

AN ACT ACCEPTING THE OFFER OF PEDRO CUI AND BENIGNA CUI TO ESTABLISH A HOME FOR THE CARE, FREE OF CHARGE, OF INVALIDS, MAKING THE HOME SO CREATED A LEGAL ENTITY, VESTING IT WITH...

Act No. 3239, November 27, 1925

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Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. The offer of Pedro Cui and Benigna Cui to establish, maintain, and support in the Province of Cebu, Philippine Islands, a Home for the care and support, free of charge, of indigent invalids and incapacitated and helpless persons, to be known as Hospicio de San Jose de Barili, is hereby accepted. The Home so created shall be maintained with the revenues of the personal and real property with which its founders and other donators shall endow the same, and upon its organization in the special manner provided for in section eight of this Act, said Home shall have its legal domicile in the pueblo of Barili, in the province mentioned, shall be a body corporate for an indefinite period and endowed with the right of succession in its corporate name and competent to sue and be sued and to acquire and convey personal and real property, and shall be considered as a real corporation and vested in general with all the powers granted to and vested in corporations organized in accordance with Act Numbered Fourteen hundred and fifty-nine, and be subject to the provisions of said Act in so far as the same are not inconsistent herewith.

SEC. 2. The Home organized in accordance with the provisions of this Act and the personal and real property owned by it and donated to it by its founders, Pedro Cui and Bunigna Cui, and any other property it may hereafter acquire by donation or any other legal method, shall be managed by said founders during their life-time, and, in case of their incapacity or death, by such persons as they may nominate or designate, in the order prescribed by them. In case of the absolute incapacity of the persons designated by the founders of the institution, the administration of all the personal and real property of the same shall devolve upon the provincial government of Cebu, which shall manage the Home through the provincial board, in accordance with this Act, for the original purpose contemplated by its founders.

SEC. 3. The managers or trustees of the Home shall—

- (a) Organize and appoint the personnel necessary for its administration.
- (b) Fix the salaries, functions, and authority of said personnel.
- (c) Make regulations for the government of said institution.
- (d) Prescribe the conditions subject to which invalids and incapacitated and destitute persons may be admitted into the institution: Provided, however, That no discriminations on account of religion shall be made in the admission of such persons.
- (e) Insure all the property of the Home with reputable insurance companies, in such manner as may best safeguard

the existence of the institution, in case such precaution is necessary. Whenever the income of the Home shall exceed its operating expense, the managers or trustees shall invest the surplus in the purchase of additional revenue producing real estate wherewith the institution may extend its activities on behalf of the helpless and destitute.

(f) After providing for the purposes of sections six and seven, maintain at all times such number of places as the income from the property of the Home may permit, and admit all qualified destitute persons for whom a vacancy exists.

In the performance of the duties prescribed in this section, the rules and conditions of admission promulgated shall be valid only" in so far as they are not in conflict with the provisions of this Act and the conditions stipulated by the founders of the institution in the instruments of donation.

SEC. 4. The personal and real property donated to the Home by its founders or by other persons shall not be sold under any consideration: Provided, however, That this prohibition shall not prevent the managers or trustees of the Home from selling or alienating personal property belonging to it, which sale or alienation shall be made in the ordinary process of the operation or business of the Home. In connection with the administration of the Home, the Public Welfare Commissioner shall have power to audit the accounts and watch over, the proper and adequate investment of the revenues of the property. of the Home, and to ascertain whether the provisions of this Act are being complied with; but this power of supervision shall be exercised without prejudice to the discretionary powers of administration conferred by this Act.

SEC. 5. All real property of the Home and the revenues. thereof shall be exempt from the payment of the land tax, the income tax, and any other tax now or hereafter established by law.

SEC. 6. The managers or trustees of the Home may establish and operate a pharmacy for the preparation and dispensing of the medicines necessary for the use of the Home and the public, and the Home shall be authorized; to charge reasonable prices for medicine sold to the public. The income from this source shall be paid into the funds of the Home: Provided, That the pharmacy so established may sell medicine to the public only so long as there shall be no other privately owned pharmacy in the pueblo of Barili, Province of Cebu.

SEC. 7. The managers or trustees of the Home shall set aside a part of the income thereof for the support of a young man or woman graduate of the public high school of the City of Cebu, selected by the faculty thereof, while studying medicine, and of a young man or woman graduate, of the Colegio de San Carlos, Cebu, selected by the faculty of the latter, while studying pharmacy. These pensionados shall continue their studies in Manila in the University of the Philippines, or in such other university as the Government may maintain in lieu thereof.

The managers or trustees of the Home shall also support, a boy or girl graduate of the public elementary schools of the Province of Cebu, selected by the superintendent of schools of said province, until the' completion of the highschool course in the City of Cebu. All such pensionados shall be natives of Cebu without sufficient means to continue their studies.

The three scholarships authorized in this section shall be permanent and shall be filled as soon as any of them becomes vacant by the death or incapacitation of the beneficiary or the completion of the studies contemplated.

SEC. 8. As prerequisite for the organization and legal recognition of this Home, the founders thereof or, in case of their death, their executors, bind themselves to endow the same with personal and real property of a market value of not less than half a million pesos, the revenues of which shall be used exclusively for the purposes of the Home mentioned in this Act. The Public Welfare Commissioner of the Philippine Government is hereby authorized to accept the donation mentioned in this section on behalf of the Home; and as soon as said donation has been made

and accepted by the Public Welfare Commissioner, the institution hereby authorized, known as Hospicio de San Jose de Barili, shall be understood to be organized and have entered upon its legal existence. Upon its legal foundation as provided in this section, all powers and functions thereof shall be exercised by the managers trustees, in accordance with the provisions of this Act.

SEC. 9. Nothing in this Act provided shall be understood to authorize the institution hereby created to engage in any business other than that herein authorized, or to exempt it from the revocation of its rights and privileges in case the violation by it of the provisions of this Act or of any other law to which it may be subject.

SEC. 10. The privileges granted by this Act to the Hospicio de San Jose de Barili shall be understood to be subject to the provisions concerning the granting of privileges and franchises of the Act of Congress of the United States of August twenty-ninth, nineteen hundred and sixteen, commonly known as the Jones Law.

SEC. 11. This Act shall take effect on its approval.

Approved, November 27, 1925.

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