the shore into Manila Bay and over a zone surrounding the city on land of two and one-half miles in width; and for the purpose of protecting and insuring the purity of the water supply of the city such police jurisdiction shall also extend over all territory within the drainage area of such water supply, or within one hundred meters of any reservoir, conduit, canal, aqueduct, or pumping station used in connection with the city water service. The Court of First Instance and the municipal court of the City of Manila shall have concurrent jurisdiction with the Courts of First Instance and the courts of justices of the peace of the provinces and municipalities, respectively, to try crimes and misdemeanors committed within said zone of two and one-half miles in width, within said drainage area, or within said spaces of one hundred meters. The court first taking jurisdiction of such an offense shall thereafter retain exclusive jurisdiction thereof. The police of the several municipalities concerned shall have concurrent jurisdiction with the police of the City of Manila for the maintenance of good order and the enforcement of lawful ordinances throughout said zone, area and space. But any license that may lawfully be granted within said zone, area or spaces shall be granted by the proper authorities of the municipality concerned, and the fees arising therefrom shall appertain to the treasury of the municipality concerned and not to that of the City
ARTICLE II

The Mayor

SECTION 2434. The mayor; his appointment and compensation. — The mayor shall be the chief executive of the city, and as such, shall have immediate control over the executive functions of the different departments, subject to the authority and supervision of the Secretary of the Interior.

The mayor shall be appointed by the (Governor General) President of the Philippines with the consent of the (Senate) Commission on Appointments of the National Assembly, shall hold office for three years unless sooner removed, and shall receive a salary of ten thousand pesos a year.

With the approval of the Secretary of the Interior first had the Municipal Board may, in its discretion, provide quarters for the mayor or commute the same, in addition to his salary.

SECTION 2434 (a). The acting mayor. — In the event of the sickness, absence or other temporary incapacity of the mayor, or in the event of a definitive vacancy in the position of mayor, the city engineer shall perform the duties of the mayor until said office shall be filled, in accordance with law. If, for any reason, the city engineer is temporarily incapacitated for the performance of the duties of the office of mayor, or said office of city engineer is vacant, the duties of the mayor shall be performed by the city treasurer. The acting mayor shall have the same powers and duties as the mayor, and shall receive the same compensation.

SECTION 2434 (b). General duties and powers of the mayor. — The general duties and powers of the mayor shall be:

(a) To comply with and enforce and give the necessary orders for the faithful enforcement and execution of the laws and ordinances in effect within the jurisdiction of the city.

(b) To safeguard all the lands, buildings, records, moneys, credits, and other property and right of the city, and, subject to the
provisions of this chapter, have control of all its property except the building known as the Ayuntamiento, which shall continue to be as heretofore under the control and administration of the (Insular) National Government, until the Legislature shall provide otherwise.

(c) To see that all taxes and other revenues of the city are collected, and applied in accordance with appropriations to the payment of the municipal expenses.

(d) To cause to be instituted judicial proceedings to recover property and funds of the city wherever found, and otherwise to protect the interests of the city, and to cause to be defended all suits against the city.

(e) To see that the executive officers and employees of the city properly discharge their respective duties. The mayor may, in the interest of the service and with the approval of the Secretary of the Interior first had, transfer officers and employees not appointed by the (Governor-General) President of the Philippines from one section, division or service to another section, division or service within the same department, without changing the compensation they receive.

(f) To examine and inspect the books, records, and papers of all officers, agents, and employees of the city whenever occasion arises, and at least once in each year.

(g) To give such information and recommend such measures to the Board as he shall deem advantageous to the city.

(h) To attend, if he wishes to do so, the sessions of the Board and participate in its discussions, but not to vote.

(i) To represent the city in all its business matters, and sign on its behalf all its bonds, contracts, and obligations made in accordance with laws or ordinances.

(j) To release, subject to such conditions as he may see fit, or unconditionally, any person imprisoned or sentenced for violation of a city ordinance, or remit the sentence of such person, or any part thereof.

(k) To submit to the Municipal Board before the thirty-first day of
October of each year a budget of receipts and expenditures of the city.

(l) To receive, hear, and decide as he may deem proper the petitions, complaints, and claims of the residents concerning all classes of municipal matters of an administrative and executive character.

(m) To grant and refuse municipal license or permits of all classes and to revoke the same for violation of the conditions upon which they were granted, or if acts prohibited by law or municipal ordinance are being committed under the protection of such licenses or in the premises in which the business for which the same have been granted is carried on, or for any other good reason of general interest.

(n) To determine the time, manner, and place of payment of the salaries and wages of the officers and employees of the city.

(o) To excuse, with the concurrence of the Director of Education, deserving poor pupils from the payment of school fees or of any part thereof.

(p) To take such emergency measures as may be necessary to avoid fires, floods, and the effects of storms and other public calamities.

(q) To perform such other duties and exercise such other executive powers as may be prescribed by law or ordinance.

[2774–4(1990).]

SECTION 2435. Secretary to mayor. — The mayor shall appoint one secretary who shall have charge and custody of all records and documents of the city and of any office or department thereof for which provision is not otherwise made; shall keep the corporate seal and affix the same with his signature to all ordinances and resolutions signed by the mayor and to all other official documents and papers of the Government of the city as may be required by custom, in the discretion of the city as the mayor; shall attest all executive orders, proclamations, ordinances and resolutions signed by the mayor and shall perform such other duties as the mayor may require of him; shall, on demand, furnish certified copies of all city records and documents in his charge which are not of a confidential character, and collect and receive such fees as may be prescribed by resolution of the Board.
He shall also perform such duties as are required of the heads of departments of the city government by section two thousand four hundred and forty-six, and for the purposes of said section, the secretary will be considered head of the department. The position of secretary shall be regarded as within the unclassified civil service but may be filled in the manner in which classified positions are filled, and if so filled, the appointee shall be entitled to all the benefits and privileges of classified employees, except that he shall hold office only during the term of office of the appointing mayor and until a successor in the office of the secretary is appointed and qualified, unless sooner separated.

SECTION 2436. Execution of authorized public works and improvements. — Unless the Secretary of the Interior shall otherwise direct, all public works of construction, repair, and improvement of the city shall be carried on by administration, under the direction of the mayor. For justified reasons, the mayor, with the advice and consent of the Municipal Board, may also have said work done totally or partially by contract, upon advertising for bids therefor. In this event, the mayor shall advertise for sealed bids of proposals for the same in two daily newspapers published in Manila, one printed in English and the other in Spanish, for a period of one week, the first insertion to be not less than ten days before the day fixed for opening such proposals. A plan for profile of work to be done, accompanied by specifications for the performance of the same, shall, before advertisement, be placed on file in the office of the mayor, or the department of the city government having charge of the work, which plan, profile, and specifications shall, at all proper times, be open for public inspection. All bids shall be opened in the presence of the mayor at the advertised time and place. Each bid shall be accompanied by a deposit, the amount and character of which shall be fixed by the mayor and named in the advertisement, and which shall not exceed ten per centum of the estimated cost of the improvement or work to be done where the estimated cost exceeds two thousand pesos, nor be less than two hundred pesos in any case. Such deposit shall be forfeited to the city if the bidder shall neglect or refuse to enter into a contract, with approved sureties, to execute the work for the price mentioned in his bid and according to the plans and specifications, in case the contract shall be awarded to him. The mayor may reject any or all bids received. Should all bids be rejected, or should it become necessary for any reason to call for new bids, subsequent advertisements shall be for a period of five days before the proposals are opened, and in the manner above prescribed. Bonds, to be approved by the mayor, shall be taken for the faithful performance of all contracts. Contracts shall be executed in triplicate by the mayor and by the contractor, and one original shall be filed in the office of the mayor, one in the office of the (Insular) Auditor General, and the third shall be given to the contractor.

[2657–2408; 2774–5(1991).]
SECTION 2437(1992).  Contracts in excess of one thousand pesos. — (Repealed)

[2657–2409.]

SECTION 2438(1993).  Contracts not in excess of one thousand pesos. — (Repealed)

[2657-2410]

ARTICLE III

The Municipal Board

SECTION 2439.  Constitution and organization of Municipal Board. — The Municipal Board shall be the legislative body of the city, and shall consist of ten elective members who shall hold office for three years. The members of the Board shall elect each year from among their number a president, who for one year shall preside at all meetings of the Board at which he is present. In his absence, the Board shall elect one of its members as temporary presiding officer. The president shall sign all ordinances, and all resolutions and motions directing the payment of money or creating liability, enacted or adopted by the Board. In case of sickness or absence of any member of the Board, or if for any reason it becomes necessary to maintain a quorum, the (Governor-General) President of the Philippines may make a temporary appointment until the return to duty of the sick or absent member. During the period of such temporary appointment the person receiving the same shall possess all the rights and perform all the duties of a member of the Board.

The president of the Board shall receive a per diem of forty pesos and the other members shall receive a per diem of twenty-five pesos for each day of attendance on a session of the Board.

[2657–2411; 2774–6(1994).]

SECTION 2440. Qualifications, election, suspension and removal of members of Board. — (a) The members of the Municipal Board shall be elected at large from the entire city.

(b) The ten candidates receiving the greatest number of votes shall be declared elected. Each member of the Municipal Board shall be a resident of the city for at least one year, shall be a qualified elector of the city and be not less than twenty-three years of age.

(c) Members of the Board may be suspended or removed from office
under the same circumstances, in the same manner, and with the same effect, as elective provincial officers, and the provisions of law governing the suspension or removal of elective provincial officers and the confirmation of their election are made effective for the suspension or removal of said members of the Board and for the confirmation of their election.

(d) In so far as they are applicable, all the provisions of the Election Law are made effective as to the members of the Board and to their election to the same extent as if the City of Manila were a province and the election of said members were the election for members of the provincial board.

(e) If any person elected is ineligible to hold office, or if for any reason there should be a failure to elect one or more members, no special election shall be called; but the vacancy shall be filled for the term by the President of the Philippines with the consent of the Commission on Appointments of the National Assembly. Vacancies in the office of member occurring after taking office shall be filled for the unexpired term in like manner.


SECTION 2441. Appointment and duties of secretary of Board. — The Board shall have a secretary, who shall be elected by it to serve during the term of office of the ten members. A vacancy in the office of secretary shall be filled temporarily or for the unexpired term in like manner. The secretary shall be in charge of the records of the Municipal Board. He shall keep a full record of the proceedings of the Board, and file all documents relating thereto; shall record, in a book kept for that purpose, all ordinances, and all resolutions and motions directing the payment of money or creating liability, enacted or adopted by the Board, with the dates of passage of the same, and of the publication of ordinances; shall keep a seal, circular in form, with the inscription "Municipal Board — City of Manila," in the center of which shall be placed the arms of the city, and affix the same, with his signature, to all ordinances and other official acts of the Board, and shall present the same for signature to the president; shall cause each ordinance passed to be published as herein provided; shall, on demand, furnish certified copies of all records of public character in his charge under the seal of his office; and collect and receive therefor such fees as may be prescribed by resolution of the Board; and shall keep his office and all records therein which are not of a confidential character open to public inspection during usual business hours. His compensation as secretary shall be fixed by the Board at not exceeding four thousand two hundred pesos a year.

[2657–2413; 2774–7(1997); 2973–1(1998); 3565–1(1999).]
SECTION 2442. Appropriations by Board. — The Board shall make all appropriations for the expenses of the Government of the city. Whenever the Board fails to pass an appropriation ordinance for any year before the end of the previous year, the appropriation ordinance for such previous year shall be deemed reënacted, and shall go into effect on the first day of January of the new year as the appropriation ordinance for that year, and such appropriation ordinance shall be deemed reënacted from year to year, and shall be renewed and go into effect on the first day of January of each year, as the appropriation ordinance for that year, until a new appropriation ordinance is duly. enacted.

[2657–2414; C.A. 149–2(2000); see C.A 373, approved August 23, 1938 re change of fiscal year.]

SECTION 2443. Method of transacting business by Board — Veto, authentication and publication of ordinances. — Unless the Secretary of the Interior orders otherwise, the Board shall hold two ordinary sessions for the transaction of business during each week on days which it shall fix by resolution, and such extraordinary sessions, not exceeding thirty during any one year, as may be called by the mayor. It shall sit with open doors unless otherwise ordered by an affirmative vote of seven members. It shall keep a record of its proceedings and determine its rules of procedure not herein set forth. Six members of the Board shall constitute a quorum for the transaction of business, and six affirmative votes shall be necessary for the passage of any ordinance, resolution or motion. The ayes and noes shall be taken and recorded upon the passage of all ordinances, upon all resolutions or motions directing the payment of money or creating liability, and, at the request of any member, upon any other resolution or motion. Each proposed ordinance shall be published in two daily newspapers of general circulation in the city, one printed in English and the order in Spanish, and shall not be discussed or enacted by the Board until after the third day following such publication. Each ordinance enacted by the Board, and each resolution or motion directing the payment of money or creating liability, shall be forwarded to the mayor for his approval. Within ten days after the receipt of the ordinance, resolution or motion, the mayor shall return it with his approval or veto. If he does not return it within that time, it shall be deemed to be approved. If he returns it with his veto, his reasons therefor in writing shall accompany it. It may then be again enacted by the affirmative votes of seven members of the Board, and again forwarded to the mayor for his approval, and if within ten days after its receipt he does not again return it with his veto, it shall be deemed to be approved. If within said time he again returns it with his veto, it shall be forwarded forthwith to the (Governor-General) President of the Philippines for his approval or disapproval, which shall be final. The mayor shall have the power to veto any particular item or items of an appropriation ordinance, or of an ordinance, resolution or motion.
directing the payment of money or creating liability, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to ordinances, resolutions and motions returned to the Board with his veto. Each approved ordinance shall be sealed with the city seal, signed by the president of the Board and the secretary, and recorded in a book kept for that purpose; shall be published in two daily newspaper of general circulation in the city, one printed in English and the other in Spanish, within ten days after its approval; and shall take effect and be in force on and after the twentieth day following its publication, if no date is fixed in the ordinance.

[2657–2415.]

SECTION 2444. General powers and duties of the Board. — Except as otherwise provided by law, and subject to the conditions and limitations thereof, the Municipal Board shall have the following legislative powers:

(a) To provide for the levy and collection of taxes for general and special purposes in accordance with law.

(aa) To authorize the free distribution of medicine by the city physician to the employees and laborers of the city, and of fresh native milk, if available, to indigent mothers residing in the city.

[3964–1(2001).]

(b) To fix the tariff of fees and charges for all services rendered by the city or any of its departments, branches, or officials.

(c) To provide for the erection and maintenance or the rental, in case of need, of the necessary buildings for the use of the city.

(d) To provide for the establishment and maintenance of free public schools for primary instruction and to provide schoolhouses therefor, subject to the limitations of chapter thirty-six hereof.

(e) To establish intermediate, secondary, and professional schools; and with the approval of the Director of Education, to fix reasonable tuition fees for instruction therein.

(f) To provide for the establishment and maintenance of an efficient police force for the maintenance of law and order in the city, and make all necessary police ordinances, with a view to the confinement and reformation of vagrants, disorderly
persons, mendicants, and prostitutes, and persons convicted of violating any of the ordinances of the city.

(g) To maintain the municipal courts established by law, which shall have jurisdiction of all criminal cases under the ordinances of the city, and such further jurisdiction as may be herein or hereafter conferred.

(h) To establish fire limits, determine the kinds of buildings or structures that may be erected within said limits, regulate the manner of constructing and repairing the same, and fix the fees for permits for the construction, repair, or demolition of buildings and structures.

(i) To establish and maintain engine houses, fire engines, hose carts, hooks and ladders, and other equipment for the prevention and extinguishment of fires, and to regulate the management and use of the same.

(j) To regulate the use of lights in stables, shops, and other buildings and places, and to regulate and restrict the issuance of permits for the building of bonfires and the use of firecrackers, fireworks, torpedoes, candles, skyrockets, and other pyrotechnic displays, and to fix the fees for such permits.

(k) To make regulations to protect the public from conflagrations and to prevent and mitigate the effects of famine, floods, storms, and other public calamities, and to provide relief for persons suffering from the same.

(l) To regulate and fix the amount of the license fees for the following: hawkers, peddlers, hucksters, not including hucksters or peddlers who sell only native vegetables, fruits, or foods, personally carried by the hucksters or peddlers; auctioneers, plumbers, barbers, collecting agencies, massagists, manicurists, chiropodists, hair dressers, or beauty parlors, tattooers, jugglers, acrobats, clubs, dealers in large cattle, laundries, cleaning and dyeing establishments, shooting galleries, slot machines, merry-go-rounds and other similar riding devices, dealers in second-hand merchandise, brewers, distillers, rectifiers, money changers and brokers, public ferries, and the keeping, preparation, and sale of meat, poultry, fish, game, butter, cheese, lard, vegetable, bread, and other provisions.
(m) To tax, fix the license fee and regulate the business of hotels, restaurants, refreshment places, cafes, lodging houses, boarding houses, livery garages, public warehouses, pawnshops, theaters, cinematographs; and further to fix the location of, and to tax, fix the license fee for, and regulate the business, of livery stables, boarding stables, embalmers, public billiard tables, public pool tables, bowling alleys, dance halls, public dancing halls, cabarets, circus and other similar parades, public vehicles, race tracks, horse races, junk dealers; theatrical performances, public exhibitions, circus and other performances and places of amusements, match factories, blacksmith shops, foundries, steam boilers, lumber yards, shipyards, the storage and sale of gunpowder, tar, pitch, resin, coal, oil, gasoline, benzine, turpentine, hemp, cotton, nitroglycerin petroleum or any of the products thereof and of all other highly combustible or explosive materials, and other establishments likely to endanger the public safety or give rise to conflagrations or explosions, and, subject to the provisions of ordinances issued by the (Philippine Health Service) Bureau of Health in accordance with law, tanneries, renderies, tallow chandleries, bone factories, and soap factories.

(m-1) To tax and fix the license fee of tailor shops, milliners, manufacturers of embroideries, sails or awnings or both, rope, paper, slippers or sandals or both, harness or valises or bags or any of them, textiles, shell lamps or lamp shades or both, statuettes or tomb stones or both, sacks, rattan goods, wire or brass beds or both, men's shirts, hats, printers or bookbinders or both, eyeglasses, or optical goods or both, dyes, bottles or glasswares or both, salted or dried fish or both, fertilizer, nails, and buttons.

Manufacturers above mentioned shall not be subject to the payment of any municipal tax or license fee as retail dealers of their own wares otherwise therein specified; Provided, That no tax shall be imposed upon any occupation or manufacturer enumerated under this subsection in excess of two hundred pesos per annum: And provided further, That any manufacturing conducted solely by the
immediate members of a family at their own home shall not be subject to any tax or license fee.

[3669–2(2004).]

(m-2) To tax and fix the license fee on (a) dealers in new automobiles or accessories or both, and (b) retail dealers in new merchandise, which dealers are not yet subject to the payment of any municipal tax.

For the purpose of taxation, these retail dealers shall be classified as (1) retail dealers in general merchandise, and (2) retail dealers exclusively engaged in the sale of (a) textiles including knitted wares, (b) hardwares including glassware, cooking utensils, electrical goods and construction materials, (c) groceries including toilet articles except perfumery, (d) drugs including medicines and perfumeries, (e) books, including stationery, paper, and office supplies, (f) jewelry, (g) slippers, (h) arms, ammunition, and sporting goods.

[3669–2(2005); C.A. 76–1(2006).]

(n) To tax motor and other vehicles, notwithstanding the provisions to the contrary contained in section thirteen of Act Numbered Twenty-five hundred and eighty-seven, and draft animals not paying any (insular) national tax: Provided, That all automobiles, and trucks belonging to the (Insular) National Government or to any provincial or municipal government and automobiles and trucks not regularly kept in the City of Manila shall be exempt from such tax.

[2965–1(2007).]

(o) To regulate the method of using steam engines and boilers, other than marine or belonging to the federal or (Insular) National Government; to provide for the inspection thereof, and for a reasonable fee for such inspection, and to regulate and fix the fees for the licenses of the engineers engaged in operating the same.

(p) To provide for the prohibition and suppression of riots, affrays, disturbances, and disorderly assemblies; houses of ill fame and other disorderly houses; gaming houses, gambling, and all
fraudulent devices for the purpose of obtaining money or property; prostitution, vagrancy, intoxication, fighting, quarrelling, and all disorderly conduct; the printing, circulation, exhibition, or sale of obscene pictures books, or publications, and for the maintenance and preservation of peace and good morals.

(q) To prohibit, or regulate and fix the license fees for, the keeping of dogs, and to authorize their impounding and destruction when running at large contrary to ordinances, and to tax and regulate the keeping or training of fighting cocks.

(r) To establish and maintain municipal pounds; to regulate, restrain, and prohibit the running at large of domestic animals, and provide for the distraining, impounding, and sale of the same for the penalty incurred, and the cost of the proceedings; and to impose penalties upon the owners of said animals for the violation of any ordinance in relation thereto.

(s) To prohibit and provide for the punishment of cruelty to animals.

(t) To regulate the inspection, weighing, and measuring of brick, lumber, coal, and other articles of merchandise.

(u) Subject to the provisions of sections nineteen hundred and four and nineteen hundred and five of this Code, to provide for the laying out, construction, and improvement, and to regulate the use, of streets, avenues, alleys, sidewalks, wharves, piers, parks, cemeteries, and other public places; to provide for lighting, cleaning, and sprinkling of streets and public places; to regulate, fix license fees for, and prohibit the use of the same for processions, signs, signposts, awnings, awning posts, the carrying or displaying of banners, placards, advertisements, or hand bills, or the flying of signs, flags, or banners, whether along, across, over, or from buildings along the same; to prohibit the placing, throwing, depositing, or leaving of obstacles of any kind, offal, garbage, refuse, or other offensive matter or matter liable to cause damage in the streets and other public places, and to provide for the collection and disposition thereof; to provide for the inspection of, fix the license fees for, and regulate the openings in the same for the laying of gas, water, sewer, and other pipes, the building and repair of tunnels,
sewers, and drains, and all structures in and under the same, and the erecting of poles and the stringing of wires therein; to provide for and regulate cross-walks, curbs, and gutters therein; to name streets without a name and provide for and regulate the numbering of houses and lots fronting thereon or in the interior of the blocks; to regulate traffic and sales upon the streets and other public places; to provide for the abatement of nuisances in the same and punish the authors or owners thereof; to provide for the construction and maintenance, and regulate the use, of bridges, viaducts, and culverts; to prohibit and regulate ball playing, kite flying, hoop rolling, and other amusements which may annoy persons using the streets and public places, or frighten horses or other animals; to regulate the speed of horses and other animals, motor and other vehicles, cars, and locomotives within the limits of the city; to regulate the lights used on all such vehicles, cars, and locomotives; to regulate the locating, constructing, and laying of the track of horse, electric, and other forms of railroad in the streets or other public places of the city authorized by law; to provide for and change the location, grade, and crossings of railroads, and to compel any such railroad to raise or lower its tracks to conform to such provisions or changes; and to require railroad companies to fence their property, or any part thereof, to provide suitable protection against injury to persons or property, and to construct and repair ditches, drains, sewers, and culverts along and under their tracks, so that the natural drainage of the streets and adjacent property shall not be obstructed.

(v) To provide for the construction and maintenance of, and regulate, the navigation on canals and water courses within the city and provide for the cleansing and purification of the same; to provide for the construction and maintenance, and regulate, the use of public landing places, wharves, piers, docks, and levees, and of those of private ownership; and to provide for or regulate the drainage and filling of private premises when necessary in the enforcement of sanitary ordinances issued in accordance with law.

(w) To fix the charges to be paid by all water craft landing at or using public wharves, dock, levees, or landing places; Provided, That the provisions of this subsection shall not apply to the public wharves, docks, levees, or landing places constructed
within the breakwater, on the banks of the canal connecting the Pasig River with the inner basin, and on both sides of said river below the Jones Bridge.

(x) To provide for the maintenance of waterworks for the purpose of supplying water to the inhabitants of the city, and for the purification of the source of supply and the places through which the same passes, and to regulate the consumption and use of the water; to fix and provide for the collection of rents therefor; and to regulate the construction, repair, and use of hydrants, pumps, cisterns, and reservoirs.

(y) To provide for the establishment and maintenance and regulate the use, of public drains, sewers, latrines, and cesspools.

(z) Subject to the provisions of ordinances issued by the (Philippine Health Service) Bureau of Health in accordance with law, to provide for the establishment and maintenance and fix the fees for the use of, and regulate public stables, laundries, and baths, and public markets and slaughterhouses, and prohibit the establishment or operation within the city limits of public markets and slaughterhouses by any person, entity, association, or corporation other than the city.

(aa) To regulate, inspect, and provide measures preventing any discrimination or the exclusion of any race or races in or from any institution, establishment, or service open to the public within the city limits, or in the sale and supply of gas or electricity, or in the telephone and street-railway service; to fix and regulate charges therefor where the same have not been fixed by Act of Congress or of the (Philippine Legislature) National Assembly; to regulate and provide for the inspection of all gas, electric, telephone, and street-railway conduits, mains, meters, and other apparatus, and provide for the condemnation, substitution or removal of the same when defective or dangerous.

(bb) To declare, prevent, and provide for the abatement of nuisances; to regulate the ringing of bells and the making of loud or unusual noises; to provide that owners, agents, or tenants of buildings or premises keep and maintain the same in sanitary condition, and that in case of failure to do so, after sixty days from the date of serving a written notice, the cost thereof be
assessed to the owner to the extent of not to exceed sixty *per centum* of the assessed value, which cost shall constitute a lien against the property, and to regulate or prohibit or fix the license fees for the use of property on or near public ways, grounds, or places, or elsewhere within the city, for a display of electric signs or the erection or maintenance of billboards or structures of whatever material, erected, maintained, or used for the display of posters, signs, or other pictorial or reading matter, except signs displayed at the place or places where the profession or business advertised thereby is in whole or part conducted.

[2819–7(2008).]

(cc) To provide for the enforcement of the regulations of the (Philippine Health Service) Bureau of Health and by ordinance to prescribe penalties for violations of such regulations.

(dd) To extend its ordinances over all waters within the city, over the Bay of Manila three miles beyond the city limits, and over any boat or other floating structures thereon; and for the purpose of protecting and insuring the purity of the water supply of the city, over all territory within the drainage area of such water supply, and within hundred meters of any reservoir, conduit, canal, aqueduct, or pumping station used in connection with the city water service.

(ee) To enact all ordinances it may deem necessary and proper for the sanitation and safety, the furtherance of the prosperity, and the promotion of the morality, peace, good order, comfort, convenience, and general welfare of the city and its inhabitants, and such others as may be necessary to carry into effect and discharge the powers and duties conferred by this chapter; and to fix penalties for the violation of ordinances which shall not exceed a two-hundred-peso fine or six months' imprisonment, or both such fine and imprisonment, for a single offense.

[2657–2416; 2774–8(2009).]

SECTION 2444(A). *Restrictive provisions.* — No commercial sign, signboard, or billboard shall be erected or displayed on public lands, premises, or buildings. If after due investigation, and having given the owners an opportunity to be heard, the mayor of the city shall decide that any sign, signboard, or billboard
displayed or exposed to public view is offensive to the sight or is otherwise a nuisance, he may order the removal of such sign, signboard or billboard, and if same is not removed within ten days after he has issued such order he may himself cause its removal, and the sign, signboard, or billboard shall thereupon be forfeited to the city, and the expenses incident to the removal of the same shall become a lawful charge against any person or property liable for the erection or display thereof.

[2819–8(2010).]

ARTICLE IV

Municipal Offices and Officers in General

SECTION 2445. City departments. — There shall be the following city departments over which the mayor shall have general supervisory control:

1. Department of Engineering and Public Works.
2. Police Department.
3. Law Department.
4. Fire Department.
5. Department of Finance.
6. Department of Assessment.

The Board may from time to time make such readjustment of the duties of the several departments as the public interest may demand. The Secretary of the Interior shall have the power to consolidate any department, division or office of the city with any other department, division or office, upon the recommendation of the mayor.

[2657–2417; 2991–1(2011); C.A. 561–1(2012).]

SECTION 2446. Power and duties of heads of departments. — Each head of department of the city government shall be in control of such department, under the direction and supervision of the mayor, and shall possess such powers as may be prescribed herein or by ordinance. He shall certify to the correctness of all pay rolls and vouchers of his department covering the payment of money before payment, except as herein otherwise expressly provided. On or before the first day
of September of each year, he shall prepare and present to the mayor for submission to the Board an estimate of the receipts and appropriation necessary for the operation of his department during the ensuing year, and shall submit therewith such information for purposes of comparison as the mayor may desire. He shall make to the mayor as often as required reports covering the operations of his department.

In case of the absence or sickness, or inability to act for any other reason, of the head of one of the municipal departments, the officer next in charge of that department shall be authorized to sign all necessary papers, such as vouchers requisitions, and so forth.

[2657–2418.]

SECTION 2447. Appointment and removal of officials and employees. — With the consent of the (Philippine Senate) Commission on Appointments of the National Assembly, the (Governor-General) President of the Philippines shall appoint the fiscal of the city and his assistants, the judge and the clerk of the municipal court and, in case of a temporary vacancy on such court, an acting judge therefor, the justice and auxiliary justice of the peace, the city engineer and his assistant, the chief of police and his assistant, the chief of the fire department, the city treasurer, the city assessor, and the city superintendent of schools. Subject to the provisions of the Civil Service Law, the mayor shall appoint all other officers and employees of the city whose appointment is not otherwise provided for by law. The mayor may suspend, and remove, any appointive city officer or employee not appointed by the (Governor-General) President of the Philippines and may recommend to the (Governor-General) President of the Philippines the suspension or removal of any city officer or employee appointed by him. Any such suspension or removal by the mayor shall be appealable to the Department Head, whose determination of the matter shall be final.

[2657–2419; 2991–1(2013); see C.A. 177(2014).]

SECTION 2448. Officers to devote time to official duties. — Each city officer, except members of the Municipal Board, shall devote his time and attention exclusively during the usual office hours to the duties of his office, and such members shall attend the regular sessions of the Board. No city officer shall hold more than one office unless expressly so provided by law. But this section shall not apply to members of the local school board, or to other persons discharging public duties under the city or (Insular) National Government who receive no compensation for their services.

[2657–2420.]
SECTION 2449. Officers not to engage in certain transactions. — It shall be unlawful for any city officer, directly or indirectly, individually or as a member of a firm, to engage in any business transaction with the city, or with any of its authorized official, boards, agents, or attorneys, whereby money is to be paid, directly or indirectly, out of the resources of the city to such person or firm; or to purchase any real estate or other property belonging to the city, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of the city; or to be surety for any person having a contract or doing business with the city, for the performance of which security may be required; or to be surety on the official bond of any officer of the city.

[2657–2421.]

ARTICLE V

(Insular) National Bureaus Performing Municipal Duties

SECTION 2450. The Bureau of Audits. — The (Insular) Auditor General shall receive and audit all accounts of the city, in accordance with the provisions of law relating to Government accounts and accounting.

[2657–2422.]

SECTION 2451. The Bureau of the Treasury. — The (Insular) National Treasurer shall receive and safely keep all moneys arising from the revenues of the city, and shall expend the same upon warrants drawn in accordance with the provisions of law.

[2657–2423.]

SECTION 2452. The Bureau of Internal Revenue. — The functions of the city assessor of the City of Manila, heretofore exercised by the Collector of Internal Revenue of the (Philippine Islands) Philippines ex officio, shall hereafter devolve upon and be performed by the city assessor, as said office is created and its duties defined hereinafter in the article pertaining to the department of assessment, and all functions as city collector heretofore exercised by said office shall devolve on the city treasurer, as hereinafter constituted.

[2657–2424; 2991–1(2015).]

SECTION 2453(2016). The Bureau of Supply. — The Purchasing Agent shall purchase and supply in accordance with law all supplies, equipment, material, and property of every kind, except real estate, for the use of the city and its departments and offices. But contracts for completed work of any kind for the use
of the city, or any of its departments or offices, involving both labor and materials, where the materials are furnished by the contractor, not by the city, shall not be deemed to be within the provisions of this section.

[2657–2425.]

SECTION 2454. The Bureau of Education. — The Director of Education shall exercise the same jurisdiction and powers in the city as elsewhere in the (Islands) Philippines, and the city superintendent of schools shall have all the powers and duties in respect to the schools of the city as are vested in division superintendents in respect to the schools of their divisions.

A local school board of six members for the city who shall serve without salary, shall be selected and removed in the same manner, and shall have the same powers and duties, as local school boards in municipalities.

The Municipal Board shall have the same powers in respect to the establishment of schools in Manila as are conferred by law on municipal councils.

The clerical force and assistants and laborers in the office of the city superintendent of schools shall be paid by the city, as well as the office expenses for supplies and material incident to carrying on said office.

[2657–2426.]

SECTION 2455. Reports to the mayor concerning schools — Construction and custody of school buildings. — The city superintendent of schools shall make a quarterly report of the condition of the schools and school buildings of Manila to the mayor, and such recommendations as seem to him wise in respect to the number of teachers, their salaries, new buildings to be erected, and all other similar matters, together with the amount of city revenues which should be expended in paying teachers, and improving the schools or school buildings of the city. The local school board shall make a similar quarterly report to the mayor. The local school board shall be furnished an office and necessary clerical force by the city superintendent out of the appropriation for his office.

The care and custody of school, buildings by the department of engineering and public works, and its supervision of the construction and repair of schoolhouses ordered by the Board, shall be subject to the limitations of chapter thirty-six hereof.

[2657–2427.]

SECTION 2456(2017). The (Philippine Health Service) Bureau of Health.
— [The Director of Health shall have general supervision and control of health and sanitary matters and inspections in the city, and the (Philippine Health Service) Bureau of Health shall serve as the local board of health.]

[2657–2428.]

SECTION 2457. *The Bureau of Prisons.* — The Director of Prisons shall set apart a suitable portion of Bilibil Prison for city prisoners, and shall receive for confinement and detention all persons who have been sentenced to imprisonment by the municipal court of the city. The expense of maintaining such portion of the prison shall be paid out of city funds.

[2657–2429.]

ARTICLE VI

The Department of Engineering and Public Works

SECTION 2458. *Powers and duties of city engineer.* — There shall be a city engineer, who shall be in charge of the department of engineering and public works. He shall have charge of all the surveying and engineering work of the city, and shall perform such services in connection with public improvements, or any work entered upon or projected by the city, or any department thereof, as may require the skill and experience of a civil engineer. He shall ascertain, record and establish monuments of the city survey and from thence extend the surveys of the city, and locate, establish and survey all city property, and also private property abutting on the same, whenever directed by the mayor; shall prepare and submit plans, maps, specifications, and estimates for buildings, streets, bridges, docks, and other public works and supervise the construction and repair of the same; shall make such tests and inspection of engineering materials used in construction and repair as may be necessary to protect the city from the use of materials of a poor or dangerous quality; shall inspect and report upon the condition of public property and public works whenever required by the mayor; shall have the care and custody of all public buildings, when erected, including markets and slaughterhouses and all buildings rented for city purposes, and of any system now or hereafter established for lighting the streets, public places, and public buildings of the city; shall prevent the encroachment of private buildings and fences on the streets and public places of the city; shall inspect and supervise the construction, repair, removal and safety of private buildings, and regulate and enforce the numbering of houses, in accordance with the ordinances of the city; shall have the care of all public streets, parks, and bridges; shall maintain, clean, sprinkle, and regulate the use of the same for all purposes as provided by laws and ordinances; shall collect and dispose of all garbage, refuse, the contents of closets, vaults, and cesspools,
and all other offensive and dangerous substances within the city; shall have the
care and custody of all public docks, wharves, piers, levees, and landing places,
when erected; shall have general supervision and inspection of all private docks,
wharves, piers, levees, and landing places, and other property bordering on the
harbor, river, esteros, and waterways of the city, and shall issue permits for the
construction, repair, and removal of the same, and enforce all ordinances relating
to the same; shall have the care and custody of all sources of water supply other
than those under the Metropolitan Water District, and shall control, maintain, and
regulate the use of the same, in accordance with the ordinances relating thereto. He
shall file and preserve all maps, plans, notes, surveys, and other papers and
documents pertaining to his office. He shall supervise the laying of mains and
connections for the purpose of supplying gas to the inhabitants of the city. He shall
have power subject to the approval of the mayor, to cause buildings dangerous to
the public to be made secure or torn down, and shall supervise and regulate the
location and use of engines, boilers, forges, and other manufacturing and heating
appliances in accordance with law and ordinance relating thereto. He is authorized
to charge, at rates to be fixed by the Board with the approval of the Department
Head, for sanitation and transportation services and supplies furnished by his
department.

[2657–2430; C.A. 561–4(2018).]

With the previous approval of the mayor in each case, he may order the
removal of buildings and structures erected in violation of the ordinances, or the
removal of the materials employed in the construction or repair of any building or
structure made in violation of said ordinances.

[2774–9.]

SECTION 2459. Assistants and employees in city engineer's office. — To
assist the city engineer in the discharge of his official duties, there shall be such
assistant engineers, superintendents, and other employees as are from time to time
provided for in appropriation ordinances.

[2657–2431; see C.A. 424(2019).]

ARTICLE VII

The Police Department

SECTION 2460. Powers and duties of chief of police. — There shall be a
chief of police who shall have charge of the police department and everything
pertaining thereto, including the organization, government, discipline, and
disposition of the city police and detective force; shall investigate, under the
direction of the mayor, any complaints filed against members of the police and
report the result of his investigation to the mayor, making whatever
recommendations he may deem pertinent, for such action as said officer may
consider necessary; shall quell riots, disorders, disturbances of the peace, and shall
arrest and prosecute violators of any law or ordinance; shall exercise police
supervision over all land and water within the police jurisdiction of the city; shall
be charged with the protection of the right of persons and property wherever found
within the jurisdiction of the city, and shall arrest without warrant, when necessary
to prevent the escape of the offender, violators of any law or ordinance, and all
who obstruct or interfere with him in the discharge of his duty; shall be responsible
for the safe-keeping of all prisoners until they shall be released from custody, in
accordance with law, or delivered to the warden of the proper prison; may take
good and sufficient bail for the appearance before the city court of any person
arrested for violation of any city ordinance: Provided, however, That he shall not
exercise this power in cases of violations of any penal law, except when the fiscal
of the city shall so recommend and fix the bail to be required of the person
arrested; shall have authority, within the police jurisdiction of the city, to serve and
execute criminal processes of any court; shall, either in person or by deputy, attend
all sessions of the city courts, and shall promptly and faithfully execute all orders
of the mayor, and all writs and processes of the city courts and all criminal
processes of the Court of First Instance of the city, when placed in his hands for
that purpose. He shall have such further powers and perform such further duties as
may be prescribed by law or ordinance.

[2657–2432.]

SECTION 2461. Assistant chief of police. — There shall be an assistant
chief of police whose duties shall be to act as chief of police in the absence or
inability to act of the chief of police, and under the direction of such chief to look
after the discipline of the police force and to perform such other duties as may be
imposed upon him by the chief or prescribed by law or ordinance.

[2657–2433.]

SECTION 2462. Chief of secret service. — There shall be a chief of the
secret service who shall, under the chief of police, have charge of the detective
work of the department and of the detective force of the city, and shall perform
such other duties as may be assigned to him by the chief of police or prescribed by
law or ordinance.

[2657–2434.]
SECTION 2463. Police and other peace officers — Their powers and duties. — The mayor, the chief and assistant chief of police, the chief of the secret service, and all officers and members of the city police and detective force shall be peace officers. Such peace officers are authorized to serve and execute all processes of the municipal court and criminal processes of all other courts to whomsoever directed, within the jurisdictional limits of the city or within the police limits as hereinbefore defined; within the same territory, to pursue and arrest, without warrant, any person found in suspicious places or under suspicious circumstances reasonably tending to show that such person has committed, or is about to commit, any crime or breach of the peace; to arrest or cause to be arrested, without warrant, any offender when the offense is committed in the presence of a peace officer or within his view; in such pursuit or arrest to enter any building, ship, boat, or vessel, or take into custody any person therein suspected of being concerned in such crime or breach of the peace, and any property suspected of having been stolen; and to exercise such other powers and perform such other duties as may be prescribed by law or ordinance. They shall detain and arrest person only until he can be brought before the proper magistrate. Whenever the mayor shall deem it necessary, to avert danger or to protect life and property, in case of riot, disturbance, or public calamity, or when he has reason to fear any serious violation of law and order, he shall have power to swear in special police, in such numbers as the occasion may demand. Such special police shall have the same powers while on duty as members of the regular force.

[2657–2435.]

SECTION 2464. Classes of police — Uniforms. — There shall be three classes of police sergeants and patrolmen. Those of the first class shall have a thorough knowledge of the English language and be familiar with the duties of a policeman; those of the second class shall have a sufficient knowledge of the English language to transact ordinary business; and those of the third class shall speak, read, and write the Spanish language. A second-class sergeant or patrolman shall be paid twenty-five per centum more than those of the third class, and whenever a sergeant or patrolman of the latter class shall have acquired a fair knowledge of the English language, and is otherwise competent, he may be promoted by the chief of police to a position in the second class. Each officer and member of the police force shall be required to pay for his own uniform.

[2657–2436.]

ARTICLE VIII

The Law Department and the Courts
SECTION 2465. The fiscal of the city — His assistants — His duties. —

The law department shall consist of the fiscal of the city and of twenty-two assistant fiscals, who shall discharge their duties under the general supervision of the Secretary of Justice. The fiscal of the city shall be the chief legal adviser of the city and all offices and departments thereof shall represent the city in all civil cases wherein the city or any officer thereof in his official capacity is a party; shall attend, when required, meetings of the Board, draw ordinances, contracts, bonds, leases, and other documents involving any interest of the city and inspect and pass upon all such documents already drawn; shall give his opinion in writing when requested by the mayor or Board upon any question relating to the city, or the rights or duties of any city officer; shall whenever it is brought to his knowledge that any city officer or employee is guilty of neglect or misconduct in office, or that any person, firm, or corporation holding or exercising any franchise or public privilege from the city has failed to comply with any condition, or to pay any consideration mentioned in the grant of such franchise or privilege, investigate the same and report to the mayor; shall, when directed by the mayor, institute and prosecute in the city's interest a suit on any bond, lease, or other contract, and upon any breach or violation thereof; and shall prosecute and defend all civil actions related to or connected with any city office or interest. He shall also have charge of the prosecution of all crimes, misdemeanors, and violations of city ordinances in the Court of First Instance and the municipal court of the city, and shall discharge all the duties in respect to criminal prosecutions enjoined by law upon provincial fiscals.

The fiscal of the city shall cause to be investigated all charges of crimes, misdemeanors, and violations of ordinances, and have the necessary informations or complaints prepared or made against the persons accused. He or any of his assistants may conduct such investigations by taking oral evidence of reputed witnesses, and for this purpose may by subpoena, summon witnesses to appear and testify under oath before him, and the attendance or evidence of an absent or recalcitrant witness may be enforced by application to the municipal court or the Court of First Instance. No witness summoned to testify under this section shall be under obligation to give any testimony tending to incriminate himself, and no testimony elicited from a witness by such examination under oath before the fiscal of the city or his assistants under this section shall be used against such witness in any prosecution pending or thereafter instituted against him.

The fiscal of the city shall also cause to be investigated the cause of sudden deaths which have not been satisfactorily explained and when there is suspicion that the cause arose from the unlawful acts or omissions of other persons, or from foul play. For that purpose, he may cause autopsies to be made, and shall be entitled to demand and receive for purposes of such investigations or autopsies,
subject to the rules and conditions previously established by the Secretary of Justice, the aid of the department of legal section of the Division of Investigation of the Department of Justice. In case the fiscal of the city deems it necessary to have further expert assistance for the satisfactory performance of his duties in relation with medico-legal matters or knowledge, including the giving of medical testimony in the courts of justice, he shall request the same, in the same manner and subject to the same rules and conditions as above specified from the medico-legal officer of the said division, who shall thereupon furnish the assistance required, in accordance with his powers and facilities. He shall at times render such professional services as the Mayor or Board may require, and shall have such powers and perform such other duties as may be prescribed by law or ordinance.

The fiscal of the city and his assistants shall receive the salaries hereinafter set forth, which shall be paid by the City of Manila:

(a) Fiscal of the City, nine thousand pesos *per annum*;

(b) One assistant fiscal, seven thousand two hundred pesos *per annum*;

(c) Two assistant fiscals, six thousand pesos *per annum* each;

(d) Two assistant fiscals, five thousand one hundred pesos *per annum* each;

(e) Two assistant fiscals, four thousand five hundred pesos *per annum* each;

(f) Two assistant fiscals, three thousand nine hundred sixty pesos *per annum* each;

(g) One assistant fiscal, three thousand four hundred eighty pesos *per annum*;

(h) Two assistant fiscals, two thousand nine hundred forty pesos *per annum* each;

(i) Six assistant fiscals, two thousand five hundred eighty pesos *per annum* each;

(j) Four assistant fiscals, two hundred four hundred pesos *per annum* each.
SECTION 2466. Regular and acting judges of municipal courts. — There shall be a municipal court for the City of Manila, for which four judges shall be appointed, to be known, respectively, as judge of the first, second, third and fourth branch. Whenever the public interest so requires, the Secretary of Justice may designate any of the judges to hold session at night.

The municipal court shall have the same jurisdiction in civil and criminal cases and the same incidental powers as at present conferred by law upon the municipal court and justice of the peace court of the City of Manila, and such additional jurisdiction and powers as may hereafter be conferred upon them by law. The cases pertaining to the municipal court shall be distributed in accordance with rules to be prescribed by the Secretary of Justice.

In case of absence, sickness or incapacity of any of the judges of the municipal court and in case of any vacancy in said offices, the Secretary of Justice may designate any assistant attorney of the Solicitor-General's office or provincial fiscal to act as judge of the municipal court of the City of Manila, with all the powers of a regular judge of said court; but such acting judge shall not receive any additional compensation during the time he is acting as judge.

SECTION 2467. Duties of clerk of municipal court. — The clerk of the municipal court shall keep its seal and affix it to all orders, judgments, certificates, records, and other documents issued by the court. He shall keep a docket of the trials in the court, in which he shall record in a summary manner the name of the defendant, the charge against him, the name of the prosecuting witness, the date of the arrest, the appearance of the defendant, the date of the trial, and the nature of the judgment, together with the fines and costs adjudged or collected in accordance with the judgment. He shall have power to administer oaths.

SECTION 2468. Jurisdiction of municipal court. — The municipal court shall have territorial jurisdiction embracing the entire police jurisdiction of the city, and shall hold a daily session, Sundays and legal holidays alone excepted; Provided, however, That when a legal holiday occurs in two or more successive days or when a Sunday is immediately preceded and/or followed by a holiday, the Municipal Court may hold night sessions during said holidays. Said court shall have jurisdiction exclusive of the other courts sitting in the city over all criminal
cases arising under the ordinance of the city, and over all criminal cases arising
under the penal laws of the Philippines, where the offense is committed within the
police jurisdiction of the city and the maximum punishment is by imprisonment for
not more than six months, or a fine of not more than two hundred pesos, or both. It
shall also have concurrent jurisdiction with the Courts of First Instance over all
criminal arising under the laws relating to gambling and management of lotteries,
to assaults where the intent to kill is not charged or evident upon the trial, to
larceny, embezzlement and estafa where the amount of money or property stolen,
embezzled or otherwise involved does not exceed the sum or value of two hundred
pesos, to the sale of intoxicating liquors, to falsely impersonating an officer, to
malicious mischief, to trespass on Government or private property, and to
threatening to take human life. It may also conduct preliminary examinations for
any offense, without regard to the limits of punishment, and may release, or
commit and bind over any person charged with such offense to secure his
appearance before the proper court.

[2657–2440; C.A. 361–1(2027).]

SECTION 2469. Incidental powers of municipal court. — The municipal
court shall have power to administer oaths and to give certificates thereof; to issue
summonses, writs, warrants, executions, and all other processes necessary to
enforce its orders and judgments; to compel the attendance of witnesses; to punish
contempts of court by fine or imprisonment, or both, within the limitations
imposed by the Code of Civil Procedure; and to require of any person arrested a
bond for good behavior or to keep the peace, or for the further appearance of such
person before a court of competent jurisdiction. But no such bond shall be
accepted unless it be executed by the person in whose behalf it is made, with
sufficient surety or sureties, to be approved by said court.

[2657–2441.]

SECTION 2470. Procedure in municipal court in prosecutions for
violation of laws and ordinances. — In a prosecution for the violation of any
ordinance, the first process shall be a summons; except that a warrant for the arrest
of the offender may be issued in the first instance upon the affidavit of any person
that such ordinance has been violated, and that the person making the complaint
has reasonable grounds to believe that the party charged is guilty thereof, which
warrant shall conclude: "Against the ordinances of the city in such case made and
provided." All proceedings and prosecutions for offenses against the laws of the
(Philippine Islands) Philippines shall conform to the rules relating to process,
pleading, practice, and procedure for the judiciary of the (Islands) Philippines and
such rules shall govern the municipal court and its officers in all cases in so far as
the same may be applicable.

[2657–2442.]

SECTION 2471. Costs, fees, fines, and forfeitures in municipal court. — There shall be taxed against and collected from the defendant, in case of his conviction in the municipal court, such costs and fees as may be prescribed by the Board not exceeding those charged in criminal cases in justices' courts. All costs, fees, fines, and forfeitures shall be collected by the clerk of the court, who shall keep a docket of those imposed and of those collected, and shall pay collections of the same to the city treasurer for the benefit of the city, on the next business day after the same are collected, and take receipts therefor. The judge of the first branch shall examine said docket each day, compare the same with the amount receipted for by the city treasurer, satisfy himself that all such courts, fees, fines, and forfeitures have been duly accounted for.

[2657–2443; 3107–1(2028).]

SECTION 2472. No person sentenced by municipal court to confined without commitment. — No person shall be in the city prison by sentence of the municipal court until the warden or officer in charge of the prison shall receive a written commitment showing the offense for which the prisoner was tried, the date of the trial, the exact terms of the judgment or sentence, and the date of the order of commitment. The clerk shall, under seal of the court, issue such a commitment in each case of sentence to imprisonment.

[2657–2444.]

SECTION 2473. Procedure on appeal from municipal court to Court of First Instance. — An appeal shall lie to the Court of First Instance next to be held within the city, in all cases where fine or imprisonment, or both, is imposed by the municipal court. The party desiring to appeal shall, before six o'clock postmeridian of the day after the rendition and entry of the judgment by the municipal court, file with the clerk of the court a written statement that he appeals to the Court of First Instance. The filing of such statement shall perfect the appeal. The judge of the court from whose decision appeal is taken shall within five days after the appeal is taken, transmit to the clerk of the Court of First Instance a certified copy of the record of proceedings and all the original papers and process in the case, and the clerk of the Court of First Instance shall docket the appeal in that court. A perfected appeal shall operate to vacate the judgment of the municipal court, and the action, when duly entered in the Court of First Instance, shall stand for trial de novo upon its merits in accordance with the regular procedure in that court, as though the same had never been tried and had been originally there commenced.
Pending an appeal, the defendant shall remain in custody unless released in the discretion of the judge of the municipal court or of the judge of the Court of First Instance, upon sufficient bail, in accordance with the rules and regulations now or hereafter in force, to await the judgment of the appellate court.

[2657–2445.]

SECTION 2474. Persons arrested to be promptly brought before a court — Preliminary examinations in municipal court and Court of First Instance. — Every person arrested shall, without unnecessary delay, be brought before the municipal court, or the Court of First Instance for preliminary hearings, release on bail, or trial. In cases triable in the municipal court the defendant shall not be entitled as of right to a preliminary examination, except a summary one to enable the court to fix the bail, in any case where the prosecution announces itself ready and is ready for trial within three days, not including Sundays, after the request for an examination is presented. In cases triable only in the Court of First Instance the defendant shall not be entitled as of right to a preliminary examination in any case where the fiscal of the city, after a due investigation of the facts, shall have presented an information against him in proper form. But the Court of First Instance may make such summary investigation into the case as it may deem necessary to enable it to fix the bail or to determine whether the offense is bailable.

[2657–2446; 3107–1(2029).]

SECTION 2475. Compensation of certain expert witnesses in criminal cases. — Out of any sum appropriated for contingent expenses of the law department, the judge of the municipal court, or a judge of the Court of First Instance in the city, as the case may be, may allow compensation to physicians and surgeons, other than officers of the United States Army or Navy or officers or employees of the (Insular) National Government or the city, summoned by the Government as expert witnesses in criminal prosecutions when the attendance of such physicians and surgeons is necessary in the interest of justice. Such compensation shall not in any one case exceed five pesos for the testimony of the physician or surgeon so summoned, and the payment shall be made upon the certificate of the judge presiding at the trial that the witness attended and testified, that the case is an exceptional and meritorious one, and that compensation ought to be allowed. The total expenditure under the provisions of this section shall not exceed five hundred pesos a year.

[2657–2447.]

SECTION 2476(2030). Jurisdiction of justice of the peace. — (Repealed)
SECTION 2477. Assessors in the courts in the city. — The aid of assessors in the trial of any civil or criminal action in the municipal court, or the Court of First Instance, within the city, may be invoked in the manner provided in the Code of Civil Procedure. It shall be the duty of the Municipal Board to prepare one list of the names of twenty-five residents of the city best fitted by education, natural ability, and reputation for probity to sit as assessors in the trial of actions in the municipal court and a like list of persons to sit as assessors in the trial of action in the Court of First Instance. The Board may at any time strike any name from the list so prepared, by reason of the death, permanent disability, or unfitness of the person named; and in case names are so stricken out, other names shall be added in their place, to be selected as in this section provided. Parties desiring to avail themselves of the use of assessors in the municipal court shall proceed as provided in sections fifty-eight to sixty-two, inclusive, of the Code of Civil Procedure; and the method of summoning assessors, enforcing their attendance, excusing them from attendance, their compensation, oath, and effect of dissent from the opinion of the judge shall be as provided in the last-named sections.

SECTION 2478. Judicial notice of ordinances. — All courts sitting in the city shall take judicial notice of the ordinances passed by the Municipal Board.

ARTICLE IX

The Fire Department

SECTION 2479. Powers and duties of chief of fire department. — There shall be a chief of the fire department, who shall have the management and control of all matters relating to the administration of said department, and the organization, government, discipline, and disposition of the fire force; shall have charge of fire-engine houses, fire engines, hose carts, hooks, and ladders, trucks, and all other fire apparatus; shall have full police powers in the vicinity of fires; shall have authority to remove any building or other property whenever it shall become necessary to prevent the spreading of fire or to protect adjacent property; shall investigate and report to the mayor upon the origin and cause of all fire occurring within the city; shall inspect all buildings erected or under construction or repair within the city and determine whether they provide sufficient protection against fire and comply with the ordinances relating thereto shall have charge of the city telegraph, telephone, and fire-alarm service; shall supervise and regulate
the stringing, grounding, and installation of wires for all electrical connections with a view to avoiding conflagrations, interference with public traffic or safety, or the necessary operations of the fire department; shall supervise and regulate the manufacture, storage, and use of petroleum, gas, acetylene, gunpowder, and other highly combustible matter and explosives; and shall see that all ordinances relating to those subjects, or any of them, are enforced.

[2657–2451.]

ARTICLE X

Department of Finance

SECTION 2480. Powers and duties of the city treasurer. — (a) There shall be a city treasurer, who shall have charge of the department of finance and shall act as chief fiscal officer and financial adviser of the city and custodian of its funds.

(b) The city treasurer shall exercise the function of municipal collector of taxes and shall collect all taxes and assessments due the city, all licenses authorized by law or ordinance, and all rents due for lands, markets, and other property owned by the city, and shall receive and receipt for all costs, fees, fines, and forfeitures imposed by the municipal court, from the clerk thereof, and the fees collected by the sheriff or his deputies, or by the justice of the peace.

(c) He shall collect all miscellaneous charges made by the department of engineering and public works and by other departments of the city government, and all charges made by the city engineer for inspections, permits, licenses, and the installation, maintenance, and services rendered in the operation of the private privy system.

(d) He shall collect, as deputy of the Collector of Internal Revenue, by himself, or deputies, all taxes and charges imposed by the (Insular) National Government upon property or persons in the City of Manila, depositing daily such collections in the (Insular) National Treasury.

[3000–1(2032).]

(e) Unless otherwise specifically provided by law or regulations, he shall perform in and for the city the duties imposed by law or regulation upon provincial treasurers generally, as well as the other duties imposed upon him by the succeeding sections of this chapter.

(f) He shall purchase and issue all supplies, equipment or other property
required by the city, through the Purchasing Agent, or otherwise, as may be authorized, subject to the general provisions of law relating thereto.

(g) He shall be accountable for all funds and property of the city and shall render such accounts in connection therewith as may be prescribed by the (Insular) Auditor General.

(h) He shall deposit daily all municipal funds and collections in the (Insular) National Treasury or in a Government depository.

(i) On or before the first day of September of each year, the city treasurer shall present to the mayor a certified detailed statement by departments of all receipts and expenditures of the city pertaining to the preceding fiscal year, and to the current fiscal year to and including July thirty-first, together with an estimate of the receipts and expenditures of the city pertaining to the preceding fiscal year and he shall submit with this statement a detailed estimate of the revenues and receipts of the city from all sources for the ensuing fiscal year. Upon receipt of this statement and estimate and the estimates of department heads as required by section twenty-four hundred and forty-six hereof, the mayor shall formulate, and submit to the Municipal Board before the sixteenth day of October next following, a detailed budget covering the estimated necessary expenditures for the ensuing fiscal year; and the Municipal Board shall thereupon make detailed appropriations covering such estimated expenditures: Provided, however, That in no case shall the aggregate amount of such appropriations exceed the estimate of revenues and receipts submitted by the city treasurer as provided above. Supplemental budgets, formulated in the same manner, may be adopted when special or unforeseen circumstances make such action necessary. Without further action by the Municipal Board, disbursements of municipal funds may be made by the city treasurer, out of the authorized appropriations, upon properly executed vouchers bearing the approval of the chiefs of the departments concerned, and on or before the twenty-fifth day of each month said city treasurer shall furnish the mayor and the Municipal Board for their administrative information a statement of the appropriations, expenditures and balances of all funds and accounts as of the last day of the month preceding.

The office of disbursing and supply officer of the city is hereby discontinued and abolished, and all the duties and powers heretofore devolving upon such officer shall hereafter be performed and exercised by the city treasurer, in accordance with the provisions of this Act.

Whenever the words "city assessor and collector" occur in this Act in
relation to matters of city finance as hereinabove defined the same shall be taken to mean the city treasurer and all the duties and powers heretofore devolving upon said officer shall be performed and exercised by the city treasurer.

[2657–2452; 2991–1(2034); 3000–1(2035).]

ARTICLE XI

Department of Assessment

SECTION 2481. Powers and duties of the city assessor. — There shall be a city assessor, who shall have charge of the department of assessment. The city assessor and his authorized deputies, who are empowered to administer any oath authorized to be administered in connection with the valuation of real estate for the assessment or collection of taxes, shall appraise and value all the real estate in the city, and assess for taxation all such real estate not expressly exempt, except machines, mechanical contrivances, instruments, tools, implements, appliances, apparatus, and paraphernalia used for industrial, agricultural, or manufacturing purposes, which shall be excluded from such valuation and assessment whether or not attached to lands or buildings. He shall prepare and file with the city treasurer before April first of every year a list of the real estate so valued which is exempt from taxation and a separate list of the taxable real estate: Provided, nevertheless, That if any taxpayer desires to pay his tax before April first the city assessor must furnish the city treasurer upon request a certified list of the assessed value of the real estates of such taxpayer pertaining to the year for which the tax is offered to be paid.

Whenever the words city assessor and collector occur in this Act in relation to any matter pertaining to assessment, or property falling under such department, the same shall be deemed to mean the city assessor, and all the duties and powers heretofore devolving upon such officer shall hereafter be performed and exercised by the city assessor.

[2657–2453; 2991–1(2036); 4173–1(2037).]

SECTION 2482. Real estate exempt from taxation. — The following shall be exempt from taxation:

(a) Lands or buildings owned by the United States of America, the Government of the (Philippine Islands) Commonwealth of the Philippines, or the City of Manila, and burying grounds, churches and their adjacent parsonages, and conventos, and lands or buildings used exclusively for religious, charitable,
scientific, or educational purposes, and not for profit; but such exemption shall not extend to lands or buildings held for investment, though the income therefrom be devoted to religious, charitable, scientific, or educational purposes.

(b) Lands or buildings which are the only real property of the owner, and the value of which does not exceed one hundred pesos.

[2657–2454.]

SECTION 2483. List of taxable real estate, how made — Examination of witnesses and register of deeds' records. — The city assessor and collector shall make the list of the taxable real estate in the city by districts, and the names of the owners in each district shall be arranged in the order of the lot and block numbers with a brief description opposite each such name of the property owned by such owners and the cash value thereof. In making this list, the city assessor and collector shall take into consideration any sworn statement made by the owners of the property, but shall not be prevented thereby from considering other evidence on the subject and exercising his own judgment in respect thereto. For the purpose of completing this list, he and his authorized representatives are empowered to enter upon the real estate for the purpose of examining and measuring the same and to summon witnesses, administer oaths to them, and subject them to examination concerning the ownership and the amount of real estate in each district and its cash value. It shall be the duty of the city assessor and collector, so far as is necessary, to examine the records of the office of the register of deeds showing the ownership of real estate in the city.

[2657–2455.]

SECTION 2484. Declaration to be made by persons acquiring or improving real estate. — It shall be the duty of each person who at any time acquires real estate in the city, and of each person who constructs or adds to any improvement on real estate owned by him within the city, to prepare and present to the city assessor and collector, within a period of sixty days next succeeding the completion of such acquisition, construction or addition, a sworn declaration setting forth the value of the real estate acquired or the improvement constructed or addition made by him and containing a description of such property sufficient to enable the city assessor and collector readily to identify the same. Any person who fails to make and present such declaration of real estate newly acquired by him within the said period of sixty days shall be deemed to have waived his right to notice of the assessment of such property, and the assessment of the same in the name of its former owner shall, in all such cases, be valid and binding on all
persons interested, and for all purposes, as though the same had been assessed in
the name of its actual owner.

[2657–2456.]

SECTION 2485. *Action when owner makes no return, or is unknown or in
doubt, or land and improvements separately owned.* — If the owner of any parcel
of real estate shall fail to make a return thereof, or if the city assessor and collector
is unable to discover the owner of any real estate, he shall nevertheless list the
same for taxation, and charge the tax against the true owner, if known, and if
unknown then as against an unknown owner. In case of doubt or dispute as to
ownership of real estate, the taxes shall be levied against the possessor or
possessors thereof. Where it shall appear that there are separate owners of the land
and the improvements thereon, a separate assessment of the property of each shall
be made.

[2657–2457.]

SECTION 2486. *Action in case real estate has escaped taxation.* — If it
shall come to the knowledge of the city assessor and collector that any taxable real
estate in the city has escaped listing, it shall be his duty to list and value the same
at the time and in the manner provided in the next succeeding section and to charge
against the owner thereof the taxes due for the current year and for all other years
since the original assessment under the city charter was made, and the taxes thus
assessed shall be legal and collectible by all the remedies herein provided, and if
the failure of the city assessor and collector to assess such taxes at the time when
they should have been assessed was due to any fault or negligence on the part of
the owner of such property, then penalties shall be added to such back taxes as
though they had been assessed at the time when they should have been assessed.

[2657–2458.]

SECTION 2487. *When assessment may be increased or reduced.* — The
city assessor and collector shall, during the first fifteen days of December of each
year, add to his list of taxable real estate in the city the value of the improvements
placed upon such property during the preceding year, and any property which is
taxable and which has theretofore escaped taxation. He may during the same
period revise and correct the assessed value of any or all parcels of real estate in
the city which are not assessed at their true money value, by reducing or increasing
the existing assessments as the case may be. He shall give notice by publication for
ten days prior to December first in two newspapers of general circulation published
in the city, one printed in English and one in Spanish, that he will be present in his
office for that purpose on said days, and he shall further notify in writing each
person the amount of whose tax will be changed by such action or such proposed change, by delivering or mailing such notification to such person or his authorized agent at the last known address of such owner or agent in the (Philippine Islands) Philippines sometime in the month of November.

[2657–2459.]

SECTION 2488. *City assessor and collector to authenticate lists of real estate assessed.* — The city assessor and collector shall authenticate each list of real estate valued and assessed by him as soon as the same is completed, by signing the following certificate at the foot thereof:

"I hereby certify that the foregoing list contains a true statement of the piece or pieces of taxable real estate belonging to each person named in the list, and its true cash value, and that no real estate taxed by law in the city of Manila has been omitted from the list, according to the best of my knowledge and belief.

"__________________________"

(Signature)

[2657–2460.]

SECTION 2489. *Time and manner of appealing to board of tax appeals.* — In case the Municipal Board, or any owner of real estate or his authorized agent, shall feel aggrieved by any decision of the city assessor and collector under the preceding sections of this article, such Board, owner or agent may, within twenty days after the date on which the taxpayer received the notice of the assessor, appeal to the board of tax appeals. The appeal shall be perfected by filing a written notice of the same with the city assessor and collector, and it shall be the duty of that officer forwth to transmit the appeal to the board of tax appeals with all written evidence in his possession relating to such assessment and valuation.

[2657–2461; 3563–1(2038).]

SECTION 2490. *Constitution and compensation of board of tax appeals.* — The board of tax appeals shall be composed of seven members who shall be appointed by the (Governor-General) President of the Philippines on the first day of July of each year in which the first regular session of each (Legislature) National Assembly shall begin, four of whom shall be owners of real estate in the city, and two shall be selected from a list of ten persons to be submitted to the (Governor-General) President of the Philippines by the "Asociación de Propietarios de Manila," which list shall be submitted to him by the said association not later than the fifteenth day of June of each year in which the first
regular session of each (Legislature) National Assembly shall begin. Should the said list not be submitted by the aforesaid association within the time fixed herein, the (Governor-General) President of the Philippines shall select such two members in his own discretion: Provided, That the first appointment made under this Act shall not be made later than the first working day of the month of January of the year nineteen hundred and thirty.

The members of the board of tax appeals, except the chairman, shall receive a compensation of twenty pesos for each day on which they attend the session and serve as members of the board.

The chairman of the board of tax appeals shall be designated in the appointment of the (Governor-General) President of the Philippines and shall receive forty pesos for each day on which he attends the sessions. The secretary of the board shall be appointed by the chairman thereof with the concurrence of a majority of its members and shall keep the records of the proceedings of the board. The secretary shall receive such salary as the board may fix.

[2657–2462; 2977–1(2039); 3563–2(2040).]

SECTION 2491. Oath to be taken by members of board of tax appeals. — Before organizing as such, the members of the board of tax appeals shall take the following oath before a justice of the peace or some other officer authorized to administer an oath in the city:

"I do solemnly swear (or affirm) that I will well and truly hear and determine all matters and issues between taxpayers and the city assessor and collector submitted for my decision. So help me God (In case of affirmation the last four words to be stricken out.)

"__________________________________________"

(Signature)

"Subscribed and sworn to (or affirmed) before me this ________
day of ______________, 19____

"__________________________________________"

(Signature of officer administering oath)

The oath of each member shall be recorded by the secretary of the board in the minutes of its proceedings.

[2657–2463.]

SECTION 2492. Proceedings before board of tax appeals and (Chief of
the Executive Bureau) Secretary of Finance. — The board of tax appeals shall meet on the second Monday in January of each year, shall hear all appeals duly transmitted to it, shall decide the same forthwith and shall complete its work and adjourn on or before the thirty-first day of March of each year unless its sessions for any given year are extended to a later date by direction of the Department Head. It shall have authority to cause to be amended the listing and valuation of the property in respect to which any appeal has been perfected by order signed by the board or a majority thereof, and transmit it to the city assessor and collector, who shall amend the tax list in conformity with said order. It shall also have power to revise and correct, with the approval of the Department Head first had, any and all erroneous or unjust assessments and valuations for taxation, and make a correct and just assessment, and state the true valuation, in each case where it decides that the assessment previously made is erroneous or unjust. The list when so corrected shall be as lawful and valid for all purposes as though the assessments had been made within the time herein prescribed. Such assessments and revaluation shall be made on due notice to the individual concerned and he shall be entitled to be heard by the board of tax appeals before any reassessment or revaluation is made. The decision of the board of tax appeals shall be final unless the (Chief of the Executive Bureau) Secretary of Finance forthwith declares the decision reopened for a review by him, in which case he may, with the approval of the Department Head, make such revision or revaluation as in his opinion the circumstances justify. Such decision, approved by the (Governor-General) President of the Philippines shall be final.

[2657–2464; see Act 4007–33(2041) and C.A. 78(2042).]

SECTION 2493. Annual tax and penalties — Extension, remission of the payment of the tax. — An annual tax of one and one-half per centum on the assessed value of all real estate in the city subject to taxation as hereinbefore provided is hereby levied. The tax for any year shall be due on the first of January, and become payable on or before the thirtieth day of June of each year, and if any taxpayer shall fail to pay the taxes assessed against him on or before the thirtieth day of June of the year for which such taxes are due, he shall be delinquent in such payment and shall be subject to a penalty of ten per centum of the amount of the original tax due, if payment is made during the first and second month of delinquency, and thereafter to an additional penalty of two per centum for each month or fraction thereof of delinquency, but in no case shall the total penalty on each annual tax exceed twenty-four per centum of the original tax, the penalty to be collected at the same time and in the same manner as the original tax.

At the option of the taxpayer, the tax due for any year may be paid in two installments, the first of such installments to consist of one per centum of the
assessed valuation of the property and the second to consist of the remainder of the
tax for the year. In such cases the first installment must be paid on or before the
thirtieth day of June of the year for which the tax is due, and the second may be
paid at any time prior to the first day of January of the following year, but if the
first installment of the tax for any year is not paid on or before the thirtieth day of
June of such year, then the whole of that year's tax shall be delinquent and the
penalty due thereon as hereinbefore provided. If any taxpayer, having paid the first
installment thereof before the first day of January of the following year, he shall be
subject to a penalty of ten per centum of such delinquent installment, if payment is
made during the first and second month of delinquency; and thereafter to an
additional penalty of two per centum for each month or fraction thereof of
delinquency; but in no case shall the total penalty on such unpaid tax exceed
twenty-four per centum of the amount due.

The penalties thus imposed shall be accounted for by the city treasurer in
the same manner as the tax. In the event that such tax and penalty shall remain
unpaid for fifteen days after the tax becomes delinquent the city treasurer shall
proceed to make collection thereof in the manner hereinafter prescribed.

The Municipal Board may extend the time for the collection of the tax on
real estate in the City of Manila for a period not to exceed three months. It may
also remit all or part of the tax on real estate or the penalties thereon during the
ensuing year in case there are good and sufficient reasons for it. The resolution in
any such case shall not take effect until it has been approved by the
(Governor-General) President of the Philippines.

The (Governor-General) President of the Philippines may, in his discretion,
extend the time for the collection of the tax on real estate in Manila until a date
within the same calendar year and may also remit or reduce the tax on real estate
during any year if he deems this to be in the public interest.

[2657–2465; 3048–1(2043); 4173–2(2044).]

SECTION 2494. Proceedings for seizure and sale of delinquent's personal
property to satisfy tax, penalty, and costs. — Fifteen days after the tax shall
become delinquent the city assessor and collector shall prepare and sign a certified
copy of the records of his office showing the persons delinquent in payment of
their taxes and the amounts of tax and penalty respectively due from them. He may
thereupon proceed to seize the personal property of each delinquent not exempt
under the provisions of the next succeeding section, and, unless redeemed as
hereinafter provided, to sell at public auction, either at the main entrance of the
municipal building or at the place where such property is seized, as he shall
determine, so much of the same as shall satisfy the tax, penalty, and costs of
seizure and sale, to the highest bidder for cash, after due advertisement by notice posted for ten days at the main entrance of the municipal building and at a public and conspicuous place in the district where the property was seized, stating the time, place, and cause of sale. The certified copy of the city assessor and collector's record of delinquents shall be his warrant for his proceedings, and the purchaser at such sale shall acquire an indefeasible title to the property sold. Within two days after the sale the city assessor and collector shall make return of his proceedings and spread it upon his records. Any surplus resulting from the sale, over and above the tax, penalty, and costs, shall be returned to the taxpayer on account of whose delinquency the sale has been made.

[2657–2466.]

SECTION 2495. Personal property exempt from seizure and sale for delinquency. — The following personal property shall be exempt from seizure and sale for delinquency in the payment of the real-estate tax:

(a) Tools and implements necessarily used by the delinquent in his trade or employment.

(b) One horse or cow, or carabao, or other beast of burden, such as the delinquent may select, and necessarily used by him in his ordinary occupation.

(c) His necessary clothing, and that of all his family.

(d) Household furniture and utensils necessary for housekeeping, and used for that purpose by the delinquent, such as he may select, of a value not exceeding seventy-five pesos.

(e) Provisions actually provided for individual or family use sufficiently for three months.

(f) The professional libraries of lawyers, judges, clergymen, doctors, school-teachers, and music teachers, not exceeding five hundred pesos in value.

(g) One fishing boat and net, not exceeding the total value of twenty-five pesos, the property of any fisherman, by the lawful use of which he earns a livelihood.

[2657–2467.]

SECTION 2496. Owner may redeem personal property before sale. —
The owner of the personal property seized may redeem the same from the collecting officer at any time after seizure and before sale by tendering to him the amount of the tax, the penalty, and the costs incurred up to the time of tender. The costs to be charged in making such seizure and sale shall only embrace the actual expense of seizure and preservation of the property pending the sale, and no charge shall be imposed for the services of the collecting officer or his deputy.

[2657–2468.]

SECTION 2497. Taxes and penalties constitute a lien on real estate. — Taxes and penalties assessed against realty shall constitute a lien thereon, which shall be superior to all other liens, mortgages, or incumbrances of any kind whatsoever; shall be enforceable against the property whether in the possession of the delinquent or any subsequent owner, and can only be removed by the penalty of the tax and penalty. A lien upon real estate for taxes levied for each year shall attach on the first day of January of such year.

[2657–2469.]

SECTION 2498. Procedure for sale of real estate for taxes, etc. — In addition to the procedure prescribed in section two thousand four hundred and ninety-four hereof the city treasurer may, upon the warrant of the certified record required in said section, not less than twenty days after delinquency, advertise the real estate of the delinquent for sale, or so much thereof as may be necessary to satisfy all public taxes upon said property as above, with penalties and costs of sale, for a period of thirty days.

The advertisement shall be by posting a notice at the main entrance of the public building and in a public and conspicuous place in the district in which the real estate lies, and by publication once a week, for three weeks, in a newspaper of general circulation published in the city, of any there be. Such publication in a local newspaper shall be considered sufficient for the purpose of this Act, the provisions of Act Numbered Twenty-nine hundred and thirty notwithstanding. The advertisement shall state the amount of the taxes and penalties so due, the time and place of sale, the name of the tax payer against whom the taxes are levied, and the approximate area, the lot and block number, the location by district and street, and the street number, if the property has a street number, of the real estate to be sold. At any time before the day fixed for the sale, the tax payer may discontinue all proceedings by paying the taxes, penalties, and costs to the city treasurer. If he does not do so the sale shall proceed and shall be held either at the main entrance of the municipal building or on the premises to be sold, as the city treasurer may determine. Within five days after the sale the city treasurer shall make return of the proceedings and spread it on his records. The purchaser at the sale shall receive a
certificate from the city treasurer from his records, showing the proceedings of the sale, describing the property sold, stating the name of the purchaser, and setting out the exact amount of all public taxes, penalties, and costs.

It shall not be essential to the validity of sale of real estate for delinquent taxes hereunder that the city treasurer shall have attempted to make the amount due out of the personal property of the delinquent tax payer, and the remedy provided in section two thousand four hundred and ninety-four hereof shall be deemed cumulative only.

[2657–2470; 4173–3(2045).]

SECTION 2499. Redemption of real estate sold for taxes. — Within one year from the date of sale the delinquent taxpayer, or anyone for him, shall have the right of paying to the city assessor and collector the amount of the public taxes, penalties, and costs, together with interests on the purchase price at the rate of fifteen per centum per annum from the date of purchase to the date of redemption; and such payment shall entitle the person paying to the delivery of the certificate issued to the purchaser and a certificate from the city assessor and collector that he has thus redeemed the real estate, and the city assessor and collector shall forthwith pay over to the purchaser the amount by which such real estate has thus been redeemed and the same shall thereafter be free from the lien of such taxes and penalties.

[2657–2471.]

SECTION 2500. Deed to purchaser of real estate on failure to redeem. — In case the taxpayers shall not redeem the realty sold as above provided within one year from the date of sale, the city assessor and collector shall, as grantor, execute a deed in form and effect sufficient to convey to the purchaser so much of the real estate against which the taxes have been assessed as has been sold, free from all liens of any kind whatsoever, and the deed shall succinctly recite all the proceedings upon which the validity of the sale depends.

[2657–2472.]

SECTION 2501. Real estate forfeited to city if no bidder. — In case there is no bidder at the public sale of such realty who offers a sum sufficient to pay the taxes, penalties, and costs, the city assessor and collector shall declare the real estate forfeited to the city, and shall make, within two days thereafter, a return of his proceedings and the forfeiture, which shall be spread upon the records of his office.
SECTION 2502. Deed to city if forfeited real estate not redeemed. — Within one year from the date of such forfeiture thus declared the taxpayer, or anyone for him, may redeem said realty as above provided in cases where the same is sold. But, if the realty is not thus redeemed within the year, the forfeiture shall become absolute and the city treasurer shall execute a deed similar in form and having the same effect as the deed required to be made by him in case of a sale, conveying the real estate to the city. The deed shall be recorded as required by law for other real estate titles and shall then be forwarded to the mayor for notation and return to the city treasurer who shall file same and enter it in his records of city property.

SECTION 2502-A. Repurchase by owner after absolute forfeiture. — After the title to the property shall have become absolutely vested in the Government of the City of Manila in the manner above provided, and at any time before a sale or contract of sale has been made by the city treasurer to a third party in the manner provided for by law, the original owner or his legal representative shall have a further right to repurchase the entire amount of the property in question, by paying therefore the full amount then due for taxes, penalties, and costs, together with an additional penalty of fifteen per centum upon the whole, and if the City Mayor has made a contract for the lease of the property the repurchase may be made subject to such contract.

SECTION 2503. Tax to constitute indebtedness of taxpayer. — The assessment of a tax shall constitute a lawful indebtedness from the taxpayer to the city which may be enforced by civil action in any court of competent jurisdiction, and this remedy shall be in addition to all the other remedies provided by law.

SECTION 2504. Provisions relating to suits assailing validity of tax. — No court shall entertain any suit assailing the validity of a tax assessed under this article until the taxpayer shall have paid, under protest, the taxes assessed against him, nor shall any court declare any tax invalid by reason of irregularities or informalities in the proceedings of the officers charged with the assessment or collection of the taxes, or of a failure to perform their duties within the times herein specified for their performance, unless such irregularities, informalities, or failures shall have impaired the substantial rights of the taxpayer; nor shall any
court declare any tax assessed under the provisions of this article invalid except upon condition that the taxpayer shall pay the just amount of his tax as determined by the court in the pending proceeding.

[2657–2476.]

SECTION 2505. **Provisions relating to suits assailing validity of tax sale.** — No court shall entertain any suit assailing the validity of a tax sale of real estate under this article until the taxpayer shall have paid into the court the amount for which the real estate was sold, together with interest at the rate of fifteen per centum per annum upon that sum from the date of sale to the time of instituting suit. The money so paid into court shall belong to the purchaser at the tax sale if the deed is declared invalid, and shall be returned to the depositor should he fail in his action. Nor shall any court declare any such sale invalid by reason of any irregularities or informalities in the proceedings of the officer charged with the duty of making the sale or by reason of failure by him to perform his duties within the time herein specified for their performance, unless such irregularities, informalities, or failures, shall have impaired the substantial rights of the taxpayer.

[2657–2477.]

SECTION 2506. **One-fourth of real estate tax to be devoted to schools.** — One-fourth of all moneys realized from the real estate tax herein provided for shall be devoted exclusively to the support of free public primary schools of the city, and to the erection and maintenance of suitable school buildings. The Municipal Board may, however, appropriate from the general resources of the city additional funds for the support of these and other duly authorized public schools and the maintenance of school buildings.

[2657–2478.]

**ARTICLE XI-A**

*Department of Health and Welfare*

SECTION 2506-A. **Powers and duties of the city health officer.** — There shall be a city health officer, with compensation at the rate of six thousand pesos per annum, who shall have charge of the Department of Health and Welfare, and shall be appointed by the President of the Philippines with the consent of the Commission on Appointments of the National Assembly. He shall have the following general powers and duties:

(a) He shall have general supervision and control over the health and sanitary condition of the city, including the cleaning of all
public buildings, buildings rented for city purposes, crematories, cemeteries, stockyards, slaughterhouses, public toilets, markets, collection and disposal of garbage, refuse, the contents of toilets, cesspools, and all other offensive and dangerous substances within the city;

(b) He shall have authority to charge, at rates to be fixed by the Municipal Board with the approval of the Department Head, fees for sanitation services and supplies furnished by his department to private parties;

(c) He shall have control and supervision over pueri-culture centers and social services of the city;

(d) He shall have authority to declare that any lot or ground within the City of Manila belonging to any person or corporation or to the National Government or any branch or political subdivision thereof, is so low, excavated or walled, diked or dammed as to admit or cause the formation on the surface thereof stagnant or foul water, or that it is a nuisance or a menace to public health, unless filled in, or its sanitary condition otherwise improved, and shall so communicate the same to the Mayor;

(e) He shall execute and enforce all laws, ordinances, and regulations relating to public health;

(f) He shall, upon the approval of the Director of Health, recommend to the Municipal Board the passage of ordinances as he may deem necessary for the preservation of public health;

(g) He shall cause to be prosecuted all violations of sanitary laws, ordinances, or regulations;

(h) He shall make sanitary inspections and may be aided therein by such members of the police force of the city as shall be designated as sanitary police by the chief of police and by such sanitary inspectors as may be authorized by law;

(i) He shall perform such other duties with reference to the health and sanitation of the city as the Director of Health shall direct: Provided, That the appointment of technical persons shall be made only with consultation of the Director of Health, and nothing in this law shall be interpreted as to curtail the power
and duties conferred by existing laws to the Director of Health over the City of Manila as a part of the Philippines, and that the Director of Health shall continue to have technical supervision and control over the health work of the city.

(j) In case of epidemic or when the inhabitants of the City of Manila are menaced by any other infectious or contagious disease, the Director of Health shall assume full control of the health and sanitation services of the city until such condition shall have ceased to exist.

[C.A. 561–2(2048).]

ARTICLE XII

Special Assessments for Public Improvement

SECTION 2507. Power to levy special assessments for certain purposes. — The Municipal Board may, by ordinance duly approved, provide for the levy and collection, by special assessments of the real estate comprised within the district or section of the city especially benefited, of the cost, or a part thereof not less than sixty per centum, of laying out, opening, constructing, straightening, widening, extending, grading, paving, curbing, walling, deepening, or otherwise establishing, repairing, enlarging, or improving public avenues, roads, streets, alleys sidewalks, parks, plazas, bridges, landing places, wharves, piers, docks, levees, reservoirs, waterworks, water mains, water courses, esteros, canals, drains, and sewers, including the cost of acquiring the necessary land. Within the meaning of this article, all real estate comprised within the district benefited, except lands or buildings owned by the United States of America, the Government of the (Philippine Islands) Commonwealth of the Philippines, or the City of Manila, shall be subject to the payment of the special assessment, based upon the valuation of such real estate as shown by the books of the city assessors, or its present value as fixed by said officer in the first instance if the property does not appear of record in his books according to the valuation whereof the special tax has to be made, computed, and assessed.

[2657–2479; 2774–10(2049); 3593–1(2050).]

SECTION 2508. Contents of a special assessment ordinance. — The ordinance providing for the levy and collection of a special assessment shall describe in terms of reasonable accuracy the nature, extent, and location of the proposed improvement; the probable cost of the improvement; the rate per centum of the cost to be defrayed by special assessment; the district which shall be subject
to the payment of the said rate per centum of the proposed improvement, delimiting the same by metes and bounds, and the number of annual installments, which shall not be less than five, in which such special assessment shall be paid without any interest. The Municipal Board shall not be required to fix one uniform rate per centum for all the taxable real estate in the entire district, but may fix different rates for real estate in different parts or sections of the same, according as said property will derive greater or less benefit from the contemplated improvement.

[2657–2480; 2774–10(2051).]

SECTION 2509. Publication of the proposed special assessment ordinance, and public hearing on the same. — The proposed special assessment ordinance shall be published for the period of one week in two daily newspapers published in the city, one in the English and one in the Spanish language, before its adoption by the Board. The secretary of the Municipal Board shall, upon request, furnish a copy of the proposed ordinance free of charge to each owner affected or his agent, and shall in so far as possible send each of them a copy of said proposed ordinance, by ordinary mail or otherwise. At the request of any owner, made within three days from the last publication of the proposed ordinance, or at its own motion, the Board or the committee thereof in charge of the project shall hold a public hearing on the same and hear all pertinent arguments and evidence offered by the persons interested or their attorneys, and such arguments and evidence shall be attached to the records of the project.

[2657–2481; 2774–10(2052).]

SECTION 2510. Transmittal of the ordinance and papers in connection therewith to the mayor. — The special assessment ordinance shall be sent to the mayor for approval as in other cases, but upon forwarding the proposed ordinance passed by the Board, all papers pertaining to the same shall also be transmitted to the mayor, and the time for the approval or vetoing thereof shall run only from the date of the receipt of the last paper lacking. The mayor may consider the protest of the persons claiming to be affected if signed by a majority of said persons representing more than one-half of the total assessed value of the property which, according to the proposed ordinance would be subject to the special assessment, and before approving or vetoing said ordinance, he may proposed to the Municipal Board such amendment or amendments to the same as he may see fit.

[2657–2482; 2774–10(2053).]

SECTION 2511. Assessment of the special tax against the real estate affected. — Upon the approval of the special assessment ordinance, the city
assessor and collector shall forthwith proceed to determine the special tax payable by each realty each year during the period fixed in the ordinance, upon the basis of the estimated cost of the work and the total and parcel value of the real estate comprised within the district especially benefited, and shall notify each owner by ordinary mail of the special tax assessed against each property owned by him in the district benefited; but if upon the completion of the improvement, it should appear that the cost has been less or more, the city engineer shall forthwith certify this fact to the assessor and collector, who shall thereupon proceed to rectify the assessment, reducing or increasing, as the case may be, the special tax upon each property affected for the unpaid remainder of the annual installments, or, if all are paid, fixing the amount to be credited to or the special additional tax to be collected from the realty, as the case may be, and shall notify the persons interested of such rectifications.

[2657–2483; 2774–10, 11(2054).]

SECTION 2512. Appeal to the board of tax appeals. — Any owner considering himself aggrieved by any decision of the city assessor and collector, may appeal from the same to the board of tax appeals within the same time and in the same manner as prescribed by law for cases of assessment and valuation of real estate for the ordinary tax.

[2657–2484; 2774–10, 11(2055).]

SECTION 2513. Payment of the special assessments. — All sums and amounts due from any owner or owners as a result of any action taken by virtue of the authority conferred in this article shall be due and payable to the city assessor and collector in the same manner as the annual tax levied on real estate under the provisions of the last preceding article hereof, and shall be subject to the same penalties for delinquency, and enforceable by the same remedies, as such annual tax; and all such sums and amounts, together with any such penalties incurred, shall from the date on which they were assessed constitute liens on the property against which the same were assessed and shall take precedence over any and all other liens which may exist upon such property excepting only such as may have attached as a result of the nonpayment of said annual tax.

[2657–2485; 2774–10(2056).]

ARTICLE XIII

The Regulation and Sale of Intoxicating Liquors

SECTION 2514. First-class bar license. — A license for a period of six
months may be issued to a person or persons of good character, authorizing him or them to keep and maintain, at a place to be specified in the license, a saloon, bar, or drinking place for the sale of intoxicating liquors, including thereunder fermented vinous, fermented malt, and spirituous beverages, in quantities less than four liters, upon payment in advance of the sum of seven hundred fifty pesos. A license of this class shall be known as a "first-class bar license."

[2657–2486; 3669–3(2057).]

SECTION 2515. Second-class bar license. — A license for a period of six months may be issued to a person or persons of good character, authorizing him or them to keep and maintain, at a place to be specified in the license, a saloon, bar, or drinking place for the sale of fermented malt or fermented vinous liquors only, in quantities less than four liters, upon payment in advance of the sum of three hundred and fifty pesos. A license of this class shall be known as a "second-class bar license."

[2657–2487.]

SECTION 2516. Theater liquor license. — A license for a period of six months may be issued to a person or persons of good character owning or managing a bona fide theater or race track authorizing him or them to keep and maintain a bar on the premises of the theater or race track for the sale of distilled spirits, wine, and fermented liquors, in quantities of two decaliters or less, which liquors may be sold or served to bona fide patrons of the theater or race track, under such restrictions as may be prescribed by the Board, upon payment in advance of the sum of eight hundred pesos. A license of this class shall be known as a "theater liquor license." A "theater liquor license" may also be issued to holders of first or second-class bar licenses for a period of one or more weeks, upon payment in advance of the sum of fifty pesos per week for the time covered by each license. No such license shall be issued for less than one week.

[2657–2488.]

SECTION 2517. Publication of notice of application for bar license or renewal thereof. — No application for a license, or for a renewal thereof, to conduct a first or a second-class bar, shall be received until the applicant or applicants shall have at his or their own expense, published a notice in six consecutive editions of one Spanish and one English newspaper, to be designated by the mayor, which notice shall be in such form as the mayor may determine, and shall set forth the fact that, on a certain date, it is proposed by such applicant or applicants to make application for a license to conduct a bar in the building situated on a specified street and at a specified number. Such notice shall be signed
by the applicant or applicants, and copies of the newspaper containing the notice shall be filed with the application.

[2657–2489.]

SECTION 2518. Closed hours — When unlawful to sell, etc. — All saloons, bars, and other drinking places shall be closed from twelve o'clock midnight until five o'clock antemeridian the following day, except that when the following day shall be Sunday they shall remain closed until five o'clock antemeridian the following Monday; and it shall be unlawful for any person to sell, give away, or otherwise dispose of any fermented, malt, vinous, or spirituous, or other intoxicating liquors between the above-mentioned hours except as herein provided; but the words "give away" where they occur in this article shall not apply to the giving away of intoxicating liquors by a person in his private dwelling, unless such private dwelling shall become a place of public resort.

[2657–2490.]

SECTION 2519. First-class restaurant liquor license. — A license for a period of six months may be issued to a person or persons of good character, owning or managing bona fide hotels, restaurants, or cafés, authorizing him or them to sell, serve, give away, or otherwise dispose of fermented vinous, fermented malt, and spirituous beverages or liquors, in quantities less than four liters, to bona fide guests of such hotels, restaurants, or cafés with bona fide meals at any and all hours, upon the payment in advance of the sum of two hundred and fifty pesos. A license of this class shall be known as a "first-class restaurant liquor license."

[2657–2491.]

SECTION 2520. Second-class restaurant liquor license. — A license for a period of six months may be issued to a person or persons of good character, owning or managing bona fide hotels, restaurants, or cafés, authorizing him or them to sell, serve, give away, or otherwise dispose of fermented malt or fermented vinous beverages or liquors in quantities less than four liters, to bona fide guests of such hotel, restaurants, or cafés with bona fide meals at any and all hours, upon the payment in advance of the sum of one hundred and fifty pesos. A license of this class shall be known as a "second-class restaurant liquor license."

[2657–2492.]

SECTION 2521. First-class hotel liquor license. — A license for a period of six months may be issued to a person or persons of good character, owning or
managing *bona fide* hotels and holding for such hotel a "first-class restaurant liquor license," authorizing him or them to sell, serve, give away, or otherwise dispose of fermented vinous, fermented malt, and spirituous beverages or liquors, in quantities less than four liters, to *bona fide* guests of such hotels in their rooms at any and all hours, upon payment in advance of the sum of two hundred and fifty pesos. A license of this class shall be known as a "first-class hotel liquor license."

[2657–2493.]

SECTION 2522. *Second-class hotel liquor license.* — A license for a period of six months may be issued to a person or persons of good character, owning or managing *bona fide* hotels, and holding for such hotel a "second-class restaurant liquor license," authorizing him or them to sell, serve, give away, or otherwise dispose of fermented malt and fermented vinous beverages or liquors, in quantities less than four liters, upon payment in advance of the sum of one hundred and fifty pesos. A license of this class shall be known as a "second-class hotel liquor license."

[2657–2494.]

SECTION 2523. *Native wines not permitted under above licenses.* — None of the above-mentioned licenses shall be construed to permit the keeping in stock, selling, giving away, or otherwise disposing of any of the so-called native wines, such as "vino," "anisado," "tuba," etc., and it shall be unlawful to keep in stock, sell, give away, or otherwise dispose of any such so-called native wines at any place for the keeping or maintaining of which any of the above-mentioned licenses shall have issued.

[2657–2495.]

SECTION 2524. *Unlawful to keep drinking place or dispose of liquor without license.* — It shall be unlawful for any person or persons to conduct or maintain any saloon, bar, or drinking place without first having obtained a license therefor, or to keep in stock, sell, give away, or otherwise dispose of any intoxicating, liquors that are not included within the license so obtained; and it shall likewise be unlawful for the proprietor or manager of any hotel, restaurant, or café to keep in stock, sell, give away, or otherwise dispose of any intoxicating liquor without having obtained a license therefor as prescribed in this article. It shall be unlawful for any employee or agent of the proprietor of a saloon, bar, drinking place, hotel, restaurant, or café to sell or give away liquor when no license has been issued to his principal authorizing the same.

[2657–2496.]
SECTION 2525. Amusements in saloons, and disorder, intoxication and adulterated liquor forbidden. — It shall be unlawful to play or permit to be played any musical instrument or conduct or operate or permit to be conducted or operated any gambling device, slot machine, phonograph, billiard or pool table, or other form of amusement in saloons, bars or drinking places, but this shall not be construed as prohibiting music in the dining or other rooms that the barrooms of bona fide hotels holding liquor licenses, or in theaters holding "theater liquor licenses."

It shall be unlawful for the holder of licenses herein provided for to maintain any but a clean, quiet, and orderly place, or to sell or serve or permit to be sold or served any intoxicating liquors to any intoxicated person, or to permit such persons to be or remain in or about the premises where such liquors are kept for sale or to sell or keep therein any wine, beer, or liquor, except such as is of good standard quality and free from adulteration.

[2657–2497.]

SECTION 2526. Native wine license. — A license for a period of six months may be issued to a person or persons of good character, authorizing him or them to maintain a shop for the keeping in stock, selling, giving away, or otherwise disposing of such native wines and liquors only as are not now, or shall not hereafter be, prohibited to be manufactured and sold, in quantities less than four liters, upon payment in advance of the sum of fifteen pesos, but no such licenses shall be construed to include or authorize the keeping in stock, selling, giving away, or otherwise disposing of any of the liquors or beverages included within the licenses provided for in sections two thousand five hundred and fourteen and two thousand five hundred and fifteen hereof, and it shall be unlawful to keep in stock, sell, give away, or otherwise dispose of any such liquors or beverages at any place licensed for the sale of native wines and liquors. A license of this class shall be known as a "native wine license," and it shall be unlawful for any person or persons to sell such native wines or liquors or to maintain a shop for keeping in stock, selling, serving, giving away, or otherwise disposing of any such native wines or liquors without such license, or having obtained such license, to sell, serve, give away, or otherwise dispose of such wines and liquors except as herein prescribed.

[2657–2498; 3669–3(2058).]

SECTION 2527. Druggist's liquor license. — Licenses for periods of one year may be issued to any person or persons of good character, operating a regularly licensed bona fide apothecary shop or drug store, authorizing him or
them to sell, give away, or otherwise dispose of fermented malt, fermented vinous, and spirituous liquors, in quantities not less than one bottle nor more than one case or one barrel of bottles, and of such intoxicating liquors as may be kept in bulk, to sell, give away, or otherwise dispose of not less than two liters nor more than fifty liters at any one time to any one person, upon payment in advance of the sum of one hundred pesos. Such license shall be known as a "druggist's liquor license," and it shall be unlawful for the proprietor of any drug store or apothecary shop or for his employees or agents to sell, serve, give away, or otherwise dispose of any intoxicating liquors without such license, or, having obtained such license, to sell, serve, give away, or otherwise dispose of such intoxicating liquors except as herein provided, or to allow any such liquors to be drunk upon the premises.

[2657–2499.]

SECTION 2528. Grocery liquor license. — Licenses for periods of one year may be issued to any person or persons of good character, operating a regularly licensed bona fide grocery store, authorizing him or them to sell, give away, or otherwise dispose of malt, fermented, vinous, and spirituous liquors, in quantities not less than one bottle, nor more than one case or one barrel of such bottles and of such intoxicating liquors as may be kept in bulk, to sell, give away, or otherwise dispose of not less than two liters nor more than fifty liters at any time or to any one person upon payment in advance of the sum of two hundred fifty pesos. Such license shall be known as a "grocery liquor license," and it shall be unlawful for the proprietor of any grocery or any of his employees or servants to sell, serve, give away, or otherwise dispose of any intoxicating liquors without such license, or having obtained such license, to sell, serve, give away, or otherwise dispose of such intoxicating liquors except as herein provided, or to allow any such liquors to be drunk upon the premises.

[2657–2500; 3669–3(2059).]

SECTION 2529. Brewer's license. — Licenses for periods of one year may be issued to any person or persons of good character, authorizing him or them to conduct the business of a brewer, and to sell, give away, or otherwise dispose of his or their products in their brewery in quantities of four liters or more upon payment in advance of the sum of one thousand two hundred pesos. A license of this class shall be known as a "brewer's license," and it shall be unlawful for any person or persons to conduct any brewhery without such license, or having secured such license, to sell, give away, or otherwise dispose of the products of such brewhery except as herein prescribed.

[2657–2501.]
SECTION 2530. Distiller's license. — Licenses for periods of one year may be issued to any person or persons of good character, authorizing him or them to conduct the business of a distiller of alcoholic liquors and to sell, give away, or otherwise dispose of his or their products in the distillery, in quantities of four liters or more, upon payment in advance of the sum of six hundred pesos. A license of this class shall be known as a "distiller's license," and it shall be unlawful for any person or persons to conduct any distillery for the manufacture of alcoholic liquors without such license, or, having secured such license, to sell, give away, or otherwise dispose of the products of such distillery except as herein prescribed.

[2657–2502.]

SECTION 2531. First-class wholesale liquor license. — Licenses for periods of one year may be issued to any person or persons of good character, authorizing him or them to keep in stock and sell or give away fermented malt, vinous and spirituous liquors in quantities of four liters or more, upon payment in advance of the sum of one thousand two hundred pesos; but such licenses may be paid in advance in four quarterly installments of three hundred pesos each, at the election of the licensee. A license of this class shall be known as a "first-class wholesale liquor license," and it shall be unlawful for any person or persons to sell or otherwise dispose of fermented malt, vinous, and spirituous liquors at wholesale without such license, or, having obtained such license, to sell or otherwise dispose of such liquors except as herein prescribed, but nothing herein shall be construed as prohibiting any person or persons holding a "brewer's license" or "distiller's license" from disposing of the products of such brewery or distillery at the place of production.

[2657–2503.]

SECTION 2532. Second-class wholesale liquor license. — Licenses for periods of one year, may be issued to any person or persons of good character, authorizing him or them to keep in stock and sell or give away fermented malt and fermented vinous liquors in quantities of four liters or more, upon payment in advance of the sum of six hundred pesos; but such licenses may be paid in advance in four quarterly installments of one hundred and fifty pesos each, at the election of the licensee. A license of this class shall be known as a "second-class wholesale liquor license," and it shall be unlawful for any person or persons to sell or otherwise dispose of fermented malt or fermented vinous liquors at wholesale without such license, or, having obtained such license, to sell or otherwise dispose of any liquor but fermented malt or fermented vinous liquors, or to sell or otherwise dispose of such liquors except as herein prescribed.
SECTION 2533. Third-class wholesale liquor license. — Licenses for periods of one year may be issued to any person or persons of good character, authorizing him or them to keep in stock fermented vinous liquors, except champagne and other sparkling wines, and to sell such fermented vinous liquors in quantities of not less than one bottle, and of such liquors as are kept in bulk, to sell not less than two liters not to be drunk upon the premises, upon payment in advance of the sum of one hundred pesos. Such license shall be known as a "third-class wholesale liquor license," and it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of fermented vinous liquors at wholesale without such license, or having obtained such license, to sell, give away, or otherwise dispose of any liquor but fermented vinous liquor, not including champagne or other sparkling wines, or to sell, give away, or otherwise dispose of such liquor except as herein prescribed.

SECTION 2534. Transfer of license must be authorized Fee. — No license shall be transferred from one person to another or from one place to another except by the written authority of the mayor, and no transfer shall be made which involves the addition of privileges. For all authorized transfers ten per centum of the original fee shall be collected.

SECTION 2535. License to be kept posted. — It shall be the duty of the holder of every license for the sale of intoxicating liquors to keep it posted in a conspicuous place in the room where the liquors are sold and the failure to do so is hereby declared unlawful.

SECTION 2536. Licenses for sale of liquor in certain places — Streets and plazas prohibited. — No license shall be granted for the sale of any intoxicating liquor in the public markets, kiosks, booths, or stand situated in the public streets or plazas, or to street venders or peddlers, and no "first-class bar license," "second-class bar license," or "theater liquor license" shall be issued for any barroom being or having an entrance on any of the following-named streets and plazas: the Escolta, Calle Rosario, Plaza Moraga, Plaza Cervantes, and that portion of Calle Nueva between Calle San Vicente and the Bridge of Spain, and any of the streets, alley, or passageways lying between Calle San Vicente and the line of that street extended to the Estero de San Jacinto of the north, the Pasig
River on the south, Calle Nueva on the west, and the Estero de San Jacinto on the east, all in the district of Binondo.

[2657–2508.]

SECTION 2537. Supplying native wines to soldiers unlawful. — Nothing in this article shall be construed as authorizing the sale, gift, or other disposal to soldiers of the United States Army of any of the so-called "native wines," such as "vino," "anisado," "tuba," and so forth, which is declared to be unlawful.

[2657–2509.]

SECTION 2538. Liquor licenses revoked by the mayor. — If after due investigation the mayor shall decide that any person licensed to sell liquors is abusing his license and privileges to the injury of the public morals or peace or that any place so licensed has been or is conducted in a disorderly or unlawful manner, or is a nuisance, or is permitted to be used as a resort for disorderly characters, criminals, or women of ill repute, the mayor may by order summarily revoke such license. Such revocation shall operate to forfeit to the city all sums which may have been paid for said license and to prohibit the issuance to the person whose license is so revoked of any other liquor license for a term which may be fixed in said order.

[2657–2510.]

SECTION 2539. Penalties. — The violation of any of the provisions of the sections contained in this article shall be punished by a fine not to exceed two hundred pesos, or by imprisonment for not more than six months, or both, in the discretion of the court, without prejudice to the provisions of the next preceding section.

CHAPTER 61

The City of Baguio

PRELIMINARY ARTICLE

Title of Chapter

SECTION 2540. Title of chapter. — This chapter shall be known as the charter of the City of Baguio.

[2657–2520.]
ARTICLE I

General Provisions

SECTION 2541. Incorporation — Powers. — The territory within the boundaries described in the next succeeding section, and the inhabitants thereof, shall be a municipality which shall be known as the City of Baguio, and by that name shall have perpetual succession; have and use a common seal and alter the same at pleasure; sue and be sued, and prosecute and defend to final judgment and execution; take, purchase, receive, hold, lease, convey, and dispose of real and personal property, for the benefit of the city, within or without its corporate limits; contract and be contracted with; and execute all the powers hereinafter conferred.

[2657–2521.]

SECTION 2542(2061). Boundaries. — The boundaries and limits of the territory of said city are established and prescribed as follows: Beginning at point marked "1," being a point on a large rock in the center of the Irisan River in the subprovince of Benguet, at the bridge site over said river on the Baguio-San Fernando Road, thence S. 19° 53' E., 7,332.9 meters to point 2, a tripod on a knoll of the Baguio-Santo Tomas ridge; S. 79° 14' E., 6,880.6 meters to point 3, a tripod on a small wooded mountain west of the Kias trail; N. 10° 12' E., 2,193.2 meters to point 4, a tripod on a wooded ridge; N. 7° 35' W., 3,920 meters to point 5; N. 1,478 meters to point 6; W., 973 meters to point 7, being Pakdal triangulation station; S. 83° 58' W., 3,022, meters to point 8, on a bridge over a small creek on the Baguio-Trinidad Road; N. 58° 15' W., 1,364 meters to point 9, a tripod at the triangulation station known as "center"; and N. 86° 12' W., 4,010.6 meters to the point of beginning.

[2657–2522.]

SECTION 2543. Jurisdiction of city for police purposes. — The jurisdiction of the city for police purposes only shall extend over the barrios of San Pascual, Taloy, Tabaan, Twin Peaks, Saitan, Cuenca, San Luis, Dagupan, Maoasoas, Ambangunon, Pugo, and Nagalisian, and all (settlements) municipal districts situated on Antamok and Bituan Creeks; and for the purpose of protecting and insuring the purity and quantity of water supply of the city, such police jurisdiction shall also extend over all territory within the drainage area of such water supply, and within one hundred meters of any reservoir, conduit, canal, aqueduct; pumping station or watershed, used in connection with the city water service. Within the aforementioned barrios, settlements and territory justice of the peace court of the city shall have concurrent jurisdiction with the courts of justices of the peace of the municipalities within which the said barrios, (settlements)
municipal districts and territory are situated, to try crimes and misdemeanors committed therein. The court first taking jurisdiction of such an offense shall thereafter retain exclusive jurisdiction thereof; but all fines, forfeitures, fees, and costs, imposed by reason of offenses committed within said barrios, (settlements) municipal districts, and territory, shall accrue not to the treasury of the city but to the treasury of the municipality in which the barrio, (settlement) municipal district or territory in which the offense committed is located.

[2657–2523; 3724–1(2062).]

SECTION 2544. *Moneys from sale of lands, etc., to accrue to city.* — All moneys received from the sale of public lands within the city shall accrue to and be deposited in the treasury thereof, and all the fees and charges accruing within the city under general law which but for this chapter would accrue to a province shall accrue to and be deposited in the treasury of the city. Public improvement taxes payable by residents of the city under the provisions of section two thousand one hundred and fifty-eight to two thousand one hundred and sixty-two hereof shall, however, accrue to the province within which the city is situated.

[2657–2524.]

SECTION 2545. *Appointment of city officials.* — The (Governor-General) President of the Philippines shall appoint, with the consent of the (Philippine Senate) Commission on Appointments of the National Assembly, the mayor, the vice-mayor, and one of the other members of the city council, the members of the advisory council, the city health officer, the city engineer, the chief of police, the city treasurer, the city assessor, the city attorney, and the assistant city attorney, and he may remove at pleasure any of the said appointive officers. He may appoint to any of the above-named offices persons who already hold official positions, and any officer or employee in the public service who shall be appointed or designated to any authorized position in the government of the city may, in the discretion of the appointing authority, receive all or any part of the salary appropriated for the position, other provisions of law to the contrary notwithstanding. In case of sickness, absence, or inability to serve for any reason, of any of the aforementioned officials, the (Governor-General) President of the Philippines may make a temporary appointment or designation until the return to duty of such official. During the period of such temporary appointment or designation, the person receiving the same shall possess all the powers and perform all the duties pertaining thereto.

[2657–2525.]

SECTION 2545-A. *Salaries of city officials.* — The following city
officials shall receive the following salaries, payable from the funds of the city:

(a) Mayor, at seven thousand two hundred pesos *per annum*.

(b) City treasurer, at five thousand four hundred pesos *per annum*.

(c) City auditor, at four thousand five hundred pesos *per annum*.

[C.A. 410–1(2063).]

SECTION 2546. Officers not to engage in certain transactions. — No city officer or employee shall be directly or indirectly interested in any city contract work, or in any business transaction with the city whereby money is to be paid directly or indirectly out of the revenues of the city to such person, or in any games and amusements licensed by the city, or in any business of the city, or in the purchase of any real estate or any other property belonging to the city.

[2657–2526.]

SECTION 2547. City not liable for damages. — The failure of any city officer to enforce the provisions of this chapter or any law or ordinance, or the negligence of said officers while enforcing or attempting to enforce the same, shall not cause the city to be held liable for damages or injuries to persons or property.

[2657–2527.]

SECTION 2548. Additional powers and duties of officers. — Every city officer shall in addition to the powers and duties in this chapter expressly imposed and granted have such further powers and perform such further duties as may be prescribed by law or ordinance.

[2657–2528.]

SECTION 2549(2064). Conduct of elections in Baguio. — (Repealed)

[2657–2529.]

ARTICLE II

The Mayor and Vice-Mayor

SECTION 2550. The mayor. — There shall be a mayor who shall be a member of the city council, and who shall have the following general powers and duties:
(a) He shall take care that the laws of the (Philippine Islands) Philippines, the provisions of this chapter, and the ordinances and resolutions of the city are duly observed and enforced within the jurisdiction of the city.

(b) He shall see that all other officers of the city faithfully discharge their respective duties, and to that end may, with the approval of the Department Head, cause to be instituted any appropriate criminal action, or take proceedings to bring the attention of the proper superior officer to the derelictions of the city official.

(c) He shall give to the city council from time to time such information and recommend such measures as he shall deem advantageous to the city.

(d) He may exercise the power of veto, but any vetoed ordinance, or resolution may be repassed by a two-thirds vote of all the members of the council; he shall preside at all meetings of the city council, may participate in its discussions but he shall have no right to vote except in case of a tie; and he shall sign the secretary's record of the proceedings of each meeting of the council at the same meeting at which same is approved by the council.

[C.A. 533–1(2065).]

(e) He shall have power to examine and inspect the books, records, and papers of all officers, agents, or employees of the city.

(f) He shall sign all warrants drawn on the city treasurer and all bonds, contracts, and obligations of the city.

(g) He shall appoint, in accordance with the Civil Service Law, the city secretary, all employees of the office of the mayor, and all heads and assistant heads of departments which may be provided for by law or ordinance, and, at any time, for cause, he may suspend any such officer or employee thus appointed for a period not exceeding ten days, which suspension may continue for a longer period if approved by the Department Head; and by and with the consent of the Department Head may discharge any such officer or employee.

(h) He shall cause to be instituted judicial proceedings to recover
property and funds of the city wherever found or otherwise to protect the interest of the city, and shall cause to be defended all suits against the city.

(i) He may release any person imprisoned for violation of a city ordinance and remit the sentence of such person or any part thereof.

(j) He shall, on or before the first day of December of each year, prepare and present to the Department Head and the city council, an itemized form and in detail: (1) An inventory of lands, buildings, and other property, real and personal, belonging to the city, including cash in the treasury; (2) a statement of the liabilities of the city; (3) an estimate of the revenues of the city from all sources for the ensuing year, with a statement opposite each item of the amount realized from such sources during the current year; (4) an estimate of the ordinary expenses for the ensuing year, with a statement opposite each item of corresponding expenses during the current year; (5) an estimate of such extraordinary expenditures as may be necessary for any purpose, the approximate total expenditure recommended, and the amount which it is expected to expend during the ensuing year; also an itemized statement of the extraordinary expenditures during the current year.

(k) He shall, as soon as practicable after the first day of January of each year, prepare and present to the Department Head an annual report covering the operations of the city government during the preceding year.

[2657–2530; see C.A. 373, approved August 23, 1938 re change of fiscal year.]

SECTION 2551. The vice-mayor. — There shall be a vice-mayor who shall be a member of the city council, and who shall, during the absence of the mayor from the city or his disability for any reason, discharge the duties of his office and exercise all his powers, except that of removing any officer from office.

[2657–2531.]

ARTICLE III

The Councils and Secretary
SECTION 2552. The city council — Meetings — Ordinances. — There shall be a city council composed of the mayor as presiding officer, vice-mayor, and three other members, two of whom shall be elected in conformity with the provisions of the Election Code. The council shall fix the times and places for its regular meetings, which shall be held once in each week, and shall hold special meetings when called by the mayor. Any meeting, regular or special, may, in case the amount of business shall require, be adjourned from day to day until the business is completed. Meetings shall be open to the public, unless otherwise ordered by an affirmative vote of a majority of its members. It shall keep a record of its proceedings and determine its rules of procedure not herein set forth. A majority of the council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. The ayes and nays shall be taken and recorded upon the passage of all ordinances, upon all resolutions or motions directing the payment of money or creating liability, and at the request of any member, upon any other motion or resolution. The affirmative vote of a majority of all the members of the city council shall be necessary for the passage of any ordinance, or any resolution or motion directing the payment of money or creating liability, but other measures shall prevail upon the majority vote of the members present at any meeting duly called and held. Each ordinance shall be sealed with the city seal, signed by the mayor and the city secretary, and recorded in a book kept for that purpose. Each ordinance shall, on the day after its passage, be posted by the city secretary at the main entrance to the municipal building; and shall take effect and be in force on and after the tenth day following its passage, unless vetoed by the mayor before the expiration of said ten-day period. A vetoed ordinance or resolution, if repassed, shall take effect ten days after the veto is overridden by two-thirds vote of all the members of the city council.

[2657–2532; C.A. 533–2(2066).]

SECTION 2553. The city council — Powers. — The city council shall have power by ordinance or resolution —

(a) To make all appropriations for the expenses of government of the city, and establish and fix therein the salaries of the city officers and employees, except teachers in the public schools, subject to approval by the Department Head. In consideration of the exemption from taxation of the extensive real-estate holdings of the (Insular) National Government within the limits of the city, of the expense of improvements which the government of said city is required to make by reason of the location therein of offices of the (Insular) National Government, and of free services in connection with said offices, there is created a permanent continuing appropriation, from any funds in the (Insular) National Treasury not otherwise appropriated, equal to fifty per centum of the expenses of the government of the
city exclusive of those amounts which appear as expenses by reason of
inter-departmental charges and charges against the (Insular) National Government
for services and supplies.

(b) To provide for the levy and collection of taxes and other city revenues,
as provided by law, and apply the same to the payment of municipal expenses in
accordance with appropriations.

c) To issue licenses fixing the amount of the license fee for the following:
Hawkers, peddlers; hucksters, not including hucksters or peddlers who sell only
native vegetables, fruits, or foods, personally carried by the huckster or peddler,
auctioneers, plumbers, barbers, embalmers, collecting agencies, mercantile
agencies, transportation companies and agencies, advertising agents, tattooers,
hotels, clubs, restaurants, lodging houses, boarding houses, livery stables, boarding
stables, laundries; cleaning and dyeing establishments, establishments for the
storage of highly combustible or explosive materials, public warehouses, dance
halls, circus, and other similar parades, public vehicles, horse races, bowling
alleys, pawnbrokers, dealers in secondhand merchandise, junk dealers, billiard
tables, theaters, theatrical performances and all other performances and places of
amusement, shooting galleries, slot machines not used for gaming, and
merry-go-rounds; to license, regulate, or prohibit the selling, giving away, or
disposing in any manner of any intoxicating, spirituous or fermented liquors,
and determine the amount to be paid for such licenses; to regulate and license
signs, signboards, and billboards displayed or maintained in any place exposed to
public view, except those displayed at the place or places where the professions or
business advertised thereby is in whole or part conducted.

But nothing in this section shall be held to repeal or modify the provisions
of law prohibiting the sale, gift, or other disposal of intoxicating liquors, other than
native wines and liquors, to non-Christian inhabitants.

If after due investigation, the mayor shall decide that any person licensed
under the provisions of this subsection is abusing his license and privilege to the
injury of the public morals or peace or that any place so licensed has been or is
conducted in a disorderly or unlawful manner, or is a nuisance, or is permitted to
be used as a resort for disorderly characters, criminals, or women of ill repute he
may by order summarily revoke such license, subject to appeal to the Department
Head, whose action on the appeal shall be final. Such revocation shall operate to
forfeit to the city all sums which may have been paid for said license and to
prohibit the issuance to the person whose license is so revoked of any other license
for a term which may be fixed in said order.
(d) To make regulations for the conducting of the business of the persons and places named in subsection (c) of this section. To regulate the business and fix the location of blacksmith shops, foundries, steam boilers, steam engines, lumber yards, sawmills, and other establishments likely to endanger the public safety by giving rise to conflagrations or explosions; to regulate the storage and sale of gunpowder, tar, pitch, resin, coal, oil, gasoline, benzine, turpentine, hemp, cotton, nitroglycerin, petroleum, or any of the products thereof and of all other highly combustible or explosive materials.

(e) To regulate the use of the streets and public places by vehicles; to regulate garages and stables and the keeping of carriages, carts, and other conveyances for hire; and to designate stands to be occupied by public vehicles when not in use.

(f) To provide for the erection or rental and care of buildings necessary for the use of the city.

(g) To establish and maintain public schools, subject to the limitations of law.

(h) To establish fire limits, and regulate the kinds of buildings and structures that may be erected within said limits, and the manner of constructing and repairing the same.

(i) To erect engine houses, and provide fire engines, hose carts, hooks and ladders, and other equipment for the prevention and extinguishment of fires, and to provide for the management and use of the same. Until further provision is made, the law providing for fire protection in municipalities having no paid fire department, shall apply to the city.

(j) To regulate the use of lights in stables, shops, and other buildings and places, and to regulate or restrain the building of bonfires and the use of firecrackers, fireworks, torpedoes, and pyrotechnic displays.

(k) To make suitable provisions to insure the public safety from conflagrations and the effects of storms, and other public calamities, and to provide relief for persons suffering from the same.

(l) To provide for laying out, opening, extending, widening, straightening, closing up, constructing, or regulating, in whole or in part, any public plaza, square, street, sidewalk, trail, park, waterworks, or water mains, or any cemetery,
sewer, sewer connection or connections, either on, in, or upon public or private property; to provide for ascertaining whether any, and what amount in value of, damage will be caused, or benefit will accrue to the owner or possessor of any land, premises, or improvements, whether public or private, by reason of any such work and for which such owner or possessor should be compensated, or should pay a compensation, and provide for assessing, levying, and collecting, either generally on the whole assessable property within the city, especially on the property benefited, or on all the property within any stated area or district within the bounds of said city which it may create and establish for any such purpose, the whole, or any part of the amount of damages and expenses which, as so ascertained, will be incurred in and about any such work or construction as aforesaid within the bounds of said city; to provide for the payment of such compensation as may be found to be due to any person or persons entitled thereto; to provide, when the owners or possessors of such lands, premises, or improvements shall not properly and fully pay to such official and at such time or times and manner as it shall fix therefor any amount or amounts which may be found and declared to be due as and for such assessment as aforesaid, for filing in the proper and appropriate registers or records of property declarations of such amounts so found due, which amounts shall, in each and all cases and upon and after such filing, be and become liens upon and against such lands, premises, or improvements; that said liens shall have and take precedence over all other liens of every kind and nature whatsoever whether antecedent or subsequent in point of time, save and except annual or other regular tax liens; and that said liens shall be enforced and collected by the same officials, in the same manner and under the same penalties as to time and interest as annual or other regular tax liens, and shall, when so paid or collected, be paid in and credited to the appropriate assessment fund, whether general or special, and be disbursed therefrom in such and no other manner as shall be provided in the ordinance creating such assessment and fund; to carry into effect by ordinance the powers hereinbefore granted in this subsection, but no ordinance shall provide for more than one project of any of the kinds named herein, nor create more than the one district, assessment, and fund necessary and appropriate therefor, and in each and every such ordinance provision shall be made for notice to any and all persons interested, giving them and each of them not less than two weeks from and after the date of depositing a notice in the post office at Baguio in a securely sealed post-paid wrapper addressed to each person affected thereby and assessed thereunder at his last known place of residence, or at Baguio if no place of residence is known, or to an agent who may be or may have been appointed by such person in writing, in which to appear and file objection to either the work itself, the method or manner of assessment, the time or times and method of payment therefor, or to all thereof, and such other and further objection or objections as may seem to any such person or persons reasonable and proper in the
premises; such notice shall set forth the nature of the proposed improvement, the estimated cost thereof, the total amount of the assessment to be levied therefor, and the amount to be levied upon each parcel of the property or possession of the addressee; any and every such appearance and objection shall be made and heard only before the city council, and said council may, at any such hearing alter, modify, or increase the area of such district, the total assessment thereof, or any individual area or assessment objected to therein, and shall decide any and every such objection within ten days after the filing thereof and give notice of such decision to the person or persons interested in the manner hereinbefore provided for notice of such assessment within five days thereafter. But no change shall be made in the existing park system either by closing any existing park or opening any new one or by changing the size of any existing part or relating to improvements thereon or the use thereof by the public or otherwise without the previous approval in writing of the committee on the development of the Baguio Reservation and control and management of the park system designated by resolution of the Philippine Commission of March thirtieth, nineteen hundred and seven, as amended. And all assessments levied by virtue of this subsection shall be levied only upon the basis of the value of the land benefited and not upon improvements thereon, and all valuations of any and all lands and premises made under the provisions hereof and for the purposes herein stated shall be the valuations thereof last regularly made for the purposes of annual taxation.

(m) To provide for the lighting, cleaning, and sprinkling of streets and public places; to prevent and remove encroachments and obstructions upon the same; to regulate or prevent the use of the same for processions, signs, signposts, awnings, and awning posts; to prohibit the throwing or depositing of offal, garbage, refuse, or other offensive matter in the same, and to provide for its collection and disposition; to regulate the openings therein for the laying of gas, water, sewer, and other pipes therein, the building and repair of tunnels, sewers, and drains, and all structures therein and thereunder, and the erecting of poles and stringing of wires therein; to provide for and regulate crosswalks, curbs, and gutters therein; to name and change the names of the same, and provide for and regulate the numbering of houses and lots fronting thereon; to regulate traffic and sales upon the same; to abate nuisances in the same and punish the authors or owners thereof; to construct, maintain, and regulate the use of bridges, viaducts, and culverts; to prevent and regulate amusements having a tendency to annoy persons using the streets or public places, or to frighten horses and other animals; to regulate the speed of horses and other animals, vehicles, and loco-motives within the limits of the city.

(n) To provide for the inspection of all gas, electric and telephone wires, conduits, meters, and other apparatus and the condemnation and correction or
removal of the same when dangerous or defective.

(o) To maintain water works for the purposes of supplying water to the inhabitants of the city, to purify the source of supply, and regulate the control and use of the water and to fix and collect rents therefor; to regulate the construction, repair, and use of hydrants, pumps, cisterns, and reservoirs, and to prevent the waste of water; and for the purpose of protecting and insuring the purity and quantity of the water supply of the city, to extend its ordinances over all territories within the drainage area of such water supply, and within one hundred meters of any reservoir, conduit, canal, aqueduct, pumping station or watershed used in connection with the water service.

[3724–2(2068).]

(p) To establish and maintain a city pound and fix the fees for poundage; regulate, restrict, or prohibit the running at large of domestic animals and dogs unlicensed, and provide for the distraining, impounding, and killing or sale of the same for the penalty incurred and the cost of the proceedings; also impose penalties upon the owners of said animals for the violation of any ordinance in relation thereto. But carabaos, horses, mules, asses, and all members of the bovine family shall be disposed of in accordance with general law.

(q) To regulate the keeping and use of animals, in so far as the same affects the public health and the health of domestic animals.

(r) To require any land or building which is in an insanitary condition to be cleansed at the expense of the owner or tenant, and, upon failure to comply with such an order, have the work done, and assess the expense upon land or buildings.

(s) To fill up or require to be filled up to a grade necessary for proper sanitation any and all lands and premises which may be declared and duly reported by the (Philippine Health Service) Bureau of Health as being insanitary by reason of being below such grade or which, in the opinion of the council, the public health or welfare may require.

(t) To construct and keep in repair public drains, sewers, and cesspools, and regulate the construction and use of private waterclosets, privies, sewers, drains, and cesspools.

(u) To prohibit the burial of the dead within the centers of population of the municipality and provide for their burial in such proper place and in such manner as the council may determine, subject to the provisions of the general law regulating burial grounds and cemeteries and governing funerals and the disposal
of the dead.

(v) To establish or authorize the establishment of slaughterhouses and markets, and inspect and regulate the use of the same; to provide for and regulate the keeping, preparation, and sale of meat, fruits, poultry, milk, fish, vegetables, and all other provisions or articles of food offered for sale.

(w) To enforce the regulations of the (Philippine Health Service) Bureau of Health, and by ordinance to provide fines and penalties for violations of such regulations; to adopt such other measures to prevent the introduction and spread of disease as may, from time to time, be deemed desirable or necessary.

(x) To declare, prevent, and abate nuisances.

(y) To provide for the recording of births, marriages and deaths.

(z) To establish, maintain, and regulate a police force and prescribe the powers and duties of its members.

(aa) To establish, maintain, and regulate a city prison.

(bb) To prohibit and provide for the punishment of cruelty to animals.

(cc) To suppress gambling houses, houses of ill fame and other disorderly houses; to prohibit the printing, sale, or exhibition of immoral pictures, books, or publications of any description.

(dd) To prevent and suppress riots, affrays, disturbances, and disorderly assemblies; to punish and prevent intoxication, fighting, quarreling, and all disorderly conduct to make and enforce all necessary police ordinances, with the view to the confinement and reformation of vagrants, disorderly persons, mendicants, and prostitutes, and persons convicted of violating any city ordinance.

(ee) To establish, regulate, and maintain city departments and prescribe the powers and duties thereof and readjust the same.

(ff) To rent, lease, or to purchase or acquire by grant or conveyance the electric light, heat, and power supply and installation system now in existence and operation in the City of Baguio, with all the lands, buildings, and improvements, and all stations, machinery, poles, wires, wagons, trucks, or other vehicles, animals, supplies, and equipment being a part of the said system; or to construct, erect, and establish a public light, heat, and power supply and installation system, and to that end to purchase, expropriate, or otherwise acquire all lands which may be necessary, and to build, erect, and construct any and all buildings, stations, and
other structures, and to purchase any or all such machinery, poles, wires, wagons, trucks, or other vehicles, supplies, and equipment as may now or hereafter be necessary to the successful operation of such system, either from the plant and system now in existence in the City of Baguio as aforesaid, or as may be provided by law.

(gg) To maintain and operate any electric light, heat, or power supply and installation system, however acquired, to keep the same in repair, to alter, increase, extend, improve, enlarge or modify the same or any part thereof, replace worn or useless parts, machinery, poles, animals, vehicles, trucks, wires, and other equipment, and to operate, control, and manage the same.

(hh) For any and all the purposes contemplated in the last two preceding subsections to enter, if necessary, into contracts for partial or deferred payment, to appoint and employ such officers, clerks, employees, and laborers as may be necessary, and to appropriate funds of the City of Baguio for all the purposes aforesaid.

(ii) To enter into contracts with, and to supply electric light, heat, current, and other service to residents, merchants, business men, and manufacturers in and about the City of Baguio at rates and for prices not less than sufficient properly to maintain and operate any such plant or system and to pay for depreciations in the same and for renewals and replacements of any and all part thereof and for all extensions, improvements, enlargements, alterations, or changes thereof and therein.

(jj) To enter into a contract of lease, and to rent or lease any electric light, heat, or power supply or installation system whether erected, constructed, and establish by the city council, or acquired by it through purchase, grant, or conveyance, or in any other manner, to the present lessee or lessees of the existing plant or system or to any other person or persons, or to any corporation, for proper and sufficient consideration and subject to the right of supervision and control by the city council over the operation of such system and over the amount of heat, light, power, and current delivered, and the character of other services rendered and of the rates and amounts charged therefor.

(kk) To fix penalties for violation of ordinances, but no single penalty shall exceed a fine of two hundred pesos or imprisonment for six months, or both; but imprisonment shall be imposed in lieu of unpaid fines at the rate of one day's imprisonment for each peso of the fine. Persons undergoing imprisonment for violation of ordinances may be required to labor for the period of imprisonment upon public works of the city in such manner as may be directed by the city council. Whenever a person is imprisoned for nonpayment of a fine he shall be
released upon payment of such fine, less one peso per day for each day that he has been confined. Pending appeal the defendant shall remain in custody unless released upon sufficient bail, in accordance with the general provisions of law, to await the judgment of the appellate court.

(II) To make such further ordinances and regulations not repugnant to law as may be necessary to carry into effect and discharge the powers and duties conferred by this chapter and such as shall seem necessary and proper to provide for the health and safety, promote the prosperity, improve the morals, peace, good order, comfort, and convenience of the city and the inhabitants thereof, and for the protection of property therein; and enforce obedience thereto with such lawful fines or penalties as the city council may prescribe under the provisions of subsection (kk) of this section.

[2657–2533.]

SECTION 2553 (A). Restrictive provisions. — No commercial sign, signboard, or billboard shall be erected or displayed on public lands, premises, or buildings. If after due investigation, and having given the owners an opportunity to be heard, the mayor shall decide that any sign, signboard, or billboard displayed or exposed to public view is offensive to the sight or is otherwise a nuisance, he may order the removal of such sign, signboard, or billboard, and if same is not removed within ten days after he has issued such order he may himself cause its removal, and the sign, signboard, or billboard shall thereupon be forfeited to the city, and the expenses incident to the removal of the same shall become a lawful charge against any person or property liable for the erection or display thereof.

[2819–10(2069).]

SECTION 2554. The advisory council. — There shall be an advisory council of five members who shall be Igorots. It shall hold meetings on the request of any three members transmitted to the city secretary, or when convened by the mayor. The presiding officer shall be the mayor or other member of the city council designated by him. It shall be the duty of the said presiding officer to explain or cause to be explained to the advisory council all action taken or proposed by the city council regarding ordinances, public improvements, and other matters of general interest to the population of the city; to ascertain its views thereon and on other subjects concerning which the advisory council is desirous of making recommendations or suggestions; and to present said recommendations and suggestions to the city council or the proper city officer for consideration.

[2657–2534.]
SECTION 2555. The city secretary. — There shall be a city secretary who shall have the following general powers and duties:

(a) He shall act as secretary of the city council, the board of tax appeals, and such other boards or committees as may hereafter be created, and shall keep a journal of their proceedings.

(b) He shall record in a book kept for that purpose all ordinances passed by the city council, with the dates of passage and publication of the same.

(c) He shall keep the corporate seal and affix the same with his signature to all ordinances and other official acts of the mayor or council.

(d) He shall cause each ordinance passed to be posted as herein provided.

(e) He shall have charge of all records and documents of the city for which provision is not otherwise made, and shall, on demand, furnish certified copies of all city records and documents, and collect and receive therefor such fees as the council may prescribe, for the use of the city.

(f) He shall perform such other duties as the mayor or council may direct.

[2657–2535.]

ARTICLE IV

Health and Sanitation

SECTION 2556. The city health officer. — There shall be a city health officer who shall have the following general powers and duties:

(a) He shall have general supervision over the health and sanitary condition of the city.

(b) He shall execute and enforce all laws, ordinances, and regulations relating to the public health.

(c) He shall recommend to the city council the passage of such ordinances as he may deem necessary for the preservation of the
public health.

(d) He shall cause to be prosecuted all violations of sanitary laws, ordinances, or regulations.

(e) He shall make sanitary inspections and may be aided therein by such members of the police force of the city or of the Philippine Constabulary as shall be designated as sanitary police by the chief of police or proper Constabulary officer and by such sanitary inspectors as may be authorized by law.

(f) He shall perform such other duties, not repugnant to law, with reference to the health and sanitation of the city as the Director of Health shall direct.

[2657–2536.]

ARTICLE V

Engineering — Public Works and Purchases

SECTION 2557. The city engineer. — There shall be a city engineer who shall have the following general powers and duties:

(a) He shall have charge of all the surveying and engineering work of the city, and shall perform such services in connection with public improvements, or any work entered upon or projected by the city, as may require the skill and experience of a civil engineer.

(b) He shall ascertain, record, and establish monuments the city survey and from thence extend the surveys of the city, and locate, establish, and survey all city property, and also private property abutting on the same, whenever, directed by the Director of Public Works; shall make such tests and inspection of engineering materials used in construction and repair as may be necessary to protect the city from the use of materials of a poor or dangerous quality; shall inspect and report upon the condition of the property and public works whenever required by the mayor; shall have the care and custody of all public buildings, including markets and slaughterhouses, and of any system established for lighting the streets, public places, and public buildings; shall prevent the encroachment of private buildings and fences on the streets and public places of the city;
shall inspect and supervise the construction, repair, removal, and safety of private buildings; shall regulate and enforce the numbering of houses in accordance with the ordinances of the city; shall have the care of all public streets, parks, cemeteries, and bridges; shall maintain, clean, sprinkle, and regulate the use of the same for all purposes as provided by ordinance; shall collect and dispose of all garbage, refuse, the contents of closets, vaults, and cesspools, and all other offensive and dangerous substances within the city in accordance with ordinance; shall prepare plans and have charge of the construction of any sewer and water supply systems of the city hereafter authorized; shall have the care and custody of any such public system of waterworks and sewers, and all sources of water supply, and shall control, maintain, and regulate the use of the same in accordance with the ordinances relating thereto; shall inspect and regulate, subject to the approval of the mayor, the use of all private systems for supplying water to the city and its inhabitants, and all private sewers and their connection with the public sewer system; and shall prepare plans, maps, specifications, and estimates for buildings, streets, bridges, and other public works, and supervise the construction and repair of the same. But no construction involving public buildings, laying out of streets or parks or change of existing buildings, streets, or parks shall be begun without first having obtained plans therefor approved by the consulting architect, and it shall be the duty of the consulting architect to advise the mayor, the city council, and the city engineer of the city on all matters pertaining to the architectural features of construction, repair, or alterations of a material nature of public buildings and monuments of a permanent character, or any construction involving a modification of the Burnham plans, including the laying out or alteration of public streets and parks, and, upon request, to prepare plans, specifications, estimates, and other information for public buildings or works of a permanent character for the city.

(c) He shall file and preserve all maps, plans, notes, surveys, and other papers and documents pertaining to his office.

(d) He shall have power, subject to the approval of the mayor, to cause buildings dangerous to the public to be made secure or torn down, and shall supervise and regulate the locations and
use of engines, boilers, forges, and other manufacturing and heating appliances in accordance with the law and ordinance relating thereto.

[2657–2537.]

SECTION 2558. Contracts. — All repair or construction of any work or public improvement, except roads, involving a greater cost than one thousand pesos, shall be left to the lowest responsible bidder after public advertisement for not less than ten days in a paper of general circulation in the city, if any, by publication in one or more of the newspapers in the City of Manila, and by notice posted for not less than ten days at the main entrance of the municipal building. A plan or profile of the work to be done, accompanied by specifications for the performance of the same, shall, before advertisement, be placed on file in the offices of the city engineer in Baguio and the Director of Public Works in the City of Manila, which plan, profile, and specifications shall, at all proper times, be open for public inspection. Each bid shall be accompanied by a deposit, the amount and character of which shall be fixed by the city engineer and named in the advertisement, and which shall not exceed ten per centum of the estimated cost of the improvement or work to be done where the estimate cost exceeds two thousand pesos, nor be less than two hundred pesos in any case. Such deposit shall be forfeited to the city if the bidder shall neglect or refuse to enter into a contract, with approved sureties, to execute the work for the price mentioned in his bid and according to the plans and specifications, in case the contract shall be awarded to him. Bonds, to be approved by the city engineer, shall be taken for the faithful performance of contracts. The city engineer may, in his discretion, reject any and all bids, and if such bids are too high may purchase the material, hire the laborers, and supervise the work. In the repair or construction of city roads, work may be done by day labor and there need be no advertising or bidding unless it seems desirable to the city engineer, when the regulations provided for the repair of other works hereinbefore mentioned shall be followed.

Public works of all kinds costing less than one thousand pesos may be undertaken either by day labor or by contract, and may be let without advertisement under such rules as may by the city engineer be prescribed. Such contracts may be signed, on written order of the mayor, by the city engineer.

[2657–2538.]

SECTION 2559. Purchases for city. — The Purchasing Agent shall purchase all supplies, equipments, material, and property of every kind, except real estate, for the use of the city or any department or office thereof, and shall supply the same to the city or any department or office thereof in accordance with law.
But contracts for complete work of any kind for the use of the city, or any department or office thereof, involving both labor and materials, where the materials are furnished by the contractor and not by the city, shall not be deemed to be within the provisions of this section, and such contracts shall be made in accordance with other sections of this chapter.

[2657–2539.]

ARTICLE VI

Law

SECTION 2560. "The city attorney." — There shall be a city attorney who shall be the chief legal adviser of the city, and who shall have the following general powers and duties:

(a) He shall represent the city in all civil cases wherein the city or any officer thereof, in his official capacity, is a party.

(b) He shall, when required, draw ordinances, contracts, bonds, leases, and other instruments involving any interest of the city, and inspect and pass upon any such instruments already drawn.

(c) He shall give his opinion in writing, when requested by the mayor or the council, upon any question relating to the city or the rights or duties of any city officer.

(d) He shall, whenever it is brought to his knowledge that any city officer is guilty of neglect or misconduct in office, or that any person, firm, or corporation holding or exercising any franchise or public privilege from the city, has failed to comply with any condition, or to pay any consideration mentioned in the grant of such franchise or privilege, investigate or cause to be investigated the same and report to the mayor.

(e) He shall have charge of the prosecution of all crimes, misdemeanors, and violations of city ordinances in the Court of First Instance and in the municipal court of the city.

[C.A. 366–1(2070).]

(f) He shall investigate all charges of crimes, misdemeanors, and violations of city ordinances and prepare the necessary informations or make the necessary complaints against the
persons accused, and discharged all other duties in respect to criminal prosecutions enjoined upon provincial fiscals generally.

(g) He may conduct investigations in respect to crimes, misdemeanors, and violations of ordinances by taking oral evidence of reputable witnesses, and for this purpose may by subpoena, summon witnesses to appear and testify under oath before him, and the attendance and evidence of an absent or recalcitrant witness may be enforced by application to the justice of the peace court or the Court of First Instance of the Mountain Province.

(h) He shall cause to be investigated the causes of sudden deaths which have not been satisfactorily explained and when there is suspicion that the causes arose from unlawful acts or omissions of other persons or from foul play. For that purpose he may cause autopsies to be made in case it is deemed necessary, and shall be entitled to demand and receive for the purposes of such investigations or autopsies the aid of the city health officer.

(i) He shall, when directed by the mayor, institute and prosecute in the city's interest a suit on any bond, lease, or other contract and upon any breach or violation thereof.

[2657–2540.]

SECTION 2561. The assistant city attorney. — There shall be an assistant city attorney who shall assist the city attorney as he shall direct.

[2657–2541.]

SECTION 2561 (A). Compensation of city attorney and assistant city attorney. — The city attorney and assistant city attorney shall receive compensation to be paid out of the city treasury not exceeding five thousand pesos and three thousand pesos per annum, respectively: Provided, That with the approval of the Secretary of the Interior first had, the city council may, in its discretion, provide quarters for said officials or commute the same, in addition to their salary.

[C.A. 143–1(2071).]

SECTION 2562. The Municipal Court. — There shall be a Municipal Court for the City of Baguio, for which one judge shall be appointed. In case of
absence, sickness or incapacity of the judge of the Municipal Court, the Secretary of Justice may designate any assistant attorney of the Bureau of Justice or provincial fiscal to act as judge of the municipal Court of the City of Baguio, with all the powers of the regular judge of said Court; but such acting judge shall not receive any additional compensation during the time he is acting as judge.

[2657–2542; C.A. 224–1(2072).]

SECTION 2562-A. Jurisdiction of the Municipal Court. — The Municipal Court shall have territorial jurisdiction embracing the entire police jurisdiction of the city, and shall hold a daily session, Sundays and legal holidays alone excepted. Said court shall have exclusive jurisdiction over all criminal cases arising under the ordinances of the city, and over all criminal cases under the penal laws of the Philippines where the offense is committed within the police jurisdiction of the city and the maximum punishment is by imprisonment for not more than six months, or a fine of not more than two hundred pesos, or both. It shall also have concurrent jurisdiction with the Court of First Instance over all criminal cases arising under the laws relating to gambling and management of lotteries, to assaults where the intent to kill is not charged or evidence upon the trial, to larceny, embezzlement and estafa where the amount of money or property, stolen embezzled or otherwise involved does not exceed the sum or value of two hundred pesos, to the sale of intoxicating liquors, to falsely impersonating an officer, to malicious mischief, to trespass on Government or private property and to threatening to take human life. It may also conduct preliminary examinations for any offense, without regard to the limits of punishment, and may release, or commit and bind over any person charged with such offense to secure his appearance before the proper court.

The judge of the Municipal Court shall exercise like and equal jurisdiction in civil actions as that conferred upon justices of the peace in general.

The Municipal Court shall follow the same procedure as that provided by law in justices of the peace court, and all have the same incidental powers. The same procedure as in the justice of the peace court shall also be followed on appeal from the Municipal Court to the Court of First Instance.

[C.A. 224–2(2073).]

SECTION 2562-B. Costs, fees, fines, and forfeitures in the Municipal Court. — All costs, fees, fines, and forfeitures shall be collected by the clerk of the court, who shall keep a docket of those imposed and of those collected, and shall turn over collections of the same to the city treasurer for the benefit of the city, on the next business day after the same are collected, and take receipts therefor.
SECTION 2562-C. The clerk of the Municipal Court. — The clerk of the Municipal Court shall keep its seal and affix it to all orders, judgments, certificates, records, and other documents issued by the court. He shall keep a docket of the trials in the court, in which he shall record in a summary manner the name of the defendant, the charge against him, the name of the prosecuting witness, the date of the arrest, the appearance of the defendant, the date of the trial, and the nature of the judgment, together with the fines and costs adjudged or collected in accordance with the judgment. He shall have power to administer oaths.

SECTION 2562-D. Qualifications and salary of the judge of the Municipal Court. — No person shall be appointed Judge of the Municipal Court of the City of Baguio, unless he shall be (1) at least thirty years of age; (2) citizen of the Philippines or of the United States, and (3) have practiced law in the Philippines for a period of four years prior to his appointment or shall during like period have held in the Philippines any office for which a lawyer's diploma is an indispensable requisite. The salary of the Judge of the Municipal Court of the City of Baguio shall be four thousand eight hundred pesos per annum. With the approval of the Secretary of the Interior first had, the city council may, in its discretion, provide quarters for the Judge of the Municipal Court or commute the same, in addition to his salary.

ARTICLE VII

Police

SECTION 2563. The chief of police. — There shall be a chief of police who shall have the following general powers and duties:

(a) He shall have charge of the organization, government, discipline, and disposition of the city police and detective force.

(b) He shall quell riots, disorders, disturbances of the peace, and shall arrest and prosecute violators of any law or ordinance; shall exercise police supervision over all land and water within the police jurisdiction of the city; shall be charged with the protection of the rights of persons and property wherever found
within the jurisdiction of the city, and shall arrest without warrant, when necessary to prevent the escape of the offended, violators of any law or ordinance, and all who obstruct or interfere with him in the discharge of his duty; shall have charge of the city prison; and shall be responsible for the safe-keeping of all prisoners until they shall be released from custody, in accordance with law, or delivered to the warden of the proper prison or penitentiary.

(c) He may take good and sufficient bail for the appearance before the justice of the peace court of any person arrested for violation of any city ordinance.

(d) He shall have authority, within the police limits of the city, to serve and execute criminal processes of any court; shall, either in person or by deputy, attend all sessions of the justice of the peace court; and shall promptly and faithfully execute all orders of the mayor and all writs and processes of the justice of the peace court when placed in his hands for that purpose.

[2657–2643.]

SECTION 2564. Peace officers. — The chief of police, all city officers, and all members of the police force and secret service shall be peace officers; and all peace officers created by this chapter, or authorized by law or ordinance, are authorized to serve and execute all processes of the justice of the peace court and criminal processes of (Insular) National courts to whomsoever directed, within the jurisdiction or police limits of the city; and within the same territory they may pursue and arrest, without warrant, any person found in suspicious places or under suspicious circumstances reasonably tending to show that such person has committed, or is about to commit, any crime or breach of the peace; may arrest or cause to be arrested, without warrant, any offender when the offense is committed in the presence of a peace officer or within his view; and in such pursuit or arrest may enter any building or take into custody any person therein suspected of being concerned in such crime or breach of the peace, and any property suspected of having been stolen; they shall detain such person only until he can be brought before the proper magistrate, and shall have such other powers and perform such other duties as peace officers as may be prescribed by law or ordinance. Whenever the mayor shall deem it necessary, to avert danger or to protect life and property, in case of riot, disturbance, or public calamity, or when he has reason to fear any violation of law and order, he shall have power to swear in special police, in such numbers as the occasion may demand; such special police shall have the same
powers while on duty as members of the regular force.

[2657–2544.]

ARTICLE VIII

Revenues and Accounts

SECTION 2565. The city treasurer. — There shall be a city treasurer who shall have the following general powers and duties:

(a) He shall collect all taxes due the city, all licenses authorized by law or ordinance, all rents for lands, markets, and other property owned by the city, all further charges of whatever nature fixed by law or ordinance, and shall receive and receipt for all fines, forfeitures, fees, and costs imposed by the justice of the peace court.

(b) He shall receive and safely keep all moneys arising from the revenues of the city, and shall expend and disburse the same upon lawful warrants.

(c) He shall perform in the city the duties prescribed by the Internal Revenue Law and section one thousand eight hundred forty-seven hereof for provincial treasurers and their deputies; such further duties prescribed by law for provincial treasurers as not inconsistent with the provisions of this chapter; and the duties prescribed by the Land Registration Law for register of deeds.

(d) He shall, when so directed or designated by the Department Head, perform the duties of the city assessor.

(e) He shall discharge his duties in accordance with the provisions of law relating to Government accounts and accounting.

(f) He shall render his accounts in such manner as the (Insular) Auditor General may prescribe; the (Insular) Auditor General shall receive and audit all accounts of the city in accordance with the provisions of said law relating to Government accounts and accounting.

[2657–2545.]
SECTION 2566. The city assessor. — There shall be a city assessor who shall have the following general powers and duties:

(a) He shall annually assess and value for taxation the real estate of the city, and for this purpose is empowered to administer any oath authorized to be administered in the assessment or collection of taxes.

(b) He shall make a list of all taxable real estate in the city and the names of the owners thereof, with a brief description opposite their names of the property owned by them and the cash value thereof. In making this list the city assessor shall take into consideration any sworn statement made by the owners of the property, but shall not be prevented thereby from considering other evidence on the subject, and exercising his own judgment in respect thereto. For the purpose of completing this list he is authorized to summon witnesses, administer oaths to them and subject them to examination concerning the amount of real estate, its ownership, and cash value. If the city assessor is unable to discover the owner of any real estate, he shall nevertheless list the same for taxation and charge the same against an unknown owner. In case of doubt or dispute as to ownership of real estate, the taxes shall be levied against the possessor or possessors thereof. Where it shall appear that there are separate owners of the land and the improvements thereon, a separate assessment of the property of each shall be made. If it shall be discovered by the city assessor, or brought to his attention, that any taxable real estate in the city has escaped listing, it shall be his duty at once to list and value the same, and the duty of the city treasurer to charge against the owner thereof the taxes due for the current year and for all other years since the original assessment, and the taxes thus assessed shall be legal and collectible, and penalties shall be added to the back taxes as if they were assessed at the time when they should have been assessed.

(c) He shall complete the listing and valuation of all real estate situated within the city on or before the thirty-first day of December of each year, and when completed shall authenticate the same by signing the following certificate at the foot of the list:
"I hereby certify that the foregoing list contains a true statement of the piece or pieces of taxable real estate belonging to each person named in the list, and its true cash value, and that no real estate taxable by law in the City of Baguio has been omitted from the list, according to the best of my knowledge and belief.

"___________________"

(Signature)

(d) He shall, when the list shall be completed, inform the public by notice published for seven days in a newspaper of general circulation in the city, if any, and by notice posted for seven days at the main entrance of the municipal building, that the list is on file in his office, and may be examined by any person interested therein, and that upon the date fixed in the notice, which shall not be later than the tenth day of January, the city assessor will be in his office for the purpose of hearing complaints as to the accuracy of the listing of the property and the assessed value thereof. It shall be his duty carefully to preserve and record in his office copies of said notices. On the day fixed in the notice, and for five days thereafter, he shall be present in his office to hear all complaints filed within that period by persons against whom taxes have been assessed as owners of real estate, and he shall make his decision forthwith and enter the same in a well-bound book, to be kept by him for that purpose, and if he shall determine that injustice has been done or errors have been committed he is authorized to amend the list in accordance with his findings.

(e) He shall attend all meetings of the board of tax appeals and furnish it with all written evidence in his possession relating to assessment and valuation. He shall likewise furnish the city treasurer with a list of taxable real estate, the respective assessments thereof and against whom assessed, and such other information as the city treasurer may require for the collection of taxes.

[2657–2546.]

SECTION 2567. The board of tax appeals. — There shall be a board of tax appeals, which shall be composed of the members of the city council, the mayor to be chairman thereof.

(a) The members of the board of tax appeals shall, before organizing as
such, take the following oath before the justice of the peace or some other officer authorized to administer an oath:

"I do solemnly swear (or affirm) that I will well and truly hear and determine all matters and issues between the city assessor and taxpayers submitted for my decision. So help me God. (In case of affirmation the last four words to be stricken out.)

_________________________
(Signature)

"Subscribed and sworn to (or affirmed) before me this _____ day of ______________________, 19 _____.

_________________________
(Signature of officer administering oath)

(b) The board of tax appeals shall meet on the first Monday after the fifteenth of January of each year and shall hear all appeals duly transmitted to it by the filing of written notice, and shall decide the same forthwith. It shall have authority to cause to be amended the listing and valuation of the property in respect to which any complaint is made on order signed by the board or a majority thereof and transmit it to the city assessor, who shall amend the tax list in conformity with said order.

[2657–2547.]

SECTION 2568. Exemptions from taxation. — Lands or buildings owned by the United States of America, the Government of the Philippines, the City of Baguio, or the subprovince of Benguet, and burying grounds, churches, and their adjacent parsonages and conventos, and lands or buildings used exclusively for religious, charitable, scientific, or educational purposes, and not for profit, shall be exempt from taxation; but such exemption shall not extend to lands or buildings held for investment, though the income therefrom be devoted to religious, charitable, scientific, or educational purposes

[2657–2548.]

SECTION 2569. Taxes on real estate. — A tax, the rate per centum of ad valorem taxation not to exceed two per centum, to be determined by the city council, shall be levied annually on or before the second Monday of February on the assessed value of all real estate in the city subject to taxation. Taxes shall be due and payable annually on and after the first day of March. If any taxpayer shall fail to pay the taxes assessed against him on or before the thirtieth day of June he shall be deemed to be delinquent in such payment, and shall be subject to an
additional tax as penalty for such delinquency graduated as follows: Five\textit{ per centum} on the original amount of the tax, if the tax remain unpaid after the thirtieth day of June; ten\textit{ per centum} of the original amount of the tax, if the tax remain unpaid after the fifteenth day of August following delinquency; and fifteen\textit{ per centum} of the original amount of the tax, if the tax remain unpaid after the thirtieth day of September following delinquency. The penalties thus imposed shall be collected and accounted for by the city treasurer at the same time and in the same manner as the original tax.

[2657–2549.]

SECTION 2570. \textit{Taxes on real estate — Sale of personalty.} — In the event that such tax and penalty shall remain unpaid on or after the first day of October after the tax has become delinquent, the city treasurer shall prepare and sign a certified copy of the records of his office, showing the persons delinquent in payment of their taxes and the amounts of tax and penalty respectively due from them. He shall proceed at once to seize the personal property of each delinquent, and, unless, redeemed as hereinafter provided, to sell at public auction, either at the main entrance of the municipal building or at the place where such property is seized, so much of the same as shall satisfy the tax, penalty, and costs of seizure and sale, to the highest bidder for cash, after due advertisement by notice posted stating the time, place, and cause of sale. The certified copy of the city treasurer's record of delinquents shall be his warrant for his proceedings, and the purchaser at such sale shall acquire an indefeasible title to the property sold. Within two days after the sale the city treasurer shall make return of his proceedings and spread it upon his records. Any surplus resulting from the sale, over and above the tax, penalty, and costs, shall be returned to the taxpayer on account of whose delinquency the sale has been made. It shall not be essential to the validity of tax sales of real estate hereunder that the city treasurer shall have attempted to make out of the personal property of the taxpayer the tax due upon his real estate. The remedy provided herein for the collection takes upon real estate by levying upon the personal property of the taxpayer shall be deemed to be cumulative only. The owner of the personal property seized may redeem the same from the collecting officer at any time after seizure and before sale by tendering to him the amount of the tax, the penalty, and costs incurred up to the time of tender. The costs to be charged in making such seizure and sale shall only embrace the actual expense of seizure and preservation of the property pending the sale, and no charge shall be imposed for the services of the collecting officer or his deputy.

[2657–2550.]
SECTION 2571. Taxes on real estate — Liens — Sale of realty. — Taxes and penalties assessed against realty shall constitute a lien thereon, which lien shall be superior to all other liens, mortgages, or incumbrances of any kind whatsoever; shall be enforceable against the property whether in the possession of the delinquent or any subsequent owner, and can only be removed by the payment of the tax and penalty. The lien for the taxes shall attach to the real property from the first day of March of the year in which the taxes are due. In addition to the last-mentioned procedure the city treasurer may, upon the warrant of the certified record required in the last preceding section, on or after the first day of October following delinquency, advertise the real estate of the delinquent for sale, or so much thereof as may be necessary to satisfy all public taxes upon said property as above, and costs of sale, for a period of thirty days.

The advertisement shall be by posting a notice at the main entrance of the municipal building and in a public and conspicuous place on or adjacent to the real estate, and by publication once a week for three weeks in a newspaper of general circulation published in the city, if any there be. The advertisement shall contain a statement of the amount of the taxes and penalties so due and the time and place of sale, the name of the taxpayer against whom the taxes are levied, and a short description of the land to be sold. At any time before the day fixed for the sale the taxpayer may discontinue all proceedings by paying the taxes, penalties, and costs to the city treasurer. If he does not do so the sale shall proceed and shall be held either at the main entrance of the municipal building or on the premises to be sold, as the city treasurer may determine. Within five days after the sale the city treasurer shall make return of the proceedings and spread it on his records. The purchaser at the sale shall receive a certificate from the city treasurer from his records, showing the proceedings of the sale, describing the property sold, stating the name of the purchaser, and setting out the exact amount of all public taxes, penalties, and costs. Any surplus remaining after paying all public taxes, penalties, and costs due, shall be paid to the owner of the property.

[2657–2551.]

SECTION 2572. Taxes on real estate — Redemption of realty. — Within one year from the date of sale the delinquent taxpayer, or anyone for him, shall have the right of paying to the city treasurer the amount of the public taxes, penalties, and costs together with interest on said purchase price at the rate of fifteen per centum per annum from the date of purchase to the date of redemption; and such payment shall entitle the person paying to the delivery of the certificate issued to the purchaser and a certificate from the city treasurer that he has thus redeemed the real estate, and the city treasurer shall forthwith pay over to the purchaser the amount by which such land has thus been redeemed, and the land
thereafter shall be free from the lien of such taxes and penalties.

In case the taxpayer shall not redeem the real estate sold as above provided within one year from the date of sale, the city treasurer shall, as grantor, execute a deed in form and effect sufficient under the laws of the (Islands) Philippines to convey to the purchaser so much of the real estate against which the taxes have been assessed as has been sold, free from all liens of any kind whatsoever, and the deed shall succinctly recite all the proceedings upon which the validity of the sale depends.

[2657–2552.]

SECTION 2573. Taxes on real estate — Forfeiture of realty. — In case there is no bidder at the public sale of such land who offers a sum sufficient to pay the taxes, penalties, and costs, the city treasurer shall declare the land forfeited to the city, and shall make, within two days thereafter, a return of his proceedings and the forfeiture, which shall be spread upon the records of his office.

Within one year from the date of such forfeiture thus declared the taxpayer, or anyone for him, may redeem said real estate as above provided in cases where the land is sold. But, if the land is not thus redeemed within a year, the forfeiture shall become absolute and the city treasurer shall execute a deed, similar in form and having the same effect as the deed required to be made by him in case of a sale, conveying the land to the city. The deed shall be recorded as required by law for other land titles and shall be filed with the city secretary, who shall enter it in his record of municipal property.

[2657–2553.]

SECTION 2574. Taxes — Legal procedure. — (a) The assessment of a tax shall constitute a lawful indebtedness from the taxpayer to the city which may be enforced by a civil action in any court of competent jurisdiction, and this remedy shall be in addition to all other remedies provided by law.

(b) No court shall entertain any suit assailing the validity of a tax assessed under this chapter until the taxpayer shall have paid, under protest, the taxes assessed against him; nor shall any court declare any tax invalid by reason or irregularities or informalities in the proceedings of the officers charged with the assessment or collection of the taxes, or of a failure to perform their duties within the time specified for their performance, unless such irregularities, informalities, or failures shall have impaired the substantial rights of the taxpayer; nor shall any court declare any tax assessed under the provisions of this chapter invalid except upon condition that the taxpayer shall pay the just amount of his tax as determined
by the court in the pending proceeding.

(c) No court shall entertain any suit assailing the validity of a tax sale of land under this chapter until the taxpayer shall have paid into the court the amount for which the land was sold, together with interest at the rate of fifteen per centum per annum upon that sum from the date of sale of the time of instituting suit. The money so paid into court shall belong to the purchaser at the sale if the deed is declared invalid and shall be returned to the purchaser, and shall be returned to the depositor should he fail on his action.

(d) No court shall declare any such sale invalid by reason of any irregularities or informalities in the proceedings of the officer charged with the duty of making the sale or by reason of failure by him to perform his duties within the time herein specified for their performance, unless such irregularities, informalities, or failure shall have impaired the substantial rights of the taxpayer.

[2657–2554.]

TITLE XI

The Department of Mindanao and Sulu

CHAPTER 62

The Department

[NOTE: In connection with this chapter, see Act No. 2878. Section 6 thereof provides that chapter 62 of the Administrative Code and any other provisions of law inconsistent with the provisions thereof are thereby suspended, amended, or repealed in so far as that may be necessary for carrying out its purposes. It is believed, however, that it only abolished the Department of Mindanao and Sulu as a special political division, as the Act itself provides that the supervisory control over the offices therein existing shall be exercised by the Secretary of the Interior through the Bureau of Non-Christian Tribes and that the several departments, bureaus and offices of the (Insular) National Government shall thereafter exercise the same jurisdiction, and are thereby charged with the same duties relating to their respective branches in all the provinces theretofore included therein, in the same manner as in the regularly organized provinces. The offices therein existing before the passage of the Act remain the same after its approval with the only difference that some of them are at present known under different designations. However, as the qualifications of the officers, their powers and duties and other matters of governmental as well as corporate functions are neither provided nor prescribed by any other law, not even by Act No. 2878, but by
the provisions of this chapter and of chapters 63 and 64, it is our opinion that the above-mentioned provisions, save those as are in conflict with the provisions of said Act and repugnant to the very existence and organization of those offices at present under the Department of the Interior, remain in full force and effect.

Commonwealth Act No. 75 abolishing the Bureau of Non-Christian Tribes vested the Secretary of the Interior with all the powers, functions, and duties conferred by law upon said bureau. At the same time, said Act created in the Department of the Interior the office of Commissioner for Mindanao and Sulu with rank and salary, of Undersecretary of Department. By Administrative Order No. 2 issued by the Secretary of the Interior on August 12, 1939, the powers and duties of the said Secretary as defined in chapters 62, 63, and, 64 of the Administrative Code have been delegated to the Commissioner for Mindanao and Sulu. — Editor.]

**PRELIMINARY ARTICLE**

*Designation of Title*

**SECTION 2575.** *Designation of title.* — This title shall be known as the Organic Law for the Department of Mindanao and Sulu.

[2657–2560.]

**ARTICLE I**

*General Provisions*

**SECTION 2576(2077).** *Definitions.* — [Unless some other meaning is plainly apparent from the language or context, or unless such construction is inconsistent with the manifest intent of the legislators, whenever the words "governor," "secretary," "treasurer," "attorney," and "delegate" occur in this title they will be construed to refer to officers of the Department of Mindanao and Sulu, provided for in section two thousand five hundred and eighty-three hereof.]

The term "non-Christians" shall include Mohammedans and pagans.

[2657–2561]

**SECTION 2577(2078).** *Corporate powers.* — [The Government of the Department of Mindanao and Sulu shall be a body corporate with power to sue and be sued, to have and use a corporate seal, to hold and convey property, real and personal, to make contracts for labor and material needed in the construction of duly authorized public works, and to incur such other obligations as are authorized by law.]
SECTION 2578(2079). Territory included — Capital. — [The Department of Mindanao and Sulu shall consist of the entire Island of Mindanao, excluding only the Provinces of Misamis and Surigao, together with the Sulu Archipelago, including the islands known as the Jolo Group, the Tawi Tawi Group and all other islands pertaining to the Philippine Archipelago under the sovereignty of the United States of America south of the eighth parallel of north latitude, excepting therefrom the Islands of Palawan and Balabac, and the immediately adjacent islands, but including the Island of Cagayan Sulu.]

[The governor of the department shall have his official residence at such place or places as shall be specified by law or designated by order of the Governor-General.]

SECTION 2579(2080). Administrative code. — The department governor shall cause to be prepared a compilation of the acts of the legislative council of the Department of Mindanao and Sulu, executive orders, circulars, and regulations issued thereunder, revised and modified to conform with the provisions of this title, including rules and regulations required hereby and instructions necessary to properly carry into effect the provisions hereof. Such executive orders, rules and regulations, instructions, and circulars authorized by law when duly approved by the Secretary of the Interior shall have the force and effect of law and together with the compiled acts of the legislative council shall hereafter be referred to as "The Administrative Code of the Department of Mindanao and Sulu." Such code may be amended from time to time by the administrative council with the approval of the Secretary of the Interior.

SECTION 2580(2081). Term of office of elective officers. — The provincial and municipal officers elected under this title shall hold office until their successors qualify in accordance with the provisions of the Election Law. The term of office of all such elective officers shall be three years.

SECTION 2581. Officers and employees not to have interest in Government contracts, etc. — No officer or employee of the department or any political subdivision thereof shall be directly or indirectly interested in any contract work, any business transaction with the Government whereby money is to be paid
directly or indirectly out of the revenues of the Government to such person, any
licensed games and amusements, any business of the Government, or in the
purchase of any real estate except with the permission of the department governor,
or any other property belonging to the Government. Any officer or employee
violating the provisions of this paragraph shall, after due hearing, be removed from
office in accordance with the provisions of section two thousand six hundred and
thirteen hereof.

[2657–2566.]

SECTION 2582. (Insular) Auditor General. — The (Insular) Auditor
General is authorized to make and prescribe necessary rules and regulations as to
preparation of budgets, disbursements of funds and accounts in general, to properly
carry into effect the provisions of this title.

[2657–2567.]

ARTICLE II

The Administrative Council — Appointment
and Salaries of Department of Officers

SECTION 2583(2082). Officers appointed by Governor-General. — [The
Governor-General shall appoint, for the Department of Mindanao and Sulu, a
governor, secretary, attorney, treasurer, and delegate. In the event of a vacancy
occurring in any of the offices hereinbefore mentioned, it shall be promptly
reported to the Governor-General by the department governor. The department
governor may, until such vacancy is filled, require any department officer to
perform the duties of the vacant office in addition to the regular duties of such
department officer.]

[2657–2568]

SECTION 2584(2083). Administrative council — Powers and duties. —
[The five officers appointed by the Governor-General as provided in the last
preceding section, to wit, governor, secretary, attorney, treasurer, and department
delegate, shall constitute the administrative council. The governor shall be its
presiding officer. Three members shall constitute a quorum. The council herein
created shall be an advisory board to the governor and is authorized:

(a) Appropriations. [To appropriate and expend public funds of the
department. Unexpended balances of appropriations made
pursuant to the provisions hereof shall be returned to the Insular
Treasury. Resolutions of the administrative council
appropriating public funds shall be submitted to the Philippine Legislature by the department governor within the first fifteen days of the next ensuing session thereof, and unless disapproved or amended by the Legislature at said session they shall at the close of such period have the force and effect of law in the Department of Mindanao and Sulu.]

(b) *Hours of labor.* — [To adopt rules regulating the hours of employment in the various offices in the departments, provinces, municipalities, and other political subdivisions thereof.]

(c) *Seal.* — [To provide a seal for the department.]

(d) *Appointment and removal of officers and employees.* — [By majority vote of all the members to confirm the appointment of officers when required by this title and for cause suspend and remove any officers or employee of the department, except officers appointed by the Governor-General.]

(e) *Additional duties.* — [Perform such other duties as are imposed thereon by this title or laws hereafter enacted.]

[2657–2569]

ARTICLE III

Public Affairs

SECTION 2585. *(Department governor) Secretary of the Interior — Powers and duties.* — It shall be the duty and within the power of the *(department governor)* Secretary of the Interior:

(a) *General supervision.* — To have supervision and control over (the various offices of the department), the provincial government, and other political subdivisions thereof.

(b) *Execution of laws.* — To see that the laws are faithfully executed by all officers of the *(department)*, provinces, and municipalities.

(c) *Provincial and municipal police.* — To have control, through the various provincial governors and the municipal mayors, of the provincial and municipal police.
(d) Constabulary. — To direct, through the district chief of Constabulary, the use and control of the Constabulary within the Department of Mindanao and Sulu; and whenever public interest require, to withdraw the Constabulary from one province or municipality for use in another.

(e) Inspection of provinces. — To visit at convenient intervals each province within the former department.

(f) Appointments. — (Repealed)

(g) Suspensions and removals. — To suspend from office any officer or employee of the department, or political subdivision thereof, subject to the provisions and limitations subsection (d) of section two thousand five hundred and eighty-four hereof.

(h) Department Head, report to. — (Repealed)

(i) Land tax, remission of collection. — To remit, subject to the approval of the (Governor-General) President of the Philippines, the collection of the land tax in whole or in part for a period not exceeding one year at a time in any province organized hereunder or any part thereof in which he deems the public interest demands such action, other provisions of law to the contrary notwithstanding.

(j) Appropriations. — To approve or disapprove in whole or in part any provincial appropriation, subject to appeal to the (Governor-General) President of the Philippines.

(k) Lawsuits. — To direct, in his discretion, the bringing or defense of suits on behalf of the department, provincial, and municipal governments and to compromise the same upon the recommendation of the provincial fiscal and the approval of the judge of first instance for the districts.

(l) Deposit of public funds in a bank. — To authorize the treasurer to deposit so much of the funds belonging to provincial and municipal governments as may not be needed in the near future for public use in a bank of deposit of approved standing in the (Islands) Philippines; and any interest paid on such deposits shall inure to the benefit of the respective treasury of the department, province, or municipality, as the
Capture of criminals — Offer of reward. — To offer, or to grant authority to the provincial governor of any province organized under this title, or the district chief of Constabulary for [the Department of] Mindanao and Sulu, to offer a reward not exceeding one thousand pesos, for information leading to the capture and conviction of a member of a band of brigands, or of the perpetrator of any murder or robbery or of crime, or for information leading to the capture of an escaped convict.

Administrative investigations. — To investigate, whenever he deems it necessary for the good of the public service, any action or conduct of any person or persons in the service of (the department, or) any of the provinces, municipalities, or other political subdivisions therein established, and designate a suitable person to make such investigation and to take the testimony of any person or persons which, in his judgment, may be relevant thereto and may detail or authorize the said person designated to procure stenographers and interpreters to assist in the same. Such person so designated shall have such full power to subpoena witnesses and to require the production of documentary evidence and to administer oath to witnesses as is possessed by Courts of First Instance in criminal actions and may invoke the summary process of such courts for the punishment of contempts in failure, except for good reasons, to appear or to produce documentary evidence or to give testimony. All interpreters acting on any such proceeding shall be sworn well and truly to interpret between the counsel, the witnesses, and the person so designated, and the stenographers shall be sworn to make a true transcript of the testimony given on such proceeding.

Condemnation proceedings. — To determine for and in behalf of the government of [the Department of Mindanao and Sulu and of] any political subdivision thereof when it is necessary or advantageous to exercise the right of eminent domain. He may, in his discretion, direct the provincial fiscal to cause condemnation proceedings to be begun in the court having jurisdiction. The right of condemnation or eminent domain herein granted shall otherwise be exercised in accordance with general laws at the time being in force.
(p) Harbor lines, wharves, and so forth. — [To establish by (executive) department order harbor lines in the department beyond which no piers, wharves, bulkheads, or other works shall be extended or deposits made, except under such regulations as he may prescribe from time to time, and to control and regulate the use of, or to operate, all piers, wharves, bulkheads, and other like improvements together with their arrastre plants and other equipment for the public service.]

(q) Rules for general welfare. — To make and prescribe, and from time to time to change, [with the approval of the administrative council,] such rules and regulations as he in his discretion may deem most conducive to the public interest, the security of life and property, and the general welfare. It shall not be necessary that such rules and regulations be uniform for the entire department, but they may be different for each political subdivision. Such rules and regulations may provide penalties not exceeding a fine of two hundred pesos or six months' imprisonment or both. Such rules and regulations may be suspended, modified, or annulled by the Secretary of the Interior.

(r)(2086) Elections postponed. — [To postpone, by executive order, any provincial or municipal election hereinafter provided, subject to the approval of the Governor-General].

(s) Assistance of United States troops. — [To secure the enforcement of law and order in cases of resistance to lawful authority or disturbances of the peace which in his opinion the Constabulary and municipal police are unable, or find it difficult, to suppress, by notifying the (Governor-General) President of the Philippines who may, in his discretion, request the assistance of the Army of the United States except that in localities where there is no telegraphic communication with Manila, the (department governor) Secretary of the Interior may, in great emergencies, make a direct call upon the commander of the United States military forces stationed in the province, notifying the (Governor-General) President of the Philippines immediately of such action.]

[2657–2571;2878–2, 6(2087).]
SECTION 2586(2088). Department secretary — Duties. — (Repealed) [2657–2572.]

SECTION 2587(2089). Department attorney and assistant — Duties and so forth. — (Repealed) [2657–2573.]

SECTION 2588(2090). The department delegate. — (Repealed) [2657–2574.]

ARTICLE IV

Accounts and Finance(2091)

SECTION 2589.(2092) Department treasurer — Duties and powers. — (Repealed) [2657–2576.]

SECTION 2590.(2093) Auditor. — (Repealed) [2651–2577.]

ARTICLE V

Public Instruction(2094)

SECTION 2591.(2095) Superintendent of schools. — (Repealed) [2657–2578.]

ARTICLE VI

Public Safety(2096)

SECTION 2592.(2097) Chief health officer. — (Repealed) [2657–2579.]

SECTION 2593.(2098) District chief of Constabulary — Duties and powers. — (Repealed) [2657–2580.]
ARTICLE VII

Public Works (2099)

SECTION 2594 (2100)  Engineer. — (Repealed)

[2657–2581.]

CHAPTER 63

The Provincial Government

[NOTE. — See note under chapter 62. Moreover, the Legislature has not passed any law which will govern the provinces and municipalities included and found in the former Department of Mindanao and Sulu. On the contrary, the Legislature, by Act No. 2887, amending section 1 of Act No. 2824, has expressly extended and applied the provisions of this chapter and of chapter 64 to the Provinces of Mindoro (made a regularly organized province by Act No. 2964), Palawan, and Batanes; and by Act No. 2913, amending section 1 of Act No. 2798, expressly extended and applied the provisions of said chapters to the Mountain Province and the Province of Nueva Vizcaya, thereby showing its intention to leave the same in full force and effect.]

ARTICLE I

General Provisions

SECTION 2595 (2101).  The provinces. — A civil provincial government is hereby established for the respective provinces of the Department of Mindanao and Sulu.

[2657–2582.]

SECTION 2596.  Corporate powers. — Every provincial government established under this chapter shall be a body corporate, with power to sue and be sued, to have and use a corporate seal, to hold and, with the approval of the Secretary of the Interior, to purchase and convey real property, to purchase and convey personal property, to make contracts for labor and material needed in the construction of duly authorized public works, and to incur such other obligations as are expressly authorized by law.

[2657–2583; 2878–2, 6 (2102).]

ARTICLE II
SECTION 2597. Officers and employees — Duties in general. — All provincial officers and employees shall be subject to the following provisions:

(a) Appointments. — Provincial officers and employees, unless otherwise provided for in this title, shall be appointed in accordance with the provisions of the Civil Service Law. There shall be as many employees as may be provided for in the appropriations of the provincial board, subject to the approval of the Secretary of the Interior.

(b) Temporary appointments. — In case of suspension or absence of any provincial officer, the Secretary of the Interior shall have power to appoint a person to perform the duties of the office during such absence or suspension, unless otherwise expressly provided by law.

(c) Travel expense. — The actual and necessary travel expense of provincial officers and employees engaged in traveling in the province or outside thereof on official business shall be paid from the provincial treasury. The same limitations now or hereafter prescribed by law as to the amount of per diems which applies to the travel expense of the provincial officers and employees shall apply to those herein authorized.

SECTION 2598. Provincial officers in general. — Except as hereinafter provided, the officers of each provincial government organized under this chapter shall be a provincial governor, a provincial secretary-treasurer, and a third member of the provincial board. With the exception of the third member, residence in the capital of provinces shall be mandatory for members of the provincial board.

(a) Qualifications. — No person shall be eligible for any of these offices who is not a citizen either of the United States or of the (Philippine Islands) Philippines; nor shall any person be so eligible who, having taken the oath of allegiance to the United States, shall violate the same. The fact of non-residence in the province shall not be a bar to appointment to a provincial office or employment. The third member of the provincial board must be a qualified elector of his province in accordance with the provisions of this title, and not less than
twenty-five years of age.

(b) **Appointment.** — The provincial governor shall be appointed by the [department governor subject to the approval of the Governor-General]; the secretary-treasurer shall be appointed by the [department governor] subject to the provisions of the Civil Service Law; and the (third member) members shall be elected by a plurality of the votes of the members present at a convention of the vice-mayors and councilors of municipalities duly organized and such vice-mayors and councilors of municipal districts, within the province, as the Secretary of the Interior may designate.

The provincial board concerned may, by resolution approved by the Secretary of the Interior, authorize the payment of subsistence expenses to vice-mayors and councilors attending the convention for the election of (third member) members either in addition to or in lieu of traveling expenses.

(c) **Election.** — Within one year after the completion and publication of the census for the territory known as the Department of Mindanao and Sulu, or as soon thereafter as the Secretary of the Interior shall certify to the (Governor-General) President of the Philippines that existing conditions in all or any of the provinces herein created justify the holding of such election, the (Governor-General) President of the Philippines shall, by executive order, fix the date for a general election for the offices of provincial governor and (third member) members of the provincial board for the province or provinces certified to by the Secretary of the interior, in accordance with the provisions of the Election Law.

(d) **Salaries.** — Provincial governors shall each receive an annual salary not to exceed six thousand pesos and provincial secretary-treasurers an annual salary not to exceed five thousand pesos, said salaries to be fixed by the [department-governor] in the appointment and approved by the (Governor-General) President of the Philippines. The (third member) members of the provincial board shall receive a compensation to be fixed by resolution of the provincial board of not less than five nor more than fifteen pesos for each day of actual attendance at the sessions of the board or for other duties (he) they may be designated by the provincial board to perform, but on no one day shall more than one compensation be allowed to such (third member) members.

Provincial health officers shall each receive an annual salary not exceeding five thousand pesos, to be fixed by the [department governor] in the appointment and approved by the (Governor-General) President of the Philippines with the appointment. They shall not be permitted to engage in private practice.
The salaries of provincial officers shall be paid out of provincial funds. The salaries herein provided shall be modified to conform with the general schedule of salaries prescribed for regularly organized provinces as soon as general provincial elections are held in accordance with the provisions of subsection (c) of this section.

[2657–2585; 2878–2, 5, 6(2106); C.A. 233–3(2107).]

SECTION 2599. Authority of assistant provincial treasurer to administer oaths. — The assistant provincial treasurer shall have authority to administer oaths concerning notices and notifications to persons delinquent in the payment of the real property tax and concerning official matters relating to the accounts of provincial treasuries or otherwise arising in the offices of treasurer, secretary-treasurer, or assessor.

[3558–2(2108).]

SECTION 2600. The provincial fiscal. — There shall be a provincial fiscal who shall be the chief legal adviser of the province, and who shall have the following general powers and duties:

(a) Civil cases. — He shall represent the province and municipalities thereof in all civil cases wherein the province or any of its political subdivisions, or any officer thereof, in his official capacity, is a party.

(b) Drafting of public documents. — He shall, when required, draw ordinances, contracts, bonds, leases, and other instruments involving any interest of the province or political subdivisions thereof, and inspect and pass upon any such instruments already drawn.

(c) Opinions. — He shall give opinion in writing when requested by the provincial board, or any provincial officer, upon any question relating to the province or the rights or duties of any provincial officer, and he shall also act as legal adviser of each municipality or other political subdivision of the province and shall upon request of any such officer submit in writing his opinion upon any question properly arising in the discharge of their public duties.

(d) Investigation of negligence or misconduct. — He shall, whenever it is brought to his knowledge that any municipal
officer is guilty of criminal neglect or misconduct in office, or
that any person, firm, or corporation holding or exercising any
franchise or public privilege from any municipality of the
province, has failed to comply with any condition, or to pay any
consideration mentioned in the grant of such franchise or
privilege, investigate or cause to be investigated the same and
report to the mayor through the provincial board.

(e) *Prosecutions.* — He shall have charge of the prosecution of all
crimes and misdemeanors, and also of violations of municipal
ordinances appealed to, or brought before, the Court of First
Instance of the province.

(f) *Special counsel.* — In cases where the interest of any
municipality and the provincial government are opposed, he
shall act on behalf of the provincial government and the
municipality may retain special counsel. He shall also represent
each municipality of his province in litigation pending for or
against the said municipality in any court except where two
municipalities are adverse parties to the same litigation, and in
cases involving controversies with the Roman Catholic
Apostolic Church or its representatives as to the title or right of
administration or possession of any church, convent, or
cemetery, or other property used in connection therewith, in all
of which cases the municipalities may employ special counsel.

(g) *Criminal investigations.* — He shall investigate all charges of
crimes, and prepare the necessary informations or make the
necessary complaints against the persons accused, and discharge
all other duties in respect to criminal prosecution enjoined upon
provincial fiscals generally.

(h) *Taking of evidence.* — He may, if he deems it wise, conduct
investigations in respect to crimes, misdemeanors, and
violations of municipal ordinances by taking oral evidence of
reputable witnesses and for this purpose may, by *subpoena*,
summon witnesses to appear and testify under oath before him,
and the attendance and evidence of an absent or recalcitrant
witness may be enforced by application to the justice of the
peace court or the Court of First Instance of the province.

(i) *Suits on bonds, and so forth.* — He shall, when requested by the
provincial board or municipal council, institute and prosecute
on behalf of the province or municipality concerned a suit on any bond, lease, or other contract and upon any breach or violation thereof.

[2657–2586; C.A. 233–3(2109).]

SECTION 2601. The provincial health officer. — There shall be a provincial health officer under the supervision and control of the (chief health officer) Director of Health who shall have the following general powers and duties:

(a) Supervision. — He shall have general supervision over the health and sanitary condition of the province, and political subdivisions thereof.

(b) Laws and ordinances. — He shall execute and enforce all laws, ordinances, and regulations relating to the public health.

(c) Recommendations. — He shall recommend to the municipal and district councils the passage of such ordinances as he may deem necessary for the preservation of the public health.

(d) Prosecution. — He shall cause to be prosecuted all violations of sanitary laws, ordinances, or regulations.

(e) Inspection. — He shall in person or by authorized agents make sanitary inspection and may be aided therein by such members of the provincial and municipal police force or of the Philippine Constabulary as shall be designated as sanitary police by the provincial governor, chief of police, or proper Constabulary officer and by such sanitary inspectors as may be authorized by law.

[2657–2587.]

SECTION 2602. The provincial engineer. — There shall be a provincial engineer who shall have general supervision and control over the construction, maintenance, and repair of all public works and permanent improvements in the province which exceed in estimated cost the sum of five hundred pesos, and over all contracts connected with such works.

[2657–2588.]

SECTION 2603(2110). Ex officio provincial officers. — [Until otherwise
provided by law or executive order of the Governor-General, the department
attorney and his assistant shall act as ex officio provincial fiscals, and the senior
supervising engineer and his assistant shall act as ex officio provincial engineers
without additional compensation. But the traveling expenses and per diems of the
department officers herein mentioned while traveling as provincial officers shall be
a proper charge against the funds of the respective provinces unless otherwise
directed by the department governor.]

[2657–2589.]

ARTICLE III

The Provincial Executive

SECTION 2604. Provincial governor — Duties. — The provincial
governor shall be the chief executive officer of the province, and shall perform the
following duties:

(a) **Presiding officer.** — He shall preside at all meetings of the
provincial board hereinafter constituted.

(b) **Execution of laws.** — He shall see that laws are faithfully
executed by all officers in the province.

(c) **Suspension of municipal officers.** — Upon the filing of charges
or upon receiving authentic information of maladministration by
any provincial employee or any officer of the municipality of
the province he may suspend such officer in accordance with
the provisions of section two thousand six hundred and thirteen
hereof.

(d) **Inspection of municipalities; investigations.** — He shall at least
once every six months visit every municipality in the province.
While in the municipality, he shall hear all complaints made
against the conduct of any municipal officer and take suitable
action thereon.

(e) **Public disorder.** — Whenever in his opinion the public interest
requires it, he shall call upon the senior officer in charge of the
Constabulary in the province to suppress disorder, riot, lawless
violence, or seditious conspiracy and to apprehend all violators
of law. Whenever lawless violence or seditious conspiracy and
disturbance of the public peace shall occur of so formidable
character as to be beyond the power of the local and (insular)
national police of the province to control or suppress, it shall be the duty of the provincial governor to call upon the Secretary of the Interior for assistance.

(f) Custody of prisoners. — He shall, through a jailer and guards to be appointed by him, have custody of all prisoners held awaiting trial or duly sentenced to the provincial jail.

(g) Employees. — The Provincial board may, by resolution approved by the Secretary of the Interior, authorize the provincial governor to appoint such assistants, clerks, and other employees subject to the Civil Service Law as the public interests require at salaries to be fixed in the resolution.

(h) Report. — Not later than the fifteenth day of January of each year, he shall make a report of the conditions of the province for the preceding year to the Secretary of the Interior, recommending therein such measures, executive or legislative, as may to him seem best for the betterment of the conditions in the province.

(i) Promulgation of laws and orders. — He shall make known to the people of his province by proclamations or communications delivered to the mayors of the various municipalities or districts of the province, all general laws or governmental orders which concern them.

[2657–2590; 2878–2, 6(2111); C.A. 233–3(2112).]

ARTICLE IV

The Provincial Board

SECTION 2605(2113). The provincial board, members of. — The provincial board shall be composed of the provincial governor and two members who shall be elected by the mayors, vice-mayors, and municipal and municipal district councilors of the province on the date appointed by the Election Law for the holding of regular elections, unless the existing law provides for their election by a direct vote of the people. Said members shall be inducted into office at the same time as the elective provincial officers and shall hold office for the same period as the latter. The provincial governor shall be the presiding officer of the board. In case of the absence, illness, suspension or other temporary incapacity of the provincial governor, or if for any other reason he is unable to perform his
official duties, the President of the Philippines may designate any other officer or employee to perform the duties of the office or may provisionally appoint thereto any suitable person not in the service. In the meantime the duties of the provincial governor shall be discharged by a member of the provincial board who shall have been previously authorized by the provincial governor. In making such designation, the authority may be limited to the performance, during the absence of the governor from the provincial capital, of such of his duties as can be conveniently performed at the capital or it may be limited to the performance of specific acts or classes of acts. Every such designation shall be in writing and shall be spread upon the minutes of the provincial board. Copies of all the resolutions of the provincial board and executive orders of the provincial governor shall be furnished the Department of the Interior, under such regulation as said department may prescribe.

[2657–2591; 2949–1(2114); C.A. 22–1(2115); C.A. 233–1(2116).]

SECTION 2606(2117). The provincial secretary. — The provincial secretary-treasurer shall be the recorder of the provincial board and shall attest all the official acts of the provincial government under the seal of the province and shall record all those of the governor's acts which are required by law to be recorded, except when acting as provincial governor, in which case a clerk of the provincial board shall attest the official acts of the provincial governor. He shall be the custodian of the provincial seal and shall receive from the provincial governor and file in his office all reports to the provincial governor required by law and shall index the same. He shall on demand furnish certified copies of all public records and documents under his custody for which he may charge, to any private person, but not to any public official needing the same for a public purpose, the amount of ten centavos for every one hundred words of such copy, including the certificate, which amount shall accrue to the provincial treasury.

[2657–2592; see Ex. Or. 32 (1936) re schedule of fees for certified copies of documents]

SECTION 2607. Duties and powers of the provincial board. — It shall be the duty and within the power of the provincial board:

(a) Appropriations. — To appropriate moneys from any of its funds, except those the use of which is otherwise specifically fixed by law, for other purposes having in view the general welfare of the province and its inhabitants.

(b) Tax levy — Distribution. — To levy in its discretion upon the real estate of the province for provincial purposes an annual tax
within the limitations prescribed by law.

(c) **Provincial offices.** — To provide by construction, purchase, or renting suitable offices for the provincial officers, and a courthouse containing a room or rooms suitable, in the opinion of the Secretary of the Interior, for the holding of court and for offices for the court officers, and a provincial jail in the municipality fixed by law as the capital of the province.

(d) **Vault or safe.** — To furnish a suitable vault or safe to the provincial secretary-treasurer, in which he shall keep the provincial and other public funds as long as they are in his custody, except as hereinafter provided.

(e) **Provincial building.** — To assign rooms for offices in the provincial building.

(f) **Roads, bridges, and so forth.** — To order, in its discretion, the construction, repair, or maintenance of roads, bridges, and ferries within its control, and to approve or reject contracts for such construction and repair, and the construction and repair of provincial buildings rented by the provincial secretary-treasurer, subject to the approval of the district engineer.

(g) **Boundary roads, bridges, and so forth.** — To agree upon the recommendation of the district engineer with the provincial board of an adjoining province on the terms within the limitations of law, upon which roads forming the boundary between the two provinces, and bridges and ferries crossing streams forming such boundary, shall be constructed, repaired, or maintained under the joint control of the two provincial governments. In the event of failure of the two interested provinces to agree, the controversy shall be decided by the Secretary of the Interior, whose decision shall be final.

(h) **Suits on behalf of the province.** — To direct, subject to the approval of the Secretary of the Interior as provided in subsection (k) of section two thousand five hundred and eighty-five hereof, the bringing or defense of suits on behalf of the provincial government and to compromise the same upon the recommendation of the provincial fiscal.

(i) **Payment of salaries, debts, and so forth.** — To order the
monthly payment of all salaries provided by law and the payment of all lawfully contracted indebtedness, in accordance with such rules and regulations as the [department treasurer] may prescribe. The provincial board of every province composed in part of a subprovince is authorized, subject to the approval of the Secretary of the Interior, to fix or change by resolution the salaries of the lieutenant or deputy governors of such subprovince.

(j) *Cart and sledge tax.* — To provide, in its discretion, a tax on carts and sledges for the protection of improved roads, subject to the approval of the Secretary of the Interior.

(k)(2118) *Deposit of provincial funds.* — To authorize the provincial secretary-treasurer to deposit so much of the provincial funds as may not be needed in the near future for public use in a bank of deposit of approved standing in the Islands. All interest paid on such deposit shall inure to the benefit of the provincial treasury, and no funds shall be deposited in the bank by the treasurer until there shall be spread upon the minutes of the board a resolution reciting and approving the exact terms of the contract of deposit in the bank. The bank shall certify the monthly balances of provincial funds held by it to the provincial governor and to the provincial treasurer. [But the provincial treasurer of any province organized under this title, shall deposit his surplus provincial funds with the department treasurer whenever the department treasury shall be designated as the depository for the provincial funds of the province by the department treasurer.]

(l) *Meetings.* — To hold regular weekly meetings upon a day to be fixed by the board, and special meetings upon the call of the governor. The meetings of the board shall be open to the public.

(m) *Agricultural pests.* — To adopt by resolution, regulations for the suppression of any agricultural pest like locusts or cattle disease, to post the same in five conspicuous places in each pueblo, to provide for enforcement of same by fixing penalty for their violation not exceeding two hundred pesos fine or thirty days’ imprisonment, and to appropriate from the provincial treasury the necessary expenses in organizing the temporary force of employees needed to enforce regulations and
in paying costs of prosecutions before justices of the peace.

(n)  *Hour of labor.* — To adopt rules regulating the hours of employment of the subordinates in the various provincial offices, subject to the approval of the Secretary of the Interior.

(o)  *Provincial seal.* — To provide a seal for the province.

(p)(2119)  *School buildings, construction, and so forth.* — To provide, if deemed expedient by the provincial board, by construction, purchase, or renting, such school building or buildings in the province as in the opinion of the board may be necessary, to be used for the instruction in provincial schools, such instruction being understood to include, in addition to academic and commercial subjects, manual training, instruction in agriculture, and normal-school instruction, and to provide for the payment of all expenses of maintaining such public school or schools of instruction as may be established in the province, and the schools in their establishment and conduct shall be subject to the general supervision and control of the superintendent of schools in accordance with the provisions of section two thousand five hundred and ninety-one hereof. [Until such time, however, as the department government shall decide that the condition of finances of the province will justify for the future the payment of the salaries of teachers and the expense of supplies and equipment for provincial schools from the provincial treasury, such salaries and expense may be borne by the department]. And if for any reason a province is not prepared to establish a secondary or high school, the provincial board of such province may provide from the provincial funds for the payment of the tuition, in a secondary school in any other province or in the city of Manila, of such pupils as may wish to enter such school and are declared by the proper school authorities to be especially fitted and qualified to receive secondary instruction.

(q)  *Allowance for students under certain conditions.* — To appropriate from the general funds of the province, not otherwise appropriated, the amount necessary for one or two permanent allowances at a rate of not exceeding forty pesos a month each for one or two students in the University of the Philippines or in any governmental educational institution
beyond the limits of the province, for such purposes and under such conditions as are prescribed by general law.

(r) Loans to municipalities. — To appropriate, in its discretion, moneys from any of its funds in excess of all just debts and liabilities falling due within the fiscal year, except those funds the use of which is otherwise specifically fixed by law, for loans to municipalities or districts of the province under such conditions as to the use of the funds loaned and as to the repayment of the loans with interest at three per centum per annum as may be fixed by the provincial board.

(s) Employees injured in line of duty. — To provide, in its discretion, for the payment from provincial funds of their regular compensation during the period of their disability, not exceeding ninety days, to unclassified employees of the provincial government, including laborers, when said employees or laborers are injured in the line of duty the necessary expenses of medical attendance, transportation, and hospital fees for such injured employees or laborers, and in case of their death from said injuries, their reasonable burial expenses and a donation in money to the family of the deceased employee or laborer in a sum not exceeding ninety days' pay.

(t) Salaries in municipal capitals. — To authorize municipal councils of the capitals of provinces and subprovinces to fix the salaries of the municipal officers of said capitals at an amount higher than that authorized in the scale established in chapter fifty-seven hereof according to the class of the municipality, and to exempt capitals of provinces from compliance with any provision of law which restricts the power of a municipal council in the free disposition of their own funds.

(u)(2120) Land tax, extension of payment. — To extend by resolution, whenever in its judgment the public interest requires, the time for the payment of the land tax without penalty, for a period not exceeding six months.

(v)(2121) Remission of land tax. — To remit, by a resolution, by reason of general failure of crops or for other good and sufficient cause, the collection of the land tax in the province in whole or in part of a period not exceeding one year at a time. The Secretary of the Interior, also, may of his own motion remit
the collection of the land tax in any of the provinces organized under this title in accordance with the provisions of subsection (i) of section two thousand five hundred and eighty-five hereof.

(w)(2122) Increased cedula tax. — [To provide by resolution, in its discretion, for the increased cedula tax, and said resolution shall be and remain in force and effect during the year of its adoption and also subsequent years without further action by the board until repealed by another resolution of said board, and perform such other duties regarding the cedula tax as are imposed by law on provincial boards generally.]

(x)(2123) Approval by Secretary of the Interior. — No appropriation or resolution made pursuant to the provisions of subsections (q), (r), (s), (t), (u), (v), and (w), of this section shall be valid or take effect until it shall have been approved by the Secretary of the Interior, or unless and until thirty days after receipt of notice thereof by the Secretary of the Interior shall have passed without the approval of the Secretary of the Interior having been given.

(y) Offices and equipment for certain officers. — To provide and equip by construction, purchase or renting suitable offices for the following officers, in addition to such provincial officers herein expressly provided, to wit, provincial auditor, division superintendent of schools, and observer for the Weather Bureau, and such other officers as may be authorized to render services in connection with the provincial governments herein established.

(z) Surveys and examinations. — To order, in its discretion, the execution by the district engineer at provincial expense of such minor surveys and examinations as may be necessary to determine the advisability of making public improvements, either by the provincial government, (the department), or the (Insular) National Government, within the jurisdiction of the province. But no survey or examination costing more than five hundred pesos shall be commenced without the previous approval of the Secretary of the Interior.

(aa) Provincial pound. — To provide a provincial pound.

[2557–2593; 2878–2, 6(2124).]
SECTION 2608. **Provincial toll ferries.** — Whenever for thirty days after service of a request by the provincial board any municipality declines or neglects to establish and maintain a suitable system of ferries for public use, the provincial board may designate, subject to revocation by the Secretary of the Interior, such ferries as provincial toll ferries, may make appropriations from the provincial board and bridge fund for the construction, maintenance, and operation thereof, and may from time to time, subject to the approval of the Secretary of the Interior, establish reasonable rates of tolls to be paid for the use thereof. Officers and listed men and civil employees of the United States Army, Navy, and Marine Corps, other branches of the Federal service, and other Government officials and employees shall be exempt from the payment of such tolls. The proceeds from any such provincial toll ferry shall go into and become a part of the provincial road and bridge fund of the province in which the ferry is operated.

Whenever either the Secretary of the Interior or the provincial board shall decide that the financial situation of a province is such that the collection of tolls on any ferry may be discontinued without injury to the welfare of the province, the Secretary of the Interior or the provincial board, as the case may be, shall so order and thereafter such ferry shall be free for public use.

[2657–2594; 2878–2, 6(2125).]

SECTION 2609. **Condemnation proceedings.** — The provincial board is authorized, for and in behalf of the province, subject to the approval of the Secretary of the Interior, to acquire real estate by the exercise of the right of eminent domain for school, cemetery, and park purposes, for provincial buildings, for opening and widening streets, for market sites, and public plazas, for the construction of crematories, artesian wells, and drainage, water supply and sewer systems, cesspools, wharves, and piers. The rights granted in this section shall otherwise be exercised in the manner prescribed by law.

[2657–2595; 2878–2, 6(2126).]

SECTION 2610. **Convention of mayors.** — The provincial board is hereby authorized, whenever in its discretion the public good requires, to call a convention or meeting of any or all of the mayors of the province at such place and time as it may designate, and it shall be the duty of the mayors called to attend the same. Not less than one nor more than four such conventions or meetings shall be called in any one year except upon previous approval of the Secretary of the Interior. In case any such convention or meeting is called for the purpose of considering or acting on special business, the call shall so state. The actual and necessary traveling expenses, going and returning, of the mayors called and actual attending such
meetings shall be paid out of the provincial treasury upon approval by the provincial board, but shall not exceed the maximum amount allowed by law for traveling expenses of provincial officers. During the time that the mayor is absent for the purpose of attending any such meeting the vice-mayor shall act in his place and shall receive therefor out of the municipal treasury a sum equal to the salary due the mayor for the same time. The mayor shall also receive the salary while absent for the said purpose.

[2657–2596; 2878–2, 6(2127); C.A. 233–3(2128).]

ARTICLE V

Finance

SECTION 2611(2129). Provincial secretary-treasurer — Duties and powers. — There shall be a provincial secretary-treasurer; [but the department governor may, in his discretion, authorize the department treasurer in person or by deputies to perform, in whole or in part, the duties devolving upon the provincial secretary-treasurer without extra compensation, and the traveling expenses of the department treasurer or his deputies, when acting as provincial secretary-treasurers, shall be a proper charge against the funds of the respective provinces.] The secretary-treasurer shall be the chief financial officer of the province, and his duties shall be as follows:

(a)(2130) Assessment of property. — He shall keep on file a copy of the tax assessment list of all real property in the province in his office, and shall make an alphabetical index thereof, which list and alphabetical index shall be a public record.

(b) Collection of taxes. — Except where otherwise specially provided, he shall, by himself or deputy, collect all taxes imposed upon property or persons, in the province.

(c) Appointment of clerks, deputies, and so forth. — He shall have power to appoint as many deputies or clerks in his office as he may deem necessary, after he has obtained the approval of the provincial board and the Secretary of Finance. Such deputies and clerks shall be selected under the provisions of the Civil Service Law. He may also require any municipal treasurer to act as deputy provincial treasurer.

(d) Custodian of funds. — He shall be the custodian of all funds and property of the province and shall account for all such in
accordance with such rules and regulations as may be prescribed for such treasurers.

(e) **Register of certificates.** — He shall keep in his office open to the inspection of any person, a register of all certificates of registration issued in his province.

(f) **Tax assessor.** — He shall act as *ex officio* provincial assessor.

(g) **Accounts to provincial auditor.** — The provincial treasurer shall render such accounts as the provincial auditor may require of him.

(h) **Requisition of supplies — Property accounts.** — All supplies, equipment, or property shall be purchased by him [from the department treasurer] upon the order of the provincial board, for the use of the provincial officers, except such supplies and equipment which may be purchased in the local market at economical rates. Every requisition shall be accompanied by a certified copy of the resolution of the provincial board or municipal council making the necessary appropriation to cover the cost and expenses thereof, together with a certificate showing that there is sufficient money in the provincial or municipal treasury to cover the cost and expenses incurred by reason of the requisition.

(i)(2131) **Mining recorder.** — He shall act as mining recorder for the province.

(j) **Record of licenses.** — He shall keep a record, open to public inspection, of the names of all persons paying municipal licenses or privilege taxes, arranged alphabetically.

(k) **Additional duties.** — He shall perform such other lawful duties as may be required of him by the Secretary of Finance.

[2657–2597; 2878–2, 6(2132).]

**SECTION 2612. Collection of provincial taxes.** — The taxes levied by order of the provincial board shall be collected at the same time and in the same manner as taxes levied for municipal purposes in accordance with legislation now existing or hereafter enacted and the same procedure for appeal now or hereafter provided for municipal taxation shall be open to a taxpayer who disputes the legality of the provincial taxes. All the provisions of law for the assessment of the
value of taxable property, for the enforcement of the collection of taxes and the
forfeiture of property for delinquent taxes together with the redemption of land and
the remedies therein provided for alleged unjust taxes, shall apply to the collection
and enforcement of provincial taxes, including the provision for penalties, and the
municipal and provincial taxes may be collected in one legal proceeding in the
name of the provincial treasurer for the use of the municipality and the province.

[2657–2598.]

ARTICLE VI

Suspensions and Removals

SECTION 2613. Procedure in general. — The following shall be the
general procedure in removal and suspension of provincial and municipal officers
and employees:

(a) Provincial officers. — Provincial officers may be suspended
and removed for cause by the Secretary of the Interior, in
accordance with the provisions of subsection (g) of section two
thousand five hundred and eighty-five hereof. The action of the
Secretary of the Interior removing a provincial officer may be
reviewed by the (Governor-General) President of the
Philippines upon appeal filed by the respondent officer.

(b) Provincial employees. — Provincial employees other than
officers may be suspended by the provincial governor and
removed by the majority vote of the provincial board, from
whose decision an appeal shall lie to the Secretary of the
Interior.

(c) Municipal officers. — Municipal officers and chiefs of police
may be suspended by the provincial governor and removed by
the majority vote of the provincial board. In case of removal,
the respondent municipal officer shall be entitled to an appeal to
the Secretary of the Interior whose decision shall be final.

(d) Municipal employees. — Municipal employees other than
officers may be suspended by the mayor and removed by the
majority vote of the municipal council, except clerks of the
municipal treasurer who may only be suspended by the latter. In
case of removal, the respondent municipal employee may
appeal to the provincial board whose decision shall be final.
(e) **General provisions.** — Whenever any provincial or municipal officer or employee shall be suspended in accordance with the provisions of this section it shall be the duty of the suspending officer not later than ten days from the day of the suspension to file written charges with the provincial board or municipal council, as the case may be, setting forth the nature of the complaints made against the suspended officer or employee. The board or council shall, at its first meeting held thereafter, whether the same be a regular or special meeting, furnish a copy of said charges to the accused officer or employee with a notification of the time and place of the hearing upon said charges, and at the time and place appointed the board or council shall proceed to hear and investigate the truth or falsity of the said charges, giving the suspended officer or employee full opportunity to be heard. The hearing shall occur as soon as may be practicable and in any event not later than fifteen days from the date the accused is furnished a copy of the charges, unless the suspended officer or employee shall, on good and sufficient reasons, request an extension of time to prepare his defense. The hearing before the board or council shall be public and shall be held without any unnecessary delay, and the testimony of the witnesses shall be taken in writing. Within thirty days after completion of the investigation, the board or council shall render in writing its findings as to the truth or falsity of the charges and decide whether or not the accused shall be dismissed from the service or punished by suspension not to exceed six months. From the decision of the board or council the respondent officer or employee shall be entitled to an appeal as hereinbefore prescribed, if the appeal is filed within fifteen days after receipt by such respondent officer or employee of the findings and decision of the board or council. Immediately upon receipt of notice of such appeal the board or council shall transmit the record containing the charges, evidence taken, findings, and decision in the case to the authority empowered to decide the appeal. In case the suspended officer or employee is ordered reinstated, payment may be ordered of his salary for the time of his suspension, but in no case shall payment of salary during the period of suspension be made to a suspended officer or employee who has been reinstated, unless such payment is expressly ordered to be made by the Secretary of the Interior.
Special powers of the Secretary of the Interior. — The provisions of this section shall not be construed to deprive the Secretary of the Interior of the power to investigate on his own motion, and for cause to suspend any officer or employee of the department or political subdivision thereof, and move such officer or employee.

[2657–2599; 2878–2, 6(2133).]

CHAPTER 64

The Municipal Governments

ARTICLE I

General Provisions

SECTION 2614. Municipal corporations. — The provincial board of any province established under this title may, by resolution approved by the Secretary of the Interior organize any territory within the province as a municipality in accordance with the provisions of this chapter.

(a) Municipalities excepted. — Municipalities heretofore established within the department are continued and recognize as municipal corporations unless and until reorganized in accordance with the provisions of this title.

(b) Names and corporate powers. — Municipalities organized hereunder shall be known by the names heretofore adopted, unless otherwise specifically stated in the resolution of the provincial board approved by the Secretary of the Interior. Under such names they may sue and be sued, contract and be contracted with, acquire and hold real and personal property for the general interests of the municipality and exercise all the powers hereinafter conferred upon them.

(c) Division into barrios. — Each municipality shall be divided into barrios. For the purpose of the first elections existing barrios shall be recognized, unless expressly readjusted by resolution of the provincial board creating the municipality, which resolution shall fix the capital thereof.

(d) Classification. — Municipalities are divided into five classes,
according to their receipts, as follows: Municipalities of the first class shall be those the annual receipts of which averaged fifty thousand pesos or more during the last three years, and shall have eight councilors; of the second class, those the annual receipts of which averaged thirty thousand pesos or more, but less than fifty thousand pesos during the last three years, and shall have eight councilors; of the third class, those the annual receipts of which averaged fifteen thousand pesos or more, but less than thirty thousand pesos during the last three years, and shall have six councilors; of the fourth class, those the annual receipts of which averaged five thousand pesos or more, but less than fifteen thousand pesos during the last three years, and shall have six councilors; of the fifth class, those the annual receipts of which averaged less than five thousand pesos during the last three years and shall have four councilors.

Beginning with the year nineteen hundred and thirty-nine and for each period of three consecutive years thereafter, the Secretary of the Interior shall order the classification of the municipalities readjusted in accordance with the rules established in the last preceding paragraph: Provided, however, That the councilors elected at the last regular election shall continue to hold office during the term for which they were elected, and the reduction or increase of the number of councilors in accordance with the classification of municipalities herein prescribed shall take effect immediately after the ordinary municipal elections held after the classification is made.

[C.A. 298–1(2134).]

(e) *Secretary of the Interior determines classification.* — In case of controversy the Secretary of the Interior shall determine to which class a municipality shall belong.

[2657–2600; 2878–2, 6(2135).]

SECTION 2615. *Municipal salaries.* — The mayor and municipal secretary shall receive such salaries as the council shall fix; the salary of the municipal treasurer shall be fixed by the provincial board. The municipal treasurer may also act as a deputy of the provincial treasurer and receive additional compensation therefor, to be paid from provincial funds, as the provincial board may fix and the Secretary of the Interior approve. Salaries shall not exceed the following rates per annum:
(a) **Municipalities, first class.** — In cases of municipalities of the first class: For mayor, one thousand two hundred pesos; for municipal secretary, eight hundred pesos; and for municipal treasurer, nine hundred pesos.

(b) **Municipalities, second class.** — In cases of municipalities of the second class: For mayor, one thousand pesos; for municipal secretary, five hundred pesos; and for municipal treasurer, six hundred pesos.

(c) **Municipalities, third class.** — In cases of municipalities of the third class: For mayor, eight hundred pesos; for municipal secretary, three hundred pesos; and for municipal treasurer, three hundred pesos.

(d) **Municipalities, fourth class.** — In cases of municipalities of the fourth class: For mayor, six hundred pesos; for municipal secretary, three hundred pesos; and for municipal treasurer, three hundred pesos.

(e) **Salary of acting mayor.** — The salary of the mayor, during the period when the vice-mayor or a councilor performs the duties of mayor, shall be drawn by the vice-mayor or the councilor performing such duties.

(f) **Compensations of vice-mayors and councilors.** — The municipal council of a municipality of specially organized province or of a municipal district of any province may, with the approval of the provincial board and the Department of the Interior, grant to the vice-mayor and each councilor a *per diem* not to exceed two pesos for each day of regular session of the council actually attended by them; but when, by reason of absence, suspension, or other disability the mayor ceases to discharge the duties of his office, the vice-mayor or councilor acting in his stead shall receive compensation equivalent to the salary of the mayor during the period of such service.

[C.A. 479–1(2136).]

(g) **Municipal treasurer as secretary — Additional compensation.** — Whenever the municipal treasurer shall, in addition to the regular duties of his office, perform the duties of municipal secretary prescribed in section two thousand six hundred and
twent-three hereof, the municipal council shall fix the extra compensation which he shall receive therefor; but in no case shall the total salary received by the municipal treasurer from municipal funds exceed the limit fixed by law for salaries of mayors, except as hereinafter provided. The eligibility of a municipal treasurer for his office shall be sufficient qualification for his performance of the duties of municipal secretary in accordance with the provisions of this paragraph.

(h) *Maximum salary inadequate — May be raised.* — When, by reason of exceptional circumstances, the maximum salary herein authorized for any non-elective municipal officer is found by the provincial board to be inadequate that board may fix and the Secretary of the Interior approve such higher rate as may be necessary to secure and retain the services of a competent appointee, and such salary shall be paid from the funds of the municipality concerned, other provisions of this title to the contrary notwithstanding.

[2657–2601; 2878–2, 6(2137); C.A. 233–3(2138).]

**SECTION 2616(2139). Government — How vested.** — [The government of each municipality established under this chapter is hereby vested in a mayor, a vice-mayor, and one representative from each barrio of the municipality who shall be designated as councilor:]

[2657–2602; C.A. 233–3(2140).]

**ARTICLE II**

*Municipal Officers and Employees*

**SECTION 2617. Election of mayor, vice-mayor, and councilors.** — The mayor, vice-mayor, and councilors of a municipality or municipal district shall be chosen by the qualified electors of the municipality or municipal district in accordance with the provisions of the Election Law, but no election shall be held in any municipal district unless one is called for such district by a proclamation of the President of the Philippines.

[2657–2603; 2678–1(2141); C.A. 42–1(2142); C.A. 233–3(2143).]

**SECTION 2618. Nonelective officers.** — There shall be in each municipality a secretary, a treasurer, and such other nonelective officers and employees as the council shall deem necessary and provide for and the provincial
board shall authorize, except that in municipalities where the provincial board may deem it necessary for purposes of economy, the board may by resolution provide that the duties of municipal secretary and municipal treasurer shall be performed by one officer who shall be known as the municipal secretary-treasurer and who shall be appointed in the manner hereinafter prescribed for the municipal treasurer.

[2657–2604.]

SECTION 2619. Municipal officers and employees in general. — All municipal officers and employees shall be subject to the following provisions:

(a) Term of office. — All appointive officers and employees shall hold office during good behavior.

(b) Additional powers and duties. — Every municipal officer shall, in addition to the powers and duties in this title expressly imposed and granted, have such further powers and perform such further duties as may be prescribed by law or ordinance.

[2657–2605.]

SECTION 2620. Qualifications. — Municipal officers and employees shall have the following qualifications in general:

(a) Mayor, vice-mayor, and councilors. — A mayor, vice-mayor, or councilor shall have the qualifications prescribed by law for elective municipal officers, except that in the case of an appointive mayor it will be sufficient if he is a duly qualified elector of the province.

(b) Secretary. — A secretary shall be able to read, write, and speak intelligently a local dialect generally understood in the municipality, and the Spanish or English language.

(c) Ecclesiastics, soldiers, and so forth. — In no case shall there be elected or appointed to a municipal office ecclesiastics; soldiers in active service; persons receiving salaries from provincial or national funds; or contractors for public works within the province.

[2657–2606; 4174–1(2144); C.A. 233–3(2145).]

ARTICLE III
The Municipal Executive

SECTION 2621. The mayor. — The mayor shall be the chief executive officer of the municipality and shall have the following general powers and duties:

(a) Observance and enforcement of laws. — He shall take care that all laws, ordinances, regulations, and resolutions in force in the municipality are duly observed and executed within the jurisdiction of the municipality.

(b) Authority over municipal officers. — He shall see that all other officers of the municipality faithfully discharge their respective duties, and to that end may, with the approval of the provincial governor, cause to be instituted any appropriate criminal action or take other proceedings to bring the attention of the proper superior officer to the derelictions of the municipal official.

(c) Recommendations to council. — He shall give to the municipal council from time to time such information and recommend such measures as he shall deem advantageous to the municipality.

(d) Meetings of council. — He shall preside at all meetings of the municipal council; shall have the right to vote on ordinances or other matters coming before the council only in the case of a tie vote; shall sign the secretary's record of the proceedings of each meeting of the council, at the same meeting at which same is approved by the council; and shall sign all ordinances and resolutions.

(e) Bonds, contracts, and so forth. — He shall sign all bonds, contracts, and obligations of the municipality, pursuant to a resolution of the council, in each instance, unless otherwise herein provided.

(f) Appointments. — He shall appoint, by and with the consent of the majority of all the members of the council, the municipal secretary, all nonelective municipal officers and employees that may be provided for by law or by ordinance with the exception of school-teachers, the municipal treasurer, and his subordinates; but the appointment of municipal secretary and chief of police shall be subject to the approval of the provincial
governor.

(g) **Nominations.** — He shall make all nominations at the first meeting of the council after assuming the duties of his office except for those offices and employments in which a vacancy may occur during his term. In case the council shall reject any of the nominations made by him, he shall be entitled to appeal to the provincial board whose decision shall be final. In case a vacancy occurs in any of the above-named offices during the term of office of the mayor, he shall submit a nomination to the council at the first regular meeting after the occurrence of the vacancy.

(h) **Judicial proceedings.** — He shall cause to be instituted judicial proceedings to recover property and funds of the municipality wherever found or otherwise to protect the interests of the municipality, and shall cause to be defended all suits against the municipality, subject to the approval of the municipal council.

(i) **Public order, calamities, and so forth.** — He shall issue orders relating to the police or to public safety, and orders for the purpose of avoiding conflagrations, floods, and the effects of storms or other public calamities.

(j) **Collection of taxes.** — He shall assist the provincial treasurer and his deputies in the collection of taxes.

(k) **Judicial powers.** — He shall act as *ex officio* justice of the peace for the municipality in the absence of the justice and auxiliary justice of the peace therein, subject to the provisions and limitations of general law. Fees collected by him while acting as justice of the peace shall be covered into the municipal treasury.

(l) **Inspection of barrios.** — He shall at least once every three months visit every barrio within the municipality.

(m) **Annual report.** — He shall, on or before the tenth day of January of each year prepare and present to the provincial governor an annual report covering the operations of the municipal government during the preceding year.

[2657–2607; C.A. 233–3(2146); See C.A. 373, approved August 23, 1938,
re change of fiscal year.]

SECTION 2622. The vice-mayor. — The vice-mayor shall be a member of the municipal council and shall, during the temporary absence of the mayor from the municipality or his disability for any reason, discharge the duties of his office and exercise all his powers; and in case death, removal, or permanent disability of the mayor, the vice-mayor shall act as temporary mayor until a new mayor is appointed and qualified.

[2657–2608; C.A. 233–3(2147); see sec. 16(a) and (b), C.A. 357(2148).]

SECTION 2623. The municipal secretary. — The municipal secretary shall have the following general powers and duties:

(a) Council meeting. — He shall act as secretary of the municipal council, whose meetings it shall be his duty to attend.

(b) Journal of proceedings. — He shall record all ordinances passed by the municipal council with the dates of the passage and publication of the same.

(c) Seal. — He shall keep the corporate seal and affix the same with his signature to all ordinances and other official acts of the mayor or council.

(d) Posting. — He shall cause each ordinance passed to be posted as herein provided.

(e) Documents, and so forth. — He shall have charge of all records and documents of the municipality for which provision is not otherwise made, and shall, on demand, furnish certified copies of all municipal records and documents and collect and receive therefor a fee of ten centavos per one hundred words which shall accrue to the municipal treasury.

(f) Civil register. — He shall keep a civil register as prescribed for the regularly organized municipalities.

[See Act No. 3753–19(2149) re civil registry.]

(g) Ordinances, resolutions, and so forth. — He shall, within thirty-six hours after any session of the council or the issuance of an executive order, forward a correct and certified copy of each act, resolution, and ordinance passed thereat, and of every
executive order, properly numbered, to the provincial board. He shall also, within the thirty-six hours aforesaid, forward to the provincial treasurer a copy of each act, resolution, or ordinance authorizing or necessitating the collection of municipal revenues. He shall translate or cause to be translated each ordinance into the dialect generally spoken in the municipality and forward copies thereof to each municipal councilor.

(h) Other duties. — He shall perform such other duties as the mayor or council may direct.

[2657–2609; C.A. 233–3(2150).]

ARTICLE IV

Municipal Council and Councilors

SECTION 2624. Municipal council — Duties. — There shall be a municipal council composed of the mayor, vice-mayor, and one councilor for each barrio.

(a) Meetings. — The council shall fix the times and places, for its regular meetings, which shall be held once in every two weeks, and shall hold special meetings when called by the mayor. Any meeting, regular or special, may, in case the amount of business shall require, be adjourned from day to day until the business is completed. Meetings shall be open to the public unless otherwise ordered by an affirmative vote of a majority of its members.

(b) Rules of procedure. — It shall keep a record of its proceedings and determine its rules of procedure not herein set forth.

(c) Quorum. — A majority of the council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. The ayes and noes shall be taken and recorded upon the passage of all ordinances, upon all resolutions or motions directing the payment of money or creating liability, and, at the request of any member, upon any other motion or resolution.

(d) Ordinances, resolutions, and so forth. — The affirmative vote of a majority of all the members of the municipal council shall be necessary for the passage of any ordinance or any resolution,
or motion directing the payment of money or creating liability, but other measure shall prevail upon the majority vote of the members present at any meeting duly called and held. Each ordinance shall be sealed with the municipal seal, signed by the mayor and municipal secretary, and duly recorded. Each ordinance shall, on the day after its passage, be posted by the municipal secretary at the main entrance to the municipal building and shall take effect and be in force on and after the tenth day following its passage, if no date is fixed in the ordinance.

(e) **Passing on nominations.** — At the first regular meeting after the appointment or election and qualification of a new mayor, the council shall pass on his nominations of nonelective municipal officers and employees and shall prescribe the duties of all appointive municipal officers and employees when not determined by this title or municipal ordinances.

(f) **Annual report and budget.** — During the month of January of each year the council shall prepare and present to the provincial treasurer for approval a report containing in itemized form and in detail:

1. **Inventory.** — An inventory of land, buildings, and other property, real and personal, belonging to the municipality, including cash in the treasury.

2. **Liabilities.** — A statement of the liabilities of the municipality.

3. **Revenues.** — An estimate of the revenues of the municipality from all sources for the ensuing fiscal year, with a statement opposite each item of the amounts realized from such sources during the preceding twelve months.

4. **Ordinary expenses.** — An estimate of the ordinary expenses for the ensuing year with a statement opposite each item of the corresponding expenses during the preceding twelve months. The estimated expenses shall not exceed the resources. This estimate shall include a statement of outstanding indebtedness, if such exists.
(5) **Extraordinary expenses.** — An estimate of such extraordinary expenditures as may be necessary for any purpose, the approximate total expenditure recommended, and the amount which it is expected to expend during the ensuing year; also an itemized statement of the extraordinary expenditures during the preceding twelve months.

(6) **Additional estimate.** — Expenses not provided for in the annual estimate can be incurred and paid only after the approval of an additional estimate therefor in the manner provided in this section.

The report and budget herein provided for may be modified from time to time and shall be in such form as may be prescribed by the provincial treasurer. In case the council is dissatisfied with the action of the provincial treasurer disapproving any item or items of the budget an appeal may be taken to the provincial board whose decision shall be final.

(g)(2151) **Vacancies.** — The provincial governor, with the advice and consent of the provincial board, shall fill temporary vacancies in the offices of vice-mayor or municipal councilor, and whenever a mayor, vice-mayor or councilor is suspended shall appoint some person to discharge his duties until he is reinstated or until he is removed and the vacancy thus occasioned is filled. Whenever the election of an elective municipal officer shall have resulted in a failure to elect, or in the event of the death of a municipal officer-elect, prior to his taking office, or whenever any municipal officer-elect shall, for any reason, fail to qualify, the provincial board shall appoint a duly qualified elector of the municipality to fill the vacancy until his successor shall have been duly elected and shall have qualified for the subsequent term.

(h) **Provincial board, supervision by.** — The provincial board shall approve or disapprove any act, ordinance, or resolution, orders of the municipal council, and executive order of the mayor.

All health ordinances shall be subject to the approval of the chief health officer as provided in section two thousand five hundred and ninety-two hereof. Any attempt to enforce such act, ordinance, resolution, or executive order, after the
disapproval or suspension thereof, shall be brought to the attention of the municipal council, shall be sufficient ground for the dismissal of the officer or officers attempting to enforce the same. Should the council or the mayor be dissatisfied with the decision of the provincial board an appeal may be taken by it or him to the Secretary of the Interior, who shall decide the same question which was presented to the provincial board and either affirm or reserve the decision of the provincial board. If the decision of the provincial board is affirmed, the act, ordinance, resolution, or executive order involved shall be null and void. If, however, he shall reverse the decision of the provincial board, then and in that case notice of his decision shall be given to the provincial board and to the council of the municipality appealing, and upon receipt of notice by the appellant, the act, ordinance, resolution, or executive order shall be revived and come into force again. Pending the decision on appeal from a decision of the provincial board annulling any act, ordinance, resolution, or executive order the same shall have no force and effect. Nothing in this subsection shall be construed to deprive any judicial tribunal of power to hold void for want of statutory authority any act, ordinance, or resolution of a municipal council or executive order of a mayor, the validity of which shall be involved in any cause arising before such tribunal, without respect to the decision of the executive authorities.

[2657–2610; 2878–2, 6(2152); C.A. 233–3(2153).]

SECTION 2625. The municipal council — Powers. — The municipal council shall have power by ordinance or resolution:

(a) Appropriations. — To make necessary appropriations for the expenses of government of the municipality, and establish and fix therein the salaries of municipal officers and employees, except as herein provided.

(b) Property. — To purchase, receive, hold, sell, lease, convey, and dispose of property, real and personal, for the benefit of the municipality. But the express authorization of the provincial governor shall be necessary to alienate or constitute any lien upon any real property of the municipality, and, with the prior authorization of the Secretary of the Interior, to close in whole or in part any municipal road, street, alley, park, or square, and to devote the same to any municipal purpose, or to convey the same, with or without money consideration, to the [department,] province, or to the (Insular) National Government for governmental purposes. And no road, street, alley, park, or square or any part thereof, shall be closed without indemnifying
any person prejudiced thereby.

(c) *Levy, collections, and expenditures of taxes.* — To provide for the levy and collection of taxes and other municipal revenues, as provided by law, and apply the same to the payment of municipal expenses in accordance with appropriations.

(d) *Licenses and license fee.* — To issue licenses fixing the amount of the license fee for the following:

Hawkers, peddlers, hucksters, not including hucksters or peddlers who sell only native vegetable, fruits or foods, personally carried by the huckster or peddler, auctioneers, plumbers, barbers, tailor shops, bakeries, manicuring establishments, massage parlors, embalmers, collecting agencies, mercantile agencies, transportation companies and agencies, advertising agents, tattooers, hotels, clubs, restaurants, lodging houses, boarding houses, livery stables, boarding stables, laundries, cleaning and dyeing establishments, establishments for the storage of highly combustible or explosive materials, public warehouses, circus and other similar parades, public vehicles, bicycles, horse races, bowling alleys, pawnbrokers, dealers in second-hand merchandise, junk dealers, billiard tables, theaters, theatrical performances and all other performances and places of amusements, shooting galleries, slot machines not used for gaming, and merry-go-round.

To regulate, license, or prohibit dance halls; and the selling, giving away, or disposing, in any manner of any intoxicating, spirituous, vinous, or fermented liquors, and to regulate and license signs, signboards, and billboards displayed or maintained in any place exposed to public view, except those displayed at the place or places where the profession or business advertised thereby is in whole or part conducted, and fix the sum to be paid for such licenses.

But nothing in this section shall be held to repeal or modify the provisions of law prohibiting the sale, gift, or other disposal of intoxicating liquors, other than native wines and liquors, to non-Christian inhabitants.

If after due investigation the mayor shall decide that any person licensed under the provisions of this subsection is abusing his license and privilege to the injury of the public morals or peace or that any place so licensed has been or is conducted in a disorderly or
unlawful manner, or is a nuisance, or is permitted to be used as a resort for disorderly characters, criminals, or women of ill repute, he may by order summarily revoke such license, subject to appeal to the provincial governor, whose action on the appeal shall be final. Such revocation shall operate to forfeit to the municipality all sums which may have been paid for said license and to prohibit the issuance to the person whose license is so revoked of any other license for a term which may be fixed in said order.

[2819–11.]

(e) Regulations for conducting business. — To make regulations for the conducting of the business of the persons and places named in subsection (d) of this section. To regulate the business and fix the location of blacksmith shops, foundries, steam boilers, steam engines, lumber yards, sawmills, and other establishments likely to endanger the public safety by giving rise to conflagrations or explosions; to regulate the storage and sale of gunpowder, tar, pitch, resin, coal, oil, gasoline, benzine, turpentine, nitroglycerin, petroleum, or any of the products thereof and of all other highly combustible or explosive materials.

(f) Public buildings. — To provide for the erection or rental of public buildings necessary for the use of the municipality.

(g) Schools. — To establish and maintain primary schools, subject to the limitations of law.

(h) Scholarships. — To grant scholarships to municipal teachers and male and female students in the municipality, under such conditions as it may deem convenient to prescribe, subject to the approval of the provincial board and the Secretary of the Interior.

(i) Building regulations. — To establish fire limits, and prescribe the kind of buildings and structures that may be erected within said limits, and the manner of constructing and repairing the same.

(j) Fire department. — To erect engine houses, and provide fire engines, hose carts, hooks and ladders, and other equipment for the prevention and extinguishment of fires, and to provide for
the management and use of the same. Until further provision is made, the law providing for fire protection in municipalities having no paid fire department, except as to the number of authorized volunteer firemen, shall apply to all municipalities.

(k) **Lights, fires, and fireworks.** — To regulate the use of lights in stables, shops, and other buildings and places, and to regulate or restrain the building of bonfires and the use of firecrackers, fireworks, torpedoes, and pyrotechnic displays.

(l) **Storms and calamities.** — To make suitable provisions to insure the public safety from conflagrations, the effects of storms, and other public calamities, and to provide relief for persons suffering from the same.

(m)(2154) **Streets, sidewalks, plazas, parks, water supply, and so forth — Special assessment.** — To provide for laying out, opening, extending, widening, straightening, closing up, constructing, or regulating, in whole or in part, any public plaza, square, street, sidewalk, trail, park, waterworks, or water mains, or any cemetery, sewer, sewer connection or connections, either on, in, or upon public or private property; to provide for ascertaining whether any, and what amount, in value of, damage will be caused, or benefit will accrue to the owner of possessor of any land, premises, or improvements, whether public or private, by reason of any such work and for which such owner or possessor should be compensated, or should pay a compensation, and provide for assessing, levying, and collecting, either generally on the wholesale assessable property within the municipality, specially on the property benefited, or on all the property within any stated area or district within the bounds of said municipality which it may create and establish for any such purpose, the whole, or any part of the amount of damages and expenses which, as so ascertained, will be incurred in and about any such work or construction as aforesaid within the bounds of said municipality; to provide for the payment of such compensation as may be found to be due to any person or persons entitled thereto; to provide, when the owners or possessors of such lands, premises, or improvements shall not properly and fully pay to such official and at such time or times and manner as it shall fix therefor any amount or amounts which may be found and declared to be due as and for such
assessment as aforesaid, for filing in the proper and appropriate registers or records of property declarations of such amounts so found due, which amounts shall in each and all cases and upon and after such filing, be and become liens upon and against such lands, premises, or improvements; that said liens shall have and take precedence over all other liens of every kind and nature whatsoever whether antecedent or subsequent in point of time, save and except annual or other regular tax liens; and that said liens shall be enforced and collected by the same officials, in the same manner and under the same penalties as to time and interest, as annual or other regular tax liens, and shall, when so paid or collected, be paid in and credited to the appropriate assessment fund, whether general or special, and be disbursed therefrom in such and no other manner as shall be provided in the ordinance creating such assessment and fund; to carry into effect by ordinance the powers hereinbefore granted in this subsection, but no ordinance shall provide for more than one project of any of the kinds named herein, nor create more than the one district, assessment, and fund necessary and appropriate therefor, and in each and every such ordinance provision shall be made for notice to any and all persons interested, giving them and each of them not less than two weeks from and after the date of depositing a notice in the post office at the municipality in a securely sealed post-paid wrapper addressed to each person affected thereby and assessed thereunder at his last known place of residence, or at the municipality if no place of residence is known, or to an agent who may be or may have been appointed by such person in writing, in which to appear and file objection to either the work itself, the method or manner of assessment, the time or times and method of payment therefor, or to all thereof, and such other and further objection or objections as may seem to any such person or persons reasonable and proper in the premises; such notice shall set forth the nature of the proposed improvement, the estimated cost thereof, the total amount of the assessment to be levied therefor, and the amount to be levied upon each parcel of the property or possession of the addressee; any and every such appearance and objection shall be made and heard only before the municipal council, and said council may, at any such hearing, alter, modify, or increase the area of such district, the total assessment thereof, or any individual area or assessment
objected to therein, and shall decide any and every such objection within ten days after the filing thereof and give notice of such decision to the person or persons interested in the manner hereinbefore provided for notice of such assessment within five days thereafter. All assessments levied by virtue of this subsection shall be levied only upon the basis of the value of the land benefited and not upon improvements thereon, and all valuations of any and all lands and premises made under the provisions hereof and for the purposes herein stated shall be the valuations thereof last regularly made for the purposes of annual taxation. No ordinance passed pursuant to the provisions of this section shall be valid or take effect until it shall have been approved by the provincial board and the Secretary of the Interior.

The decision of the municipal council upon any objections made by a property owner may in its discretion be reviewed by the Court of First Instance, upon an appeal thereto filed within fifteen days after receipt by such property owner of notice of the decision of the municipal council. The court may order the appellant upon application therefor, to execute and file a bond as the necessity of the case may require.

(n) *Excess condemnation.* — To acquire, take, condemn, or appropriate more land and property than is needed for actual construction in connection with any improvement herein authorized, the additional land and property so authorized to be acquired, taken, condemned, or appropriated being no more than sufficient to form suitable building sites abutting on such improvement. After so much of the land and property has been appropriated for the improvement as is needed therefor, the remainder may be sold or leased. The municipal council is hereby further authorized and empowered to provide by general or special ordinance, the manner in which the power herein granted may be exercised, subject to the provisions of general law as to procedure; but no ordinance passed pursuant to the provisions of this subsection shall be valid or take effect until it shall have been approved by the provincial board and the Secretary of Interior.

(o) *Streets: lighting, cleaning, care, and control.* — To provide for the lighting, cleaning, and sprinkling of streets and public
places; to prevent and remove encroachments and obstructions upon the same; to regulate or prevent the use of the same for processions, signs, signposts, awnings, and awning posts; to prohibit the throwing or depositing of offal, garbage, refuse, or other offensive matter in the same, and to provide for its collection and disposition; to regulate the openings therein for the laying of gas, water, sewer, and other pipes therein, the building and repair of tunnels, sewers, and drains, and all structures therein and thereunder, and the erecting of poles and stringing of wires therein; to provide for and regulate crosswalks, curbs, and gutters therein; to name and change the names of the same, and provide for and regulate the numbering of houses and lots fronting thereon; to regulate traffic and sales upon the same; to abate nuisances in the same and punish the authors or owners thereof; to construct, maintain, and regulate the use of bridges, viaducts; and culverts; to prevent and regulate amusements having a tendency to annoy persons using the streets or public places, or to frighten horses and other animals; to regulate the speed of horses and other animals, vehicles, and locomotives within the limits of the municipality.

(p) Gas, electricity, telephones, and so forth. — To provide for the inspection of all gas, electric and telephone wires, conduits, meters, and other apparatus and the condemnation and correction or removal of the same when dangerous or defective.

(q) Waterworks and water supply. — To maintain waterworks for the purpose of supplying water to the inhabitants of the municipality, to purify the source of supply, and regulate the control and use of the water, and to fix and collect rents therefor; to regulate the construction, repair, and use of hydrants, pumps, cisterns, and reservoirs and to prevent the waste of water.

(r) Pounds — Stray animals. — To establish and maintain a municipal pound and fix the fees for poundage; to regulate, restrict, or prohibit the running at large of domestic animals and fowls, and to provide for the distraining, impounding, and sale of the same for the penalty incurred and the cost of the proceedings or for killing in the event of failure of sale; also to impose penalties upon the owners of said animals for the violation of any ordinance in relation thereto. Carabaos, horses,
asses, and all members of the bovine family shall, however, be disposed of in accordance with general law.

(s) *Dogs, possession of, regulated.* — To license, tax, and regulate the possession of dogs, and authorize the killing of the same when at large contrary to ordinance; to require owners of carabaos, horses, mules, asses, all members of the bovine family, sheep, goats, and swine to keep such animals from moving, running, or being at large except when in charge of same person of sufficient discretion, and to penalize infractions of such regulations by fine or imprisonment or both.

(t) *Keeping and use of animals.* — To regulate the keeping and use of animals, in so far as the same affects the public health and the health of domestic animals.

(u) *Insanitary property.* — To require any land or building which is in an insanitary condition to be cleansed at the expense of the owner or tenant, and, upon failure to comply with such order, have the work done, and assess the expense upon the land or buildings.

(v) *Property below grade.* — To fill up or require to be filled up to a grade necessary for proper sanitation any and all lands and premises which may be declared and duly reported by health officer of the municipality as being insanitary by reason of being below such grade or which, in the opinion of the council, the public health or welfare may require.

(w) *Drains, sewers, and so forth.* — To construct and keep in repair public drains, sewers, and cesspools, and regulate the construction and use of private waterclosets, privies, sewers, drains, and cesspools.

(x) *Burial of dead.* — To prohibit the burial of the dead within the centers of population of the municipality and provide for their burial in such proper place and in such manner as the council may determine, subject to the provisions of the general law regulating burial grounds and cemeteries and governing funerals and the disposal of the dead.

(y) *Slaughterhouses and markets.* — To establish or authorize the establishment of slaughterhouses and markets, and inspect and
regulate the use of the same; to provide for and regulate the
keeping, preparation, and sale of meat, fruits, poultry, milk,
fish, vegetables, and all other provisions or articles of food
offered for sale.

(z) Enforcement of health laws and regulations. — To enforce
health laws and regulations, and by ordinance to provide fines
and penalties for violations of such regulations; to adopt such
other measures to prevent the introduction and spread of disease
as may, from time to time, be deemed desirable and necessary.

(aa) Nuisances. — To declare, prevent, and abate nuisances.

(bb) Cockfighting. — To regulate and license or prohibit
cockfighting and the keeping or training of fighting cocks, and
to close cockpits subject to the provisions and restrictions of
general law.

(cc) Ringing of bells. — To regulate and restrain the ringing of bells
and the making of loud or unusual noises.

(dd) Police. — To establish, maintain, and regulate a police force
subject to the provisions of section two thousand five hundred
and ninety-three hereof, and the provisions of general law.

(ee) Prison. — To establish, maintain, and regulate a municipal
prison.

(ff) Cruelty to animals. — To prohibit and provide for the
punishment of cruelty to animals.

(gg) Disorderly houses, and so forth. — To suppress or regulate
houses of ill fame and other disorderly houses; to prohibit the
printing, sale, or exhibition of immoral pictures, books, or
publications of any description.

(hh) Gambling, riots, and breaches of the peace. — To prevent and
suppress riots, gambling, affrays, disturbances, and disorderly
assemblies; to punish and prevent intoxication, fighting,
quarreling, and all disorderly conduct; to make and enforce all
necessary police ordinances, with the view to the confinement
and reformation of vagrants, gamblers, disorderly persons,
mendicants, and prostitutes, and persons convicted of violating
any municipal ordinance.

(ii) **Penalties for violation of ordinances.** — To fix penalties for violation of ordinances, but no single penalty shall exceed a fine of two hundred pesos or imprisonment for six months, or both; imprisonment shall be imposed in lieu of unpaid fines at the rate of one day's imprisonment for each peso of the fine. Persons undergoing imprisonment for violation of ordinances may be required to labor for the period of imprisonment upon public works of the municipality in such manner as may be directed by the municipal council. Whenever a person is imprisoned for non-payment of a fine he shall be released upon payment of such fine, less one peso per day for each day that he has been confined. Persons charged with violation of a municipal ordinance who cannot be tried immediately after arrest, shall be released by the chief of police or his authorized agents either upon personal recognizance or a cash bond not exceeding fifty per centum of the maximum fine provided in the ordinance.

(jj) **General welfare clause.** — To make such further ordinances and regulations not repugnant to law, as may be necessary to carry into effect and discharge the powers and duties conferred by this title, and such as shall seem necessary and proper to provide for the health and safety, promote the prosperity, improve the morals, peace, good order, comfort, and convenience of the municipality and the inhabitants thereof, and for the protection of property therein; and enforce obedience thereto with such lawful fines or penalties as the municipal council may prescribe under the provisions of subsection (ii) of this section.

(kk) To enact an ordinance empowering the mayor to grant, subject to the requirements of the service, to any appointed municipal officer or employee, including the secretary, twelve days' vacation leave of absence with full pay, which must be taken during the year in which earned: Provided, That such vacation leave of absence shall only be granted after at least one year of continuous, faithful, and satisfactory service: And provided, further, That the provisions of this paragraph shall not apply to municipal officials or employees already enjoying this privilege in accordance with the Civil Service Law.
SECTION 2625 (A).  Restrictive provisions. — No commercial sign, signboard, or billboard shall be erected or displayed on public lands, premises, or buildings. If after due investigation, and having given the owners an opportunity to be heard, the mayor shall decide that any sign, signboard, or billboard, displayed or exposed to public view is offensive to the sight or is otherwise a nuisance, he may order the removal of such sign, signboard, or billboard, and if same is not removed within ten days after he has issued such order he may himself cause its removal and the sign, signboard, or billboard shall thereupon be forfeited to the municipality, and the expenses incident to the removal of the same shall become a lawful charge against any person or property liable for the erection or display thereof.

SECTION 2626. Councilors. — Each councilor shall have the following general duties and powers:

(a) Information for barrios. — He shall keep the people of his barrio informed as to the acts of the council, or other governmental measures which directly concern them, by bandillo or other method of appropriate or effective publication.

(b) Recommendation to the council. — He shall bring the special needs of his barrio to the attention of the council and shall make such recommendations as he may deem necessary.

(c) Important events. — He shall promptly inform the mayor of any unusual or untoward event occurring within his barrio.

(d) Lieutenant of barrio. — He shall appoint not more than two lieutenants for the barrio which comes under his immediate supervision. A lieutenant of barrio shall serve without compensation, and shall report directly to the councilor appointing him. It shall be the duty of the lieutenant of barrio to assist the councilor in the performance of his ministerial duties in his barrio. The term of office of the lieutenant of barrio shall be that of the councilor appointing him. A lieutenant of barrio shall be entitled to have a cedula issued to him free of charge while performing his duties as such.

(e) Substitute lieutenant of barrio. — He shall also appoint a
substitute lieutenant, who shall take the place of the lieutenant of such barrio during the temporary absence or disability of the latter.

[2657–2612.]

ARTICLE V

Taxation and Finance

SECTION 2627. The municipal treasurer. — The municipal treasurer shall, until otherwise provided by law, be appointed by the provincial treasurer, subject to the approval of the provincial board, and shall perform the following general powers and duties:

(a) Receipts and accounts for moneys. — He shall receive all moneys paid to the municipality from any source whatever, and shall account for the same in accordance with law and administrative regulations.

(b) Account to provincial auditor. — He shall render such accounts as the provincial auditor may require of him.

(c) Office — Keeping of money, and so forth. — He shall have his office in the municipal building and he shall keep in the municipal safe or strong box, which it shall be the duty of the municipal council to provide, all funds in his custody. Such money shall be kept separate and distinct from his own money, nor shall he be permitted to make profit out of public money or to lend or otherwise use it or to use the same in any method not authorized by law.

(d) Deposit of funds. — He shall, [when authorized by the department treasurer] deposit for safe keeping with the provincial treasurer such sums of money as he will not be obliged to use at once.

(e) Custodian of municipal property. — He shall be the custodian of all municipal property and shall keep a complete record thereof.

(f) Annual report. — He shall, during the first fifteen days of January of each year, prepare in duplicate itemized statements of the income and disbursements for the preceding year, one
copy of which shall be transmitted to the provincial treasurer and the other to the municipal council.

(g) *List of taxpayers.* — He shall, within ten days after the passage of the ordinance by the council for the payment of licenses or privilege taxes, prepare a list of the names of the persons whose business, if continued, would render them liable to the license or tax and he shall transmit such list at once to the provincial treasurer, to enable him more readily to detect persons failing to pay the licenses and privilege taxes for which they shall have become liable.

(h) *Appointment of clerks.* — He shall appoint such clerks and other employees as are necessary to aid him in the discharge of his duties when the number and salaries thereof are determined in the manner provided by this title. In case it shall appear that the number or salaries authorized by the municipal council are manifestly inadequate, it shall be within the power of the provincial board, on application, to increase the number of clerks or employees or the salaries fixed by the municipal council therefor.

(i) *Requisitions.* — To make requisitions upon the provincial treasurer for necessary supplies or equipment, in accordance with the provisions of subsection (h) of section two thousand six hundred and eleven hereof.

[2657–2613.]

SECTION 2628. *Revenues.* — The revenues of the municipality shall be devoted exclusively to local public purposes. They shall be derived in addition to those prescribed in section two thousand six hundred and twenty-five hereof, from the following sources:

(a) *Land taxes.* — The assessment and collection of an *ad valorem* tax on all land, buildings, and improvements in the municipality shall be made in accordance with the provisions and restrictions of the Real Property Tax Law, in force in the department.

(b)(2160) *Fisheries and fishing privileges.* — The granting of privilege of fisheries, other than pearl or shell fisheries, in fresh-water streams, lakes, and tidal streams, included within the municipality and not the property of any private individual,
and in the marine waters included between two lines drawn perpendicular to the general coast line from points where the boundary lines of the municipality touch the sea at high tide, and a third line parallel with the general coast line and distant from it three marine leagues. When municipalities are so situated on opposite shores that there is less than six marine leagues of marine waters between them the third line shall be a line equally distant from the opposite shores of the respective municipalities. Where fresh-water lakes are not included within the limits of any one municipality, or where fresh-water or tidal streams form boundaries between municipalities, disputes which may arise as to the waters within which any municipality may exercise the right of taxing the granting of the privilege of fisheries shall be referred by each municipality to the provincial board of the province to which it belongs, for settlement, subject to appeal to the Secretary of the Interior, whose decision shall be final.

(c) Rents and profits — Municipal property. — Rents and profits from all property belonging to the municipality, tolls from ferries, municipal stables, markets, slaughterhouses, bath houses, laundries, pounds, and cemeteries.

(d) Rentals of privileges. — Rentals for the privilege of establishing and maintaining the same.

(e) Tuition fees. — Fees for tuition in institutions of instruction, other than primary schools, founded and maintained by the municipality; but nothing herein shall require the charging of such fees.

(f) Frontage tax. — A uniform annual frontage tax to be imposed in the discretion of the municipal council within the commercial zone upon each person owning or in case of doubt as to ownership, upon the person occupying land fronting upon a public thoroughfare, for each meter or part of meter of frontage, upon approval of the provincial board of the province in which the municipality is situated. The proceeds from such tax shall constitute a special fund which shall be expended only for the purpose of cleaning, repairing, and improving the public thoroughfares within the commercial zone in which it is imposed.
(g) **Municipal fines; burial permits.** — Municipal fines, and fees for the issuance of burial permits and permits for the removal of the bodies of deceased person; but the charge made for each such permit shall not exceed fifty centavos.

(h) **Building permits.** — To issue building permits and to provide fees therefor.

[2657–2614; 2878–2, 6(2161).]

SECTION 2629. **General rules for municipal taxation and licenses.** — The following provisions shall be observed in the exercise of the right of taxation:

(a) **Import and export tax prohibited.** — It shall not be in the power of the municipal council to impose a tax in any form whatever upon goods and merchandise carried into the municipality, or out of the same, and any attempt to impose an import or export tax upon such goods in the guise of an unreasonable charge, wharfage, use of bridge, or otherwise, shall be void.

(b) **Fixing and changing taxes.** — All taxes, licenses, and fees imposed by the council shall be fixed by ordinance and may be changed from year to year, as the council may deem proper.

(c) **Prepayment of licenses.** — All licenses and privilege taxes shall be paid before the licensee or taxpayer shall begin the business or enjoyment of the privilege for which the license or tax is imposed by the ordinance.

(d) **Termination of licenses, and so forth.** — All licenses and privilege taxes shall terminate on the thirty-first of December of each year, and anyone beginning a business or exercising a privilege upon which a tax is levied by the council after the thirty-first of December shall be required, before beginning such business or exercising such privilege, to pay the license or tax for the quarters of the year which remain, to and including the thirty-first of December following. But all licenses and privilege taxes may be paid in quarterly installment without penalty during the first ten days of the quarter, at the election of the licensee.

(e) **Farming or leasing; collection by provincial treasurer.** — No taxes, imposts, or other revenues of the municipality shall be
leased or farmed except fisheries, and the right to operate fish-breeding grounds, ferries, stables, markets, and slaughterhouses in accordance with the provisions of general law. All imposts, taxes, revenues, fines, penalties, rents, debts due the municipality, license and privilege fees, and money or funds payable to the municipality for any reason or from any source whatsoever shall be collected and received by the provincial treasurer or his authorized deputies. When the municipal treasurer is also a deputy of the provincial treasurer all such collections shall be made by him as such deputy. When the municipal treasurer is not a deputy of the provincial treasurer he may, as such municipal treasurer, make such collections as are in this title specifically provided.

(f) **Conducting business without license.** — The council shall provide that any person conducting a business or enjoying a privilege without paying the tax required by its ordinances shall be punished by fine and imprisonment, after trial and conviction before the justice of the peace, as in other cases under the limitations prescribed in subsection (ii) of section two thousand six hundred and twenty-five hereof.

(g) **Collection of taxes.** — It shall be the duty of the provincial treasurer, in person or by deputy, to receive payment of all revenues due to the municipality from any source whatever, in accordance with law and administrative regulations: *Provided,* That taxes collected by a deputy of a provincial treasurer shall not be transferred to himself in his capacity as a municipal treasurer but shall be turned over to the provincial treasurer or his deputy specially authorized for that purpose, who shall be other than the municipal treasurer.

(h) **Turning over of revenues.** — Taxes, imposts, and other revenues of the municipality shall be turned over by the provincial treasurer or his deputies, to the municipal treasurer, within a reasonable time after the collection thereof, together with an itemized statement showing the nature of the tax, impost, or other revenue collected, and the respective amounts of same.

[2657–2615.]
ARTICLE VI

Municipal Districts

SECTION 2630. Special municipal governments. — In localities the majority of the inhabitants whereof have not progressed, sufficiently in civilization to make it practicable to bring them under municipal government as provided in existing legislation, and wherever non-Christian settlements are so small or remote that their organization as barrios of municipalities is impracticable, the Secretary of the Interior is authorized to organize municipal district governments and exercise jurisdiction over them through the provincial governors. In dealing with such non-Christian settlements, or members thereof, the Secretary of the Interior is authorized to appoint officers, to fix the designation of such officers, and to prescribe their powers and duties. But the powers and duties thus prescribed shall not be in excess of the powers conferred upon municipal officers by this chapter, except as provided in subsection (q) of section two thousand five hundred and eighty-five hereof.

[2657–2616; 2878–2, 6(2162).]

SECTION 2631. Taxation. — The provincial board is empowered to prescribe the tax to be collected in municipal districts organized in accordance with the last preceding section, subject to the approval of the Secretary of the Interior; but such taxes shall be within the limitations and restrictions imposed on municipal councils by this chapter. In districts where no council is provided, the provincial board shall exercise all the duties and powers devolving upon municipal councils under this chapter.

[2657–2617; 2878–2, 6(2163).]

BOOK IV

Penalties

TITLE XII

Penal Provisions Supplemental to Various Portions of this Code

CHAPTER 65

Offenses Against Various Administrative Laws

ARTICLE I
**Offenses Against Provisions of Notarial Law**

**SECTION 2632. Certification of document after expiration of authority of notary.** — Any person who, after the expiration of his commission as notary or after the termination of his authority to act as such, shall affix his seal or official signature to any document with intent to impart the appearance of notarial authenticity thereto, shall be punished by a fine not exceeding one thousand pesos or imprisonment for a period not exceeding one year, or both.

[2657–2625.]

**SECTION 2633. Failure of notary public to certify payment of cedula tax, and so forth.** — Any notary public who upon taking the acknowledgment to any document shall fail to certify the fact of the payment of the cedula tax by the parties thereto, as required by law, or who shall fail to comply with the requirements of sections two hundred and forty-six and two hundred forty-seven of this Code, shall be summarily dismissed from office and punished by a fine of one hundred pesos.

[2657–2626; C.A. 72–2(2164); see C.A. 238 (approved November 15, 1937) abolishing the cedula tax, also C.A. 465 (approved June 14, 1939) residence tax.]

**ARTICLE II**

**Offenses Relative to Assessment of Real Property**

**SECTION 2634. Omission of property from tax lists by officer.** — Any officer charged with the duty of assessing real property, who shall willfully fail to assess, or shall omit from the tax lists, any real property which he knows to be lawfully taxable, shall be punished by a fine not exceeding one thousand pesos, or imprisonment not exceeding two years, or both.

[2657–2627; see Act 3995–64(2165) and C.A. 470–59(2166).]

**SECTION 2635. Unlawful entry upon forfeited property.** — Any person who, after being removed from real property forfeited for the nonpayment of the real property tax, shall unlawfully re-enter thereon shall be punished by a fine of not more than one hundred pesos or by imprisonment for not more than thirty days, or both.

[2657–2628.]
ARTICLE III

Offenses Relative to Elections and Elective Officers(2167)

SECTION 2636.(2168) Officers and employees meddling with the election. — (Repealed)

[2657–2629; 3030–46(2169); 3387–2(2170).]

SECTION 2637.(2171) Fraud and omissions touching registration and other proceedings. — (Repealed)

[2657–2630; 3030–47(2172); 3210–29(2173).]

SECTION 2637½. Other punishable omissions. — (Repealed)

[3210–30(2174); 3387–2(2175)]

SECTION 2638.(2176) Premature declaration of result of election. — (Repealed)

[2657–2631; 3030–49(2177); 3387–2(2178).]

SECTION 2639.(2179) Fraud of officer in receiving or counting ballots — Failure to perform official duty. — (Repealed)

[2657–2632; 3030–49(2180); 3387–2(2181).]

SECTION 2639-1/2. Sale of Liquor, Cockfighting, etc. — Any person violating the provisions of section four hundred and sixteen of this Act shall be punished by imprisonment for not less than thirty days nor more than six months and by a fine of not less than fifty pesos nor more than two hundred pesos.

[3030–50(2182); 3387–2(2183).]

SECTION 2640.(2184) Premature or improper examination of ballots. — (Repealed)

[2657–2633; 3030–51(2185); 3387–2(2186).]

SECTION 2641.(2187) Destruction, taking, concealment, or mutilation of ballots. — (Repealed)

[2657–2634; 3030–52(2188); 3387–2(2189).]
SECTION 2642. (2190)  *Illegal voting.* — (Repealed)

[2657–2635; 3030–53(2191); 3387–2(2192).]

SECTION 2643. (2193)  *Tampering with election official.* — (Repealed)

[2657–2636; 3030–54(2194); 3387–2(2195).]

SECTION 2644. (2196)  *Bribery or attempted bribery of voter.* — (Repealed)

[2657–2637; 3030–55(2197); 3387–2(2198).]

SECTION 2645. (2199)  *Perjury in election matter.* — (Repealed)

[2657–2638; 3030–56(2200); 3387–2(2201); C.A. 233–1(2202).]

SECTION 2646. (2203)  *Unlawful voting by challenged persons.* — (Repealed)

[2657–2639; 3030–57(2204); 3387–2(2205).]

SECTION 2647. (2206)  *Unlawful registration.* — (Repealed)

[2657–2640; 3030–58(2207); 3210–31(2208); 3387–2(2209); 3894–1(2210).]

SECTION 2648. (2211)  *Disturbance of registration or election proceedings.* — (Repealed)

[2657–2641; 3030–59(2212); 3387–2(2213).]

SECTION 2649. (2214)  *Anonymous criticism of candidate in poster or circular.* — (Repealed)

[2657–2642; 3030–60(2215); 3387–2(2216).]

SECTION 2650. (2217)  *Secretion, taking, or destruction of election supplies.* — (Repealed)

[2657–2543; 3030–61(2218); 3210–32(2219); 3387–2(2220).]

SECTION 2651. (2221)  *Molesting persons in performance of duty.* — (Repealed)
SECTION 2652. Unlawful distribution or fabrication of ballots. — (Repealed)

SECTION 2653. Obstruction of voter. — (Repealed)

SECTION 2654. Fraudulent alteration or deposit of ballot. — (Repealed)

SECTION 2655. Removing ballot from polling place pending election. — (Repealed)

SECTION 2656. Influencing voter by threat, promise or intimidation. — (Repealed)

SECTION 2657. Various corrupt practices. — (Repealed)

SECTION 2658. Various frauds, impositions, and obstructions. — (Repealed)

SECTION 2659. Unlawful assumption of office by ineligible persons. — (Repealed)

SECTION 2660. Jurisdiction of courts. — (Repealed)

SECTION 2660-1/2. Prescription. — (Repealed)
ARTICLE IV

Offenses Committed in or Near Military Reservations and Army Posts

SECTION 2661. Unlawful cutting of timber on military reservation. — Every person who unlawfully cuts, or aids or is employed in unlawfully cutting, or wantonly destroys, or procures to be wantonly destroyed, any timber standing upon lands which in pursuance of law may be reserved or purchased for military purposes in the (Philippine Islands) Philippines, or removes any other public property, shall, upon conviction, be fined for each offense a sum not exceeding one thousand pesos or be imprisoned for a period not exceeding twelve months, or both, in the discretion of the court.

SECTION 2662. Sale of native liquors to soldiers and sailors in certain provinces prohibited. — The sale, gift, or other disposal, in the Provinces of Cavite and Zambales, to any soldier of the United States Army, Filipino Scouts excepted, or to any sailor or enlisted man of the United States Navy, or Marine Corps, of any of the so-called native wines or liquors, such as "vino," "anisado," and "tuba," is hereby prohibited and declared to be unlawful. Any person violating the provisions of this section shall, upon conviction thereof, be punishable for each offense by a fine not to exceed two hundred pesos, or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

SECTION 2663. Unlawful sale of liquor in prohibited places. — Any person who shall sell, furnish, or give any intoxicating liquor, wine, or beer, within the boundaries of any place wherein the dispensing of the same is prohibited under the provisions of chapter twenty of this Code shall, for each offense, be punished by a fine not exceeding two hundred pesos or by imprisonment at hard labor not exceeding six months, or by both, in the discretion of the court.

For the enforcement of the preceding paragraph, and for no other purpose, the powers of a justice of the peace are vested in the commanding officer of the United States troops stationed at the post or place in or near which a violation thereof shall occur, or if such officer be a general officer of the United States Army, then in a field officer to be designated by him.

An order of arrest issued by any such officer in his capacity as justice of the
peace may be executed by a military officer or soldier designated for that purpose by the officer by whom the order is issued.

The proceedings in prosecutions before an officer acting as justice of the peace, as aforesaid, shall be in conformity with the provisions of the Code of Procedure governing prosecutions for criminal offenses in general, and the accused shall have the same general right of appeal as is conceded to other persons.

In such causes no fee shall be paid to the officer acting as justice of the peace nor shall any fee be paid to a military officer or soldier making an arrest or serving process; and all fines and taxable costs imposed upon persons adjudged guilty shall be paid into the treasury of the municipality in which the offense was committed, or in the City of Manila, into the (Insular) National Treasury for the benefit of the said city.

When, in such prosecution, the defendant is sentenced to imprisonment, he shall be confined in the provincial jail or jail of the City of Manila, as the case may require.

[709–2(2253); 1302–1(2254).]

ARTICLE V

Offenses Against Regulations for Control of Vessels in Cavite Harbor

SECTION 2664. Violation of Cavite Harbor regulations. — The officer or person in charge of any vessel other than a vessel of the Quartermaster's Department of the United States, anchoring or mooring in Cavite Harbor, who shall fail to comply with any provision of law or any lawful regulation for the control of vessels in said harbor, shall be fined by the supervisor of said harbor one hundred pesos for the first offense, and two hundred pesos for each subsequent offense, and said fines shall be paid by the master, owner, or agent of such vessel to the Insular Collector, and shall by him be accounted for as (insular) national funds. In case the fines are assessed against the masters, owners, or agents of any vessel for not complying with such harbor regulations and the same are not paid as herein required, it shall be the duty of the Insular Collector to refuse such vessel clearance from said port, and he may further revoke her charter or take away her license to trade in the (Philippine Islands) Philippines.

If the officer or person in charge of a vessel of the Quartermaster's Department of the United States shall fail to comply with any such provision or regulation, he shall be reported by the supervisor to the commanding general of the division for punishment or may be debarred from the use of the harbor.
ARTICLE VI

Offenses Connected with Registration, Branding, Conveyance, and Slaughter of Cattle

SECTION 2665. Refusal of owner to produce document of title. — Any person refusing to produce on demand of the proper official, or within a reasonable time thereafter, a document of title as specified in section five hundred and thirty-one of this Code shall be punished by a fine of not less than ten pesos nor more than five hundred pesos, or by imprisonment for not less than one month nor more than six months, or by both, in the discretion of the court.

SECTION 2666. Slaughter of large cattle without permit. — Any person slaughtering or causing to be slaughtered for human consumption or killing for food at the municipal slaughterhouse any large cattle, except upon permit duly secured from the municipal treasurer, shall be punished by a fine of not less than ten nor more than two hundred pesos, or by imprisonment for not less than one month nor more than six months, or by both, in the discretion of the court.

SECTION 2667. Failure to brand or register cattle. — Any person who shall fail, neglect, or refuse to brand or register his large cattle as required by the provisions of chapter twenty-two of this Code shall be punished for each animal not branded or registered as required by law, by a fine of not less than two nor more than five pesos, or by imprisonment for not less than five days nor more than thirty days, or by both such fine and imprisonment, in the discretion of the court.

The penalty hereinabove provided shall not be imposed on owners of large cattle over two years of age who voluntarily, and without having any charge of the violation of any provision of this chapter pending against them, present their cattle to the proper officer for branding or registration.

SECTION 2668. Failure to comply with provisions relative to registration and branding of cattle. — Any official or other person who fails, refuses, or neglects to perform any duty enjoined upon him by the provisions of chapter twenty-two of this Code shall, in the absence of other specific penalty, be punished by a fine of not less than ten nor more than five hundred pesos, or by imprisonment
for not less than ten days nor more than six months, or by both, in the discretion of the court.

[1147–39(2261).]

SECTION 2669. Control of provincial treasurer over prosecutions. — A complaint for the prosecution of any offense under this article must be indorsed "approved" by the treasurer of the province or his deputy, both of whom shall have power, without such prosecution, to receive, in satisfaction of such offense, the fees and minimum fines in this article provided.

[1627–40(2262).]

CHAPTER 66

Officers Connected with Administration of Various Bureaus and Offices

ARTICLE I

Offenses Connected with Administration of Bureau of Audits

SECTION 2670. Departure of accountable officer before settlement with Auditor. — (Repealed)

[2657–2660.]

SECTION 2671. Failure of accountable officer to render account. — (Repealed)

[2657–2661.]

SECTION 2672. Embezzlement or malversation in office. — (Repealed)

[2657–2662.]

ARTICLE II

Offenses Connected with Administration of Bureau of Civil Service

SECTION 2673. Solicitation of political contribution or political service. — Any officer or employee in the Philippine civil service who shall directly or indirectly solicit, collect, or receive from any other officer or employee in such service any money or other valuable thing to be applied to the promotion of any political object or purpose or shall solicit or require him to render political service
of any sort, and any officer who shall remove any other officer or employee in such
service or otherwise injuriously affect or prejudice him in his official position on
account of his failure or refusal so to contribute or render political service, shall be
punished by a fine not exceeding one thousand pesos or by imprisonment not
exceeding six months, or both.

[2657–2663.]

SECTION 2674. Sundry frauds. — Any person who shall by himself or in
cooperation with another defeat, deceive, or obstruct any person in the matter of
his right of examination by the Bureau of Civil Service, or who shall falsely rate,
grade, estimate, or report upon the examination or standing of any person
examined by the Bureau of Civil Service, or shall aid in so doing, or shall make
any false representations relative thereto or concerning the person or persons
examined or who shall use or furnish any special or secret information for the
purpose of improving or injuring the prospects or chances of any person so
examined or to be examined, being certified, employed, appointed, or promoted,
shall for each such offense be punished by a fine not exceeding two thousand
pesos or by imprisonment for a period not exceeding one year, or both.

Any person who shall knowingly make any material false statement in his
application for examination, or who shall connive at any false statement made in
any certificate which may accompany his application, or who shall make any
material false statement in any certificate to accompany the application for
examination for any other person, or who shall personate any other person or
permit or aid in any manner any other person to personate him in connection with
any examination or application for examination, or who shall falsely make or forge
any certificate or present any falsely made or forged certificate in connection with
his application for examination, or who shall commit or attempt to commit any
fraud contrary to the Civil Service Law or Civil Service Rules, or aid in so doing,
shall be subject to the same penalty as in the preceding paragraph provided.

[2657–2664.]

ARTICLE III

Offenses Connected with Practice of Pharmacy

SECTION 2675. Violation of provisions relative to dispensing of poisons.
— Any person who shall violate any provision of section seven hundred and
fifty-five or seven hundred and fifty-six of this Code shall, upon conviction, be
punished by a fine of not more than one thousand pesos, or by imprisonment for
not more than ninety days, or both, in the discretion of the court.
SECTION 2676. *General violation of Pharmacy Law.* — Any person engaging in the practice of pharmacy in the (Philippine Islands) Philippines contrary to any provision of the Pharmacy Law or violating any provision of said law for which no specific penalty is provided shall, for each offense, be punished by a fine not to exceed five hundred pesos, or by imprisonment for not more than six months, or both, in the discretion of the court.

SECTION 2677. *Violation of penal regulations of Board of Pharmaceutical Examiners.* — Any person who shall violate any lawful penal regulation promulgated by the Board of Pharmaceutical Examiners shall be punished by a fine of not more than two hundred pesos or by imprisonment for not more than two months, or both, in the discretion of the court.

ARTICLE IV

*Offenses Connected with Practice of Medicine*

SECTION 2678. *Violation of Medical Law.* — Any person violating the provisions of this Act by practicing medicine within the meaning of the same, or holding himself or herself forth as able to do so, without fulfilling the requirements of this Act and receiving the certificate of registration from the Board of Medical Examiners, as provided by this Act, shall, upon conviction in a court of competent jurisdiction, be subject to a fine of not less than two hundred pesos not more than five hundred pesos, or to imprisonment for not more than ninety days, or both, in the discretion of the court. In case of a second offense, such person shall, upon conviction, be subject to a fine of not less than five hundred pesos nor more than one thousand pesos, or to imprisonment for not less than six months nor more than one year, in the discretion of the court.

ARTICLE V

*Offenses Connected with Practice of Dentistry*

SECTION 2679. *Violation of Dental Law.* — Any person violating any provision of the Dental Law shall, upon conviction, be punished for each violation with a fine of not more than one thousand pesos, or by imprisonment for not more
ARTICLE VI

Offenses Connected with the Practice of Optometry

SECTION 2680. Violation of provision relating to practice of optometry. — Any person violating any section, clause, paragraph, or any provision of chapter thirty-three hereof, shall be criminally prosecuted before a court of competent jurisdiction and, upon conviction, shall be punished for each violation with a fine of not less than twenty nor more than one thousand pesos, or by imprisonment for not more than one year, or both such fine and imprisonment, in the discretion of the court.

ARTICLE VII

Offenses Connected with Administration of Philippine Constabulary

SECTION 2681. Failure of officer to give notice of presence of outlaws. — Any officer or member of any police force who, having notice of the presence of any band of outlaws or other persons threatening the peace of the community, shall fail to give notice of the same, as required in section eight hundred and forty of this Code, shall be punished by a fine not exceeding two thousand pesos or imprisonment not exceeding two years, or both.

SECTION 2682. Fraudulent enlistment. — Any person who shall enlist or reënlist in the Philippine Constabulary after having been dishonorably discharged from the military or naval service of the United States, or from the Philippine Constabulary, or who shall enlist in the Philippine Constabulary under an assumed name, or upon enlistment therein shall make any willfully and intentionally false representation as to his nationality, age, parents, or guardian, shall be deemed guilty of fraudulent enlistment, and upon conviction, shall be punished by imprisonment for a term not exceeding six months or by a fine not exceeding five hundred pesos, or both.

SECTION 2683. Extortion of money by member of Philippine Constabulary...
Constabulary. — Any officer or member of the Philippine Constabulary found guilty of obtaining for his own use any money or property from any person by threats of arrest or actual arrest or intended prosecution shall be punished by imprisonment for not less than one year and not more than ten years.

[2657–2677.]

SECTION 2684. Sedition practices. — Any member of the Constabulary who begins, excites, causes, or joins in any opposition or resistance to, or defiance of, any superior authority in the Constabulary with intent to usurp, subvert, or override the same, or who being present does not use his utmost endeavor to suppress all such opposition, resistance, or defiance, or who, having knowledge of any such opposition, resistance, or defiance being intended, does not, without delay, give information thereof to such superior authority, shall be fined not exceeding twenty thousand pesos or imprisonment not exceeding ten years or both.

[2657–2678.]

SECTION 2685. Maltreatment and abuse of authority. — Any member of the Constabulary who whips, maltreats, abuses, subjects to physical violence, or tortures by the so-called "water cure" or otherwise, any native of the (Philippine Islands) Philippines or other person, or who causes such whipping, maltreatment, abuse, or torture of any native of the (Philippine Islands) Philippines or other person for the purpose of extorting from him any confession or inducing him to give any information whatsoever, shall be punished by imprisonment at hard labor for a term not exceeding five years or by a fine not exceeding ten thousand pesos, or both. Final conviction of any such offense shall by and of itself constitute a dismissal of the offender from the Constabulary service and shall make him ineligible to any position of trust or confidence in the Government of the (Philippine Islands) Philippines.

Any Constabulary officer or noncommissioned officer of the Constabulary who countenances, allows, or permits the whipping, maltreatment, abuse, or torture of any native of the (Philippine Islands) Philippines or of any other person for the purpose of extorting or obtaining any confession, information, or declaration whatsoever shall be punished by imprisonment for a period not exceeding five years or by a fine not exceeding ten thousand pesos, or both.

[2657–2679.]

SECTION 2686. Misbehavior before enemy and other misdemeanors. — Any member of the Constabulary who misbehaves himself before any outlaw, robber, or other enemy, runs away, or shamefully abandons any post or guard, or
advises or persuades others to do the like, or casts away his arms or ammunition, or quits his post or command to plunder or pillage, shall be fined not exceeding six thousand pesos or imprisoned not exceeding three years or both.

[2657–2680.]

SECTION 2687. Disobedience and insubordination. — Any member of the Constabulary who willfully disobeys the lawful command of his superior officer, or any officer of the Constabulary engaged in parting or quelling any quarrel, fray, or disorder therein, or who strikes such superior officer or such officer so engaged, or draws or lifts any weapon, or offers any violence against him, shall be fined not exceeding four thousand pesos or imprisonment not exceeding two years, or both.

[2657–2681.]

SECTION 2688. Desertion — Absence without leave. — Any member of the Constabulary who, having received pay or been duly enlisted therein absents himself therefrom without leave and with intent not to return thereto, or advises or persuades others to do the like, shall be fined not exceeding four thousand pesos or imprisoned not exceeding two years, or both.

[2657–2682.]

SECTION 2689. Sentinel sleeping on post. — Any member of the Constabulary who, while on duty as a sentinel, is found sleeping on post, or who leaves it before he is regularly relieved, and any noncommissioned officer or acting noncommissioned officer or guard in charge of a relief on post who is found sleeping on such duty, shall be fined not exceeding one thousand pesos or imprisoned not exceeding one year, or both.

[2657–2683.]

SECTION 2690. Selling of firearms to unlicensed purchaser. — It shall be unlawful for any dealer in firearms or ammunition to sell or deliver any firearms or ammunition or any part of a firearm to a purchaser or other person until such purchaser or other person shall have obtained the necessary license therefor. Any person violating the provisions of this section, upon conviction in a court of competent jurisdiction, shall be punished by a fine not exceeding two thousand pesos, or by imprisonment not exceeding two years, or both.

[2657–2684.]

SECTION 2691. Failure of personal representative of deceased licensee
to surrender firearm. — When a holder of any firearm license shall die or become subject to legal disability and any of his relatives, or his legal representative, or any other person shall knowingly come into possession of any firearm or ammunition covered by such license, such person, upon failure to deliver the same to the (Director) Chief of Constabulary in Manila or to the senior officer of Constabulary in the province, shall be punished by a fine not exceeding five hundred pesos or by imprisonment not exceeding six months, or both.

[2657–2685.]

SECTION 2692. Unlawful manufacture, dealing in, acquisition, disposition or possession of firearm, or ammunition therefor, or instrument used or intended to be used in the manufacture of firearms or ammunition. — Any person who manufactures, deals in, acquires, disposes, or possesses, any firearm, parts of firearms, or ammunition therefor, or instrument or implement used, or intended to be used in the manufacture of firearms or ammunition in violation of any provision of sections eight hundred and seventy-seven to nine hundred and six, inclusive of this Code as amended shall, upon conviction, be punished by imprisonment for a period not exceeding one year, or both imprisonment not exceeding such period and a fine not exceeding one thousand pesos, in the discretion of the court. A conviction under this section shall carry with it the forfeiture of the prohibited article or articles to the Philippine Government.

The possession of any instrument or implement which is directly useful in the manufacture of firearms or ammunition on the part of any person whose business or employment does not deal with such instrument or implement shall be prima facie proof that such article is intended to be used in the manufacture of firearms or ammunition.

[2657–2686; 3927–1(2278); C.A. 56–3(2279).]

ARTICLE VIII

Offenses Connected with Administration of (Philippine Health Service) Bureau of Health

SECTION 2693. Refusal to submit to vaccination. — Any person liable to vaccination who shall refuse to submit to the operation or shall evade the same shall, upon conviction, be punished by a fine of not more than one hundred pesos.

[2657–2665.]

SECTION 2694. Failure of person in charge of child to present same for vaccination. — Any parent, guardian, or other person having charge of any child
over one month old who shall fail to present the same for vaccination, as required
by law, or who shall fail to return any such child to the vaccinating officer for
verification of the effect of the operation, or for later vaccination, as the case may
be, shall be fined ten pesos for each offense.

[2657–2666.]

SECTION 2695. Desecration of burial premises. — Any person who
wantonly or maliciously defaces, breaks, or destroys any tomb, ornament, or
gravestone erected to any deceased person, or any memento or memorial, or any
plant, tree or shrub pertaining to places of burial of a dead body, or who shall
wantonly or maliciously remove any fence, post, or wall of any burial ground or
cemetery, shall be punished by a fine of not more than two hundred pesos or by
imprisonment for not more than six months, or both.

[2657–2667.]

SECTION 2696. Use of fertilizers dangerous to health. — Any person
who shall use any human excreta, excrement, dejecta, or the contents of any water
or earth closet, privy, vault, cesspool, latrine, pail, or other receptacle for human
feces or urine, as a fertilizer for any land on which is grown any article or product
intended for human food or human consumption, or who shall allow any human
excrement, excreta, or dejecta to be sprinkled on or applied in any manner or for
any purpose to any crop, product, or vegetation growing on said land, shall be
punished as in the next succeeding section hereof provided.

[2657–2668.]

SECTION 2697. Violation of Public Health Law, sanitary regulation, or
order. — Any person who shall violate any provision of the Public Health Law or
any regulation of the (Philippine Health Service) Bureau of Health or order or
notice having the force of law and promulgated under the authority of said Public
Health Law, for which delinquency no specific penalty is provided by law, shall be
punished by a fine of not more than two hundred pesos or by imprisonment for a
period not exceeding six months, or both.

Any leprous person imprisoned under the regulations of the (Philippine
Health Service) Bureau of Health relative to the Culion Leper Colony shall be
required to serve his sentence in the custody of the chief of the Culion Leper
Colony Division.

[2657–2669.]
ARTICLE IX

Offenses Against Food and Drugs Act

SECTION 2698. Unlawful manufacture of adulterated or misbranded food or drug. — Any person who shall manufacture within the (Philippine Islands) Philippines any adulterated or misbranded article of food or any adulterated or misbranded drug contrary to the provisions of sections one thousand one hundred and eleven of this Code, shall be punished for the first offense by a fine not to exceed one thousand pesos or by imprisonment for one year, or by both, in the discretion of the court and for each subsequent offense he shall be punished by a fine of not less than two thousand pesos nor more than five thousand pesos, or by imprisonment for one year, or by both, in the discretion of the court.

[1655–1(2280).]

SECTION 2699. Unlawful shipment of adulterated or misbranded food or drug. — Any person who shall export, ship, or deliver for shipment from the (Philippine Islands) Philippines to the United States or to a foreign country any adulterated or misbranded article of food or any adulterated or misbranded drug, contrary to the provisions of section one thousand one hundred and twelve of this Code, shall be punished for the first offense by a fine not to exceed four hundred pesos, and for each subsequent offense by a fine not to exceed six hundred pesos, or by imprisonment not to exceed one year, or by both, in the discretion of the court.

[1655–2(2281).]

SECTION 2700. Unlawful sale or transfer of adulterated or misbranded food or drug. — Any person who shall sell or offer for sale in the (Philippine Islands) Philippines any adulterated or misbranded article of food or any adulterated or misbranded drug, contrary to the provisions of section one thousand one hundred and thirteen of this Code, or who shall, after importing or receiving any such article of food or drug from abroad, transfer or deliver, or offer to transfer or deliver the same to any other person in an original unbroken package, whether for pay or otherwise, contrary to the provisions of said section shall be punished for the first offense by a fine not to exceed four hundred pesos, and for each subsequent offense by a fine not to exceed six hundred pesos, or by imprisonment not to exceed one year, or by both, in the discretion of the court.

[1655–2(2282).]

ARTICLE X
Offenses Connected with the Administration of Bureau of Quarantine Service

SECTION 2701. Violation of quarantine laws or regulations of United States. — Any person who violates any provision of the Acts of Congress specified in section one thousand one hundred and thirty-five of this Code, or any provision of the rules or regulations of the Secretary of the Treasury of the United States prescribed under such Acts, shall be punished by a fine of not more than two thousand pesos or by imprisonment for not more than one year, or both.

[2657–2670.]

ARTICLE XI

Offenses Connected with Administration of Bureau of Customs

SECTION 2702. Unlawful importation of merchandise. — Any person who shall fraudulently or knowingly import or bring into the (Philippine Islands) Philippines, or assist in so doing, any merchandise, contrary to law, or shall receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of such merchandise after importation, knowing the same to have been imported contrary to law, shall be punished by a fine of not more than two thousand pesos or by imprisonment for not more than two years, or both.

When, upon trial for a violation of this section, the defendant is shown to have or to have had possession of the merchandise in question, such possession shall be deemed sufficient evidence to authorize conviction, unless the defendant shall explain the possession to the satisfaction of the court.

[2657–2691.]

SECTION 2703. Various fraudulent practices against customs revenues. — Any person who makes or attempts to make any entry of imported or dutiable exported merchandise by means of any false or fraudulent invoice, declaration, affidavit, letter, paper, or by means of any false statement, written or verbal, or by means of any false or fraudulent practice whatever, or shall be guilty of any willful act or omission by means whereof the Government of the (Philippine Islands) Commonwealth of the Philippines might be deprived of the lawful duties, or any portion thereof, accruing from the merchandise or any portion thereof, embraced or referred to in such invoice, declaration, affidavit, letter, paper, or statement, or affected by such act or omission, shall, for each offense, be punished by a fine not exceeding five thousand pesos or by imprisonment for not more than two years, or both.
SECTION 2704. Failure to report fraud. — Any master or other officer, owner, or agent of any vessel trading with or within the (Philippine Islands) Philippines and any employee of the Bureau of Customs who, having cognizance of any fraud upon the customs revenues, contemplated or perpetrated, shall fail to report all information relative thereto to the collector of customs, as by law required, shall be punished by a fine of not more than two thousand pesos or by imprisonment for not more than one year, or by both.

SECTION 2704-1/2. Statutory offenses of officers and employees. — Every officer, agent, or employee of the Bureau of Customs who is guilty of any delinquency hereinbelow specified or who falls within any of the classes hereinbelow indicated shall be punished by a fine of not less than four hundred pesos nor more than ten thousand pesos or by imprisonment for not less than six months nor more than five years, or both:

(a) Those guilty of extortion or willful oppression under color of law.

(b) Those who knowingly demand other or greater sums than are authorized by law or receive any fees, compensation, or reward, except as by law prescribed, for the performance of any duty.

(c) Those who willfully neglect to give receipts, as by law required, for any sums collected in the performance of duty, or who willfully neglect to perform any of the duties enjoined by law.

(d) Those who conspire or collude with another or others to defraud the revenues or otherwise violate the law.

(e) Those who willfully make opportunity for any person to defraud the revenues, or who do or omit to do any act with intent to enable any other person to defraud the revenues.

(f) Those who negligently or designedly permit the violation of the law by any other person.

(g) Those who make or sign any false entry or entries in any book, or make or sign any false certificate or return in any case where the law requires the making by them of such entry, certificate,
or return.

(h) Those who, having knowledge or information of a violation of the Customs Law or any fraud committed on the revenues collectible by the Bureau of Customs, fail to report such knowledge or information to their superior officer or to report as otherwise required by law.

(i) Those, who without the authority of law, demand or accept, or attempt to collect directly or indirectly as payment or otherwise, any sum of money or other thing of value for the compromise, adjustment, or settlement of any charge or complaint for any violation or alleged violation of law.

[3847–1(2283).]

SECTION 2705. Concealment or destruction of evidence of fraud. — Every person who willfully conceals or destroys any invoice, book, or paper relating to any merchandise liable to duty, after an inspection thereof has been demanded by the collector of any collection district, or at any time conceals or destroys any such invoice, book, or paper for the purpose of suppressing any evidence of fraud therein contained, shall be punished by a fine of not more than two thousand pesos, or by imprisonment for not more than one year, or both.

[2657–2694.]

SECTION 2706. Breaking of seal on car or conveyance by land. — Any person who shall willfully break or destroy any seal placed by a customs official upon any car, or compartment thereof, or other conveyance by land shall be punished by a fine of not more than one thousand pesos.

[2657–2695.]

SECTION 2707. Alteration of marks on warehoused merchandise. — Any person who alters, defaces, or obliterates any distinctive mark placed by a customs officer upon any package of warehoused merchandise shall be liable to a fine of not more than one thousand pesos.

[2657–2696.]

SECTION 2708. Fraudulent opening or entering of warehouse. — Any importer or proprietor or warehoused merchandise, or person in his employ, who by any contrivance, fraudulently opens the warehouse, or gains access to the merchandise, except in the presence of the proper officer of the customs, acting in
the execution of his duty, shall be liable to a fine not exceeding one thousand pesos, or to imprisonment for a period not exceeding one year, or both.

[2657–2697.]

SECTION 2709. Fraudulent removal or concealment of warehoused merchandise. — Any person who shall fraudulently remove warehoused merchandise from any public or private warehouse or shall fraudulently conceal such merchandise in any such warehouse, or shall aid or abet any such removal or concealment, shall be punished by a fine of not more than two thousand pesos, or by imprisonment for not more than one year, or both.

[2657–2698.]

SECTION 2710. Unlawful exportation of coin on bullion. — It shall be unlawful to export or attempt to export from the (Philippine Islands) Philippines any Philippine silver money coined under the authority of any law of the United States, or bullion made therefrom, except as such money may be carried away by departing travelers in ordinary course and in sums not exceeding twenty-five pesos or as such coin or bullion may be exported in the course of the lawful operations of the Philippine Treasury; and any person who effects or attempts the exportation of such coin or bullion contrary to law shall be punished by a fine not exceeding two thousand pesos or by imprisonment for not more than one year, or both; and the coin or bullion in question shall be forfeited.

[2657–2699.]

SECTION 2711. Unlawful importation of silver coin. — It shall be unlawful to import or to attempt to import into the (Philippine Islands) Philippines silver money not on a gold basis, except as the same may be brought in by incoming passengers in ordinary course of travel and in sums not exceeding fifty pesos for a first-class passenger, twenty pesos for a second-class passenger, and ten pesos for a third-class passenger; and any person who effects or attempts the importation of such coin contrary to law shall be punished by a fine not exceeding two thousand pesos or by imprisonment for not more than one year, or both, and the coin in question shall be forfeited.

[2657–2700.]

SECTION 2712. Unlawful entry into and departure of stowaways from the (Philippine Islands) Philippines. — Any stowaway arriving in the (Philippine Islands) Philippines in violation of section twelve hundred and thirty-six of this Code may be arrested and detained, upon the direction of the Insular Collector of
Customs, in any (insular) national prison; and with the consent of the proper military authorities the Insular Collector shall cause such stowaway to be deported upon the first available transport of the United States Army. The detention of stowaway under the provisions of this section shall not extend beyond the time of sailing of the first transport to leave the (Philippine Islands) Philippines after the apprehension of such person as herein provided, and shall cease immediately after the military authorities notify the Collector of Customs that they are unwilling to take back such stowaway. Upon the certificate of a medical officer to the effect that the health or safety of such person would be unduly imperiled by immediate deportation, such person may be held for treatment until such time as he may, in the opinion of such medical officer, be safely deported.

Any person who shall become a stowaway in violation of the second paragraph of section twelve hundred and thirty-six of this Code shall upon conviction thereof be fined in a sum not exceeding one hundred pesos, or imprisonment for a period not exceeding one month, or by both such fine and imprisonment at the discretion of the court.

[2213–2(2284); 3333–2(2285).]

SECTION 2713. Violation of customs laws and regulations in general. — Any person who violates a provision of the customs laws or regulations pursuant thereto, for which delinquency no specific penalty is provided, shall be punished by a fine of not more than four hundred pesos or by imprisonment for not more than six months, or both.

[2657–2701.]

ARTICLE XII

Offenses Connected with Administration of Bureau of Internal Revenue(2286)

SECTION 2714.(2287) Statutory offenses of officers and employees. — (Repealed)

[2657–2702.]

SECTION 2715.(2288) Reward of informer. — (Repealed)

[2657–2703.]

SECTION 2716.(2289) Unlawful divulgence of trade secrets. — (Repealed)
SECTION 2717.(2291) Unlawful interest of revenue officers in business. — (Repealed)

SECTION 2718.(2293) Delinquency in payment of cedula tax. — (Repealed)

SECTION 2719.(2295) Unlawful use of cedula certificate. — (Repealed)

SECTION 2720.(2297) Falsification or counterfeiting of stamp or cedula certificate. — (Repealed)

SECTION 2721.(2298) Failure to affix and cancel documentary stamp and destroy internal-revenue stamp and labels. — (Repealed)

SECTION 2722.(2300) Unlawful pursuit of business or occupation. — (Repealed)

SECTION 2723.(2302) Failure to make true return of receipts and sales. — (Repealed)

SECTION 2724.(2303) Unlawful use of denatured alcohol. — (Repealed)

SECTION 2725.(2304) Forfeiture of goods illegally stored or removed. — (Repealed)

SECTION 2726.(2305) Forfeiture of property used in unlicensed
SECTION 2727. (2306) Unlawful possession or removal of articles subject to specific tax without payment of tax. — (Repealed)

SECTION 2728. (2308) Punishment of subsequent offense. — (Repealed)

SECTION 2729. (2310) Unlicensed signs, signboards, or billboards. — (Repealed)

SECTION 2730. (2311) Shipment of liquor or tobacco under false name or brand. — (Repealed)

SECTION 2731. (2312) Procuring unlawful divulgence of trade secrets. — (Repealed)

SECTION 2732. (2314) Fraudulent practices relative to weights and measures. — (Repealed)

SECTION 2733. (2315) Unlawful possession or use of instrument not sealed before using and not sealed within twelve months from last sealing. — (Repealed)

SECTION 2734. (2317) Alteration or fraudulent use of instrument of weight or measure. — (Repealed)

SECTION 2735. (2318) Payment of informers. — (Repealed)
SECTION 2736. Illegal sale of skimmed milk. — (Repealed)

SECTION 2737. Unlawful removal of mining products. — (Repealed)

SECTION 2738. Failure to keep pharmacist's record. — (Repealed)

SECTION 2739. Unlawful delivery of property or transfer of shares, obligations, bonds, or rights subject to inheritance tax. — (Repealed)

SECTION 2740. Concealment of property subject to inheritance tax. — (Repealed)

SECTION 2741. Violation of Internal Revenue Law or regulations in general. — (Repealed)

ARTICLE XIII

Offenses Connected with Administration of Bureau of Treasury

SECTION 2742. Failure of Treasury or bank official to stamp counterfeit coin. — The (Insular) Treasurer of the Philippines, or any employee of this Bureau, or any cashier, treasurer, teller, or other officer or employee of any bank or banking association who shall knowingly neglect or refuse to stamp, as required by law, the word "false" upon any counterfeit coin that shall come into his possession or custody by virtue of his office or employment shall be punished by a fine of not exceeding one thousand pesos or by imprisonment not exceeding six months, or both, for each neglect or failure.
SECTION 2743. Violation of any provision of article eight of chapter forty-one of this Code or of any rule or regulation issued in conformity therewith. — Any agent, office, or other person in charge of any society or association coming within the purview of article eight of chapter forty-one of this Code, who, being thereunto required by the (Insular) Treasurer of the Philippines in writing, shall contrary to the provisions of said article, willfully refuse or neglect to file the required report or permit any lawful examination into the affairs of such society or association, or shall violate any provision of said article or of any rule or regulation issued pursuant thereto, shall be punished by a fine of not more than five hundred pesos or by imprisonment for not more than six months, or both.

[2657–2729; 3212–5(2328); 3519–6(2329); 3612–8(2330).]

ARTICLE XIII-A

Offenses Connected with Administration of the Bureau of Banking

SECTION 2743-A. Refusal to make report or permit, examination. — Any owner, agent, manager, or other officer in charge of any institution within the purview of Chapter 41-A of the Administrative Code, who, being thereunto required by the Bank Commissioner in writing, shall contrary to the provisions of said chapter, willfully refuse to file the required report or permit any lawful examination into the affairs of such institution shall be punished by a fine of not more than ten thousand pesos or by imprisonment for not more than one year, or both, in the discretion of the court.

[3519–7(2331).]

SECTION 2743-B. Statutory offenses by officers and employees. — The violation of the provisions of section sixteen hundred and thirty-five of Chapter 41-A of the Administrative Code shall be punished by a fine not to exceed five thousand pesos or by imprisonment for a term not to exceed five years, or both, in the discretion of the court.

[3519–7(2332).]

SECTION 2743-C. False statement. — The willful making of a false statement under oath to the Bank Commissioner or to his examiners shall be punished by a fine not to exceed five thousand pesos or by imprisonment for a term not to exceed five years, or by both, in the discretion of the court.

[3519–7(2333).]
ARTICLE XIV

Offenses Connected with Administration of Bureau of Printing

SECTION 2744. Fraud against Government by officer of Bureau of Printing. — If the Director of Printing, Assistant Director of Printing, any foreman, or other employee shall, by himself, or through others, corruptly collude, or have any secret understanding with any person to defraud the (Insular) National Government or whereby the (Insular) National Government shall be made to sustain a loss, he shall, on conviction thereof before any court of competent jurisdiction, forfeit his office and be imprisoned for a term of not more than seven years and fined in a sum not exceeding six thousand pesos.

[2657–2733.]

SECTION 2745. Holding of prohibited interest by officer. — Neither the Director of Printing, the Assistant Director of Printing, any foreman, not any of their assistants shall, during continuance in office, have any interest, direct or indirect, in the publication of any newspaper or periodical, or in any printing, binding, engraving, or lithographing of any kind, or any contract for furnishing paper or other material connected with the public printing, binding, lithographing, or engraving; and for every violation of this section the party offending shall, on conviction before any court of competent jurisdiction, be imprisoned for a term of not less than one year nor more than five years and shall be fined in a sum not exceeding four thousand pesos.

[2657–2734.]

ARTICLE XV

Offenses Connected with Administration of (Bureau of Agriculture) Bureau of Plant Industry and Bureau of Animal Industry

SECTION 2746. Violation of provision relative to control of plant diseases. — Any person who shall violate any provision of section one thousand seven hundred and fifty-six or one thousand seven hundred and fifty-seven of this Code or any regulation for the enforcement thereof shall be punished by a fine not to exceed two hundred pesos, or imprisonment for a period not to exceed thirty days, or both.

[2657–2730.]

SECTION 2747. Violation of provisions relative to animal quarantine. —
Any person who shall violate any provision of sections one thousand seven hundred and sixty-two to one thousand seven hundred and sixty-five, inclusive, of this Code shall be punished by a fine of not more than one thousand pesos, or by imprisonment for not more than six months, or by both.

Any person who shall violate any provision of said sections or any lawful regulation or other pursuant thereto, for which delinquency no specific penalty is provided by law, shall be punished by a fine of not more than one hundred pesos or by imprisonment for not more than thirty days, or both.

SECTION 2748. Violation of provisions relative to grading of fibers. — Any person who shall change, obliterate, or counterfeit, wholly or in part, or cause to be changed, obliterated, or counterfeited, the official or private mark or brand on any bale of fiber which has been inspected, graded, and stamped as provided in this law, or who shall use any tag or mark which is not accordance with the provisions of this Act or the authorized orders of the Fiber Standardization Board, or who shall tamper with or alter the quantity or quality of any bale of fiber which has been so inspected, graded, and stamped, or who shall otherwise violate any of the provisions of this Act, shall be punished by a fine of not more than three hundred pesos; and upon conviction hereunder of any person holding a grading permit, the Fiber Standardization Board may, with the approval of the Secretary of Agriculture and (Natural Resources) Commerce, withdraw and cancel such permit.

SECTION 2749. Offenses connected with practice of veterinary medicine. — Every person who shall unlawfully engage in the practice of veterinary medicine in the (Philippine Islands) Philippines without holding a certificate as veterinarian issued by the Board of Veterinary Examiners shall be punished for each offense by a fine of not less than twenty-five nor more than three hundred pesos, or by imprisonment for not more than six months, or both, in the discretion of the court.

Every person who, with intent to deceive the Board of Veterinary Examiners, presents to the same as and for his own any certificate or diploma issued to any other person than himself purporting to show proficiency in veterinary science, or who with such intent presents to the Board any fraudulent or spurious certificate or diploma of like character shall be subject to the same penalty.

[2657–2731; 3263–22(2335).]
ARTICLE XVI

Offenses Connected with Administration of Bureau of Forestry

SECTION 2750. Unlawful use of implements and devices used by forest officers. — Whoever, without authority of law, shall cut, make, manufacture, or have in his possession any Government marking hatchet or other marking implement or any mark, poster, or other device officially used by officers of the Bureau of Forestry for the marking or identification of timber or other forest products, or any duplicate, counterfeit, or imitation thereof, or who shall make or apply a Government mark to timber or any other forest product by means of any authentic or counterfeit Government marking hatchet, implement, mark, poster, or other device, or who shall alter, deface, or remove Government marks or signs from trees, logs, stumps, firewood, or other forest products, shall, upon conviction, be punished by a fine not exceeding five hundred pesos or by imprisonment not exceeding one year, or both.

[2657–2672.]

SECTION 2751. Unlawful occupation or destruction of public forest. — Without written permission of the Director of Forestry or his duly authorized representative, it shall be unlawful for any person willfully to enter upon any public forest, proclaimed timberland, communal forest, communal pasture, and forest reserve and occupy same, or to make caiñgin therein or in any manner destroy such forest or part thereof, or to cause any damage to the timber stand and other forest products and forest growth found therein, or to assist, aid or abet any other person so to do. It shall also be unlawful for any person negligently to permit a fire which has been set upon his own premises to be communicated, with destructive results, to any of the public forests herein-above described. Any person violating this section shall suffer —

(a) If the offense is committed within a proclaimed timber land or a communal forest or communal pasture, a fine of three times the regular government charges upon the timber or other forest products so unlawfully destroyed, and in addition thereto, imprisonment for not less than two months nor more than four months;

(b) If the offense is committed within a forest reserve, a fine of four times the regular government charges on the timber or other forest products so unlawfully destroyed, and in addition thereto, imprisonment for not less than four months nor more than six
months;

(c) If the offense is committed in any of the public forest, other than those mentioned under subsections (a) and (b) hereof, a fine equivalent to twice the regular government charges upon the timber or other forest products so unlawfully destroyed, and in addition thereto, imprisonment for not less than one month nor more than two months.

In all cases falling under this section, the court shall, upon conviction, order the eviction of the offender from the land, and the forfeiture to the Government of any construction or improvement made thereon. If the area is reforested or under reforestation the Government may, in addition to the penalties herein provided, recover in a separate civil action, double the actual damages sustained as determined by the value of plantings and improvements destroyed and the detriment to the land and vegetation thereof.

No person who has occupied any portion of these forests in good faith for more than five years prior to the approval of this Act shall be subject to the penalty prescribed herein. Should the area so occupied be found to be more fitted for agricultural than for timber purposes, the same may be disposed of in favor of the actual occupant or occupants under the provisions of Commonwealth Act Numbered one hundred and forty-one.

[2657–2673; 3314–1(2337); C.A. 447–1(2338).]

SECTION 2752(2339). First offense by non-Christian. — (Repealed)

[2657–2674.]

ARTICLE XVII

Offenses Connected with Administration of Bureau of Lands

SECTION 2753. Interference with surveys, and monuments, and violation of the decisions, resolutions or decrees of the Bureau of Lands. — (a) Any person who shall interfere with the making of any survey undertaken by the Bureau of Lands, or shall interfere with the placing of any monument in connection with any such survey, or shall deface, destroy, or remove any monument so placed, or shall alter the location of any such monument, or shall destroy or remove any notice of survey posted on the land pursuant to law, shall be punished by a fine of not more than one hundred pesos or by imprisonment for not more than thirty days, or both.

(b) Any person who shall interfere, violate or abet in the interference or
violation or in any manner whatsoever is instrumental in the interference or violation of any valid decision, resolution or order of the Bureau of Lands affecting the concession or disposition of any portion of the public domain or shall resist in any manner whatsoever the enforcement of such decision or resolution, shall be punished by a fine of not more than one hundred pesos or by imprisonment of not more than thirty days, or both, and shall also reimburse the party entitled by virtue of said decision or resolution for such damages to his interest in said tract of public land or to his crops and other improvements thereon as might have been sustained by him because of such violation or interference.

(c) Any person who for commercial purposes and without proper license, takes directly or indirectly stone, gravel, sand, and earth from lands of the public domain or from the beds of seas, rivers, streams, creeks, and other public waters, shall be punished by a fine of not more than one hundred pesos or by imprisonment not exceeding thirty days, or by both fine and imprisonment, in the discretion of the court.

[2657–2671; 3077–4(2340); 3852–2(2341).]

ARTICLE XVIII

Offenses Connected with Administration of Bureau of Posts

SECTION 2754. Various offenses of employees of Bureau of Posts. — Officers or employees of the Bureau of Posts knowingly guilty of any of the delinquencies hereinbelow specified shall be punished by a fine of not more than three hundred pesos or by imprisonment for not more than six months, or both:

(a) The selling of postage stamps, stamped enveloped or wrappers, or postal cards for a larger sum than the values indicated on their faces or fixed for them by regulation, or the making of any other disposition thereof contrary to law or regulation.

(b) The receiving of an article for transmission by mail or the transmission thereof by mail when the postage thereon has not been paid.

(c) The delivery of any article transmitted by mail, the postage thereon not having been paid.

(d) The failure, upon delivery of any article transmitted by mail and upon which postage is still due, to affix and cancel the stamp required for such postage.
(e) The receiving or carrying of mail otherwise than as allowed by law or regulation, by any person engaged in the carrying of mail or having a contract therefor.

(f) The voluntary desertion or abandonment of mail matter given to his custody, before making proper disposition of it.

[2657–2687.]

SECTION 2755. Unlawful use of stamps and stamped envelopes. — Any person who shall use, or attempt to use, in payment of postage, any stamp or Government stamped envelope or wrapper which has been before used for a like purpose or has been canceled shall be punished by a fine of not more than five hundred pesos, or by imprisonment for not more than one year, or both.

[2657–2688.]

SECTION 2756. Unlawful opening or detention of mail matter. — Any person other than an officer or employee of the Bureau of Posts who shall unlawfully detain or open any mail matter which has been in any post office, or in or on any authorized depository for mail matter, or in charge of any person employed in the Bureau of Posts; or who shall secrete or destroy any such mail matter, or shall unlawfully take any mail matter out of any post office, or from any person employed in the Bureau of Posts, before it is given into the actual possession of the person to whom it is addressed, or his duly authorized agent, shall be punished by a fine of not more than one thousand pesos or by imprisonment for not more than one year, or both.

[2657–2689.]

SECTION 2757. Miscellaneous offenses connected with postal service. — Any person guilty of any delinquency hereinbelow specified or who falls within any of the classes herein below indicated shall be punished by a fine of not more than three hundred pesos or by imprisonment for not more than six months, or both:

(a) Any person who shall unlawfully make use of any official envelope, label, frank, or indorsement authorized by law or regulation to avoid the payment of postage of registry fee on any mail matter.

(b) Any person who, without authority from the Director of Posts, shall set up or profess to keep any office or place of business
bearing the sign, name, or title of "Post Office," or shall establish an unauthorized post office anywhere within the (Philippine Islands) Philippines.

(c) Any person who, without proper authority, shall paint, print, or in any manner place upon or attach to any building, vessel, or any vehicle not actually used in carrying the mail the words "(Philippine Islands) Philippine Mail," "United States Mail," or any words, letters, or characters of like import, or who shall give notice in any manner that any vessel or vehicle is used in carrying the mail when the same is not actually so used.

(d) Any person who shall obstruct or retard the passage of any mail matter, or who shall obstruct any person or conveyance carrying mail matter, or shall arrest or detain upon any process, except for crime, any person engaged in the transportation of mail matter while in the discharge of his duties.

(e) Any person who shall commit any act prohibited by the Postal Law or who shall omit any act enjoined thereby, for which act or omission no specific penalty is provided by law.

(f) Any person who shall make, forge, or counterfeit any lock or key suited to any lock used by the Bureau of Posts for safeguarding mail matter, or shall have in his possession any such counterfeited lock or key.

[Act 3275(2342) added two subdivisions, to wit, (g) and (h) to this section but said Act has been repealed by Act 3846–11(2343).]

(g) Any person who evades or attempts to evade a fraud order issued by the Director of Posts under the authority of section nineteen hundred and eighty-two hereof, or who permits his name to be used for evading such fraud order.

[2657–2690; 3634–3(2344).]

CHAPTER 67

Offenses Connected with Administration of Provincial, Municipal, and Township Laws(2345)

FINAL ARTICLE
ARTICLE I

Offenses Relative to Administration of Provincial Law

SECTION 2758(2346). Violation of regulations made by provincial board. — Any person who shall violate any regulation made pursuant to section two thousand one hundred and fifty-six of this Code shall be punished by a fine not exceeding one hundred pesos, or by imprisonment not exceeding thirty days, or both.

[2657–2740.]

SECTION 2759(2347). Refusal of a non-Christian to take up appointed habitation. — Any non-Christian who shall refuse to comply with the directions lawfully given by a provincial governor, pursuant to section two thousand one hundred and forty-five of this Code, to take up habitation upon a site designated by said governor shall upon conviction be imprisoned for a period not exceeding sixty days.

[2657–2741.]

SECTION 2760(2348). Failure to render service in satisfaction of road tax. — Any person who, being delinquent in the payment of the road tax imposed by section two thousand one hundred and fifty-eight of this Code, shall refuse or fail, either in person or by a substitute furnished by him, to work it out within the period fixed by the provincial board, shall be punished by a fine not exceeding ten pesos or by imprisonment not exceeding twenty days, or both.

[2657–2742.]

ARTICLE II

Offenses Connected with Administration of Municipal and Township Laws

SECTION 2761. Holding of prohibited interest by public officer. — Any municipal or township officer who, contrary to law, shall directly or indirectly be interested in any contract work, or cockpit, or other permitted game, or amusement, or in any business of the municipality or township, or in the purchase of any real estate or any other property belonging thereto shall, upon conviction, be imprisoned for not less than six months nor more than two years.

[2657–2743.]

SECTION 2762. Failure to supply information required for entry in civil
register. — Any physician or midwife who shall fail to make report to the municipal or township secretary giving information of any birth or death occurring under his professional observation and concerning which entry should be made in the civil register and any person authorized to perform the ceremony of marriage who shall fail to make the required report concerning a marriage celebrated by him shall be punished by a fine of not more than one hundred pesos.

[2657–2744.]

SECTION 2763. Loss of arms by member of police force. — Any chief or other member of the police force who, through neglect or other unjustifiable reason, shall lose any police arm for which he is responsible shall be punished by a fine of not more than two hundred pesos, or by imprisonment for not more than six months, or both.

[2657–2745.]

SECTION 2764. Failure to render police service. — Any able-bodied man who shall fail, refuse, or neglect promptly to render police service or to do patrol duty when thereunto lawfully required by the mayor in conformity with the provisions of section two thousand two hundred and seventy-five of this Code, shall be punished by a fine not exceeding one hundred pesos or by imprisonment for not more than three months, or both.

[2657–2746.]

SECTION 2765. Failure to report presence of nonresident sojourners. — Any householder failing, neglecting, or refusing to make prompt report of the presence of nonresident sojourners, as required in section two thousand two hundred and seventy-six of this Code, and any municipal councilor of the barrio who shall fail, refuse, or neglect to transmit the householder's report to the mayor within twenty-four hours after its receipt, shall be punished by a fine not exceeding one hundred pesos or by imprisonment for not more than three months, or both.

[2657–2747.]

SECTION 2766. Refusal to obey call to aid in extinguishing fire. — Any citizen of a municipality who, upon being called upon by the mayor or chief of police to aid in extinguishing any fire in such municipality, shall unlawfully refuse to obey such call or to obey any lawful order of the mayor or chief of police during a fire, shall, upon conviction, be punished by a fine not to exceed twenty pesos or by imprisonment not to exceed twenty days, or both.
SECTION 2767(2349). Unlawful use of carts and sledges upon well-constructed roads. — Any person who, contrary to the provisions of section two thousand three hundred and fifteen or section two thousand four hundred and nine of this Code, shall use a cart or sledge upon any improved or well-constructed public road shall be punished by a fine of not more than one hundred pesos for each offense.

SECTION 2768. Failure to discharge duties of township office. — Any person who, having been elected to fill a township office, shall refuse, without lawful excuse, to qualify or discharge the duties thereof shall be subject to imprisonment for a term not exceeding six months.

[2657–2750; see Act 2824(2350) abolishing townships.]

FINAL ARTICLE

Final section. — This Act shall take effect upon the first day of October, nineteen hundred and seventeen; but the Governor-General may proclaim any part hereof to be in effect at any time subsequent to its approval and prior to said date.

The Acts and parts of Acts enumerated in the following schedule are hereby repealed:

SCHEDULE OF REPEALED STATUTES

(a) Acts repealed in entirety

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(b) Acts repealed in part

PORTIONS REPEALED

Acts


302. Section 2 only.

496. Sections 3, 6, 9, 17, 126, and last paragraph of section 36, as amended by section 9 of Act 1699.

648. Section 1 only.

700. Subsection (4) of section 1.

744. All except section 4.

809. Subsections (a) and (b) of section 1.

821. Section 2 only.

867. Sections 2–7, 9–11, 15–33, and subsections 5(a), 5(b), 5(c), 5(f), 5(g), 5(h), 5(i), 5(j), and 6(a), 6(b) of section 1.

876. Section 1 only.

1189. Section 148, 149, and 150.

1310. Section 3–10.

1511. All except the first sentence of section 16.

1519. Section 19 only.
1627. Section 1, 2, 5, 6, 7, and 28–33.
1648. Sections 2 and 3.
1680. Section 1 only.
1699. Sections 1, 2, 3, 4, 5, 6, and 11.
1755. Section 3 only.
1764. Section 2 only.
1780. All except section 26.
1848. Section 3 only.
1873. Sections 3, 5, 6, and 8.
1875. All except section 7.
1937. Section 1 only.
2001. Section 1 only.
2035. Sections 1 and 2.
2041. Sections 1, 2, 6, 7, and 9.
2131. Sections 3 and 4.
2259. Sections 1–5, 28; also final proviso of first paragraph of section 18, as amended by section 1 of Act 2558.
2347. Sections 1–9, 11–19, 22, and 25.
2408. All except proviso to subsection (c) of section 54.
2417. Section 1 only.
2429. Sections 1 only.
2493. All except the first sentence in the final proviso to section 5.
2507. All except section 11, as amended, and the first proviso contained in subsection (d) of section 7 as amended by section 3 of Act 2614, and the proviso contained in subsection (d) of section 8 as amended by section 4 of
Act 2614.

2575. All except section 6 and the *provisos* mentioned under Act 2507 above.

2617. Sections 1, 2, and 3.

2641. Section 1 only.

2664. Sections 1, 3, 4, 7, the first and second sentences of the first paragraph of section 2 and also the third, or final, paragraph of section 2.

2681. All except section 2.

2683. All except section 7 and the *provisos* contained in section 3.

Approved by the Governor-General, March 10, 1917.