

AN ACT REORGANIZING THE PHILIPPINE HEALTH SERVICE, AND FOR OTHER PURPOSES.

Act No. 2468, February 05, 1915

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

SECTION 1. Philippine Health Service; its establishment.—All property, material, and belongings of the Bureau of Health are hereby transferred to an organization to be denominated the "Philippine Health Service," and all services and functions heretofore exercised by the Bureau of Health, by virtue of existing laws, orders, and regulations, shall hereafter be exercised under the Department of the Interior by the said Philippine Health Service.

SEC. 2. Council of Hygiene.—The Philippine Health Council of Hygiene-Service shall include a board to be known as "Council of Hygiene," which shall have the powers and duties as herein provided.

SEC. 3. Powers, duties, and jurisdiction of the Council of Hygiene.—The powers, duties, and jurisdiction of the Council of Hygiene shall be as follows:

(a) To investigate, study, and advise as to any matters of hygiene and public health in the Philippine Islands, 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, veterinary medicine, nursing, midwifery, and embalming.

(b) To require in its discretion information concerning any matter related with the public health from the various branches, Bureaus, and Offices of the Insular, 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.

(c) To propose, subject to the approval of the Secretary of the Interior and through the Director of Health, drafts for laws, including sanitary rules and ordinances for consideration of the Legislature and regulations for preventing and suppressing contagious or epidemic diseases of man, or of animals if liable to affect human beings; for the general and systematic vaccination of the inhabitants of the Philippine Islands and inoculation with serums and prophylactics, if such measures shall at any time become necessary; for the abatement of nuisances endangering the public health; for the removal of the cause of any special disease or mortality; for the making of such interior quarantine regulations as it shall deem necessary in the city of Manila and all other cities, municipalities, and provinces, and in the places where there are no health officers.

(d) Either through the secretary of the Council or through their own action to prepare literature on matters of health and sanitation for the education of the people of the Philippine Islands; and its advice shall be at all times available to the Director of Health.

(e) To propose regulations for the management of hospitals, dispensaries (except the General Hospital),

sanatoria, colonies, insane asylums, orphanages and invalid homes of the Government, and, subject to 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 such public health services and are at present rendering them.

(f) To propose regulations on hygiene or sanitation relative to houses, theaters, cinematographs, hotels, boarding 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, jails, barracks, barrooms, railroads, tramways, public vehicles and all public institutions and places of public resort.

(g) The Council of Hygiene, through its medical members, shall assist the Director of Civil Service in the preparation and rating of examinations for appointment and promotion in the Philippine Health Service and nominations therefor under rules and regulations to be established by the Secretary of the Interior.

(h) It may aid in the preparation of estimates for appropriations for the Philippine Health Service.

(i) To recommend to the Director of Health the time and place and regulations for the holding of conferences once each year of all or a certain number of the health inspectors and district health inspectors for the study and consideration of matters in relation with the proper performance of their respective duties and for the discussion, perfection, and unification of health measures in the Philippine Islands, the expenses thereof to be paid out of the funds of the Philippine Health Service.

(j) Medical officers of the Philippine Health Service shall hold office during good behavior unless otherwise specifically provided by law, and no such officer shall be dismissed from the service without hearing and without consideration of the recommendation of the Council of Hygiene, and the Director of Health shall have the right to ask its recommendation in any disciplinary case of less serious character affecting a medical officer of the service; and for these purposes the Council of Hygiene is hereby empowered to receive and require evidence and to recommend to the Secretary of the Interior acquittal or judgment of penalties or of reprimand, reduction of pay, loss in rank, or dismissal from the service: Provided, That such recommendation must receive the assent of not less than four members of the Council: Provided further, That nothing herein shall be construed to prevent the discharge from the service of persons physically unfit for service or who fail to pass satisfactory examinations as herein provided.

(k) It shall have such other powers and duties as are hereinafter prescribed.

SEC. 4. Members of the Council of Hygiene; their appointment and qualifications.—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, one attorney at law, and one other person who shall be an owner of real property in the Philippine Islands, all to be appointed by the Governor-General on nomination of the Secretary of the Interior.

SEC. 5. Compensation.—The president of the Council of Hygiene shall receive in lieu of per diems an annual salary of two thousand four hundred pesos, and the other appointive members, if not in receipt of any salary from the Government, shall receive per diems at the rate of twenty pesos Philippine currency for each meeting actually 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 six hundred pesos in any one year, plus reimbursement for all actual subsistence and necessary transportation expenses during travel. Members in receipt of salary or half salary from the Government shall receive only the said reimbursement: Provided, That any person possessing the qualifications herein prescribed for membership of the said Council may be appointed thereto without annual compensation

notwithstanding the provisions of Act Numbered Fifteen hundred and eighty-two as amended.

SEC. 6. Term of office.—The appointive members shall hold office for a term of five years: Provided, however, That those first appointed shall hold office for one, two, three, four, and five years, respectively, as fixed in their appointments.

Sec. 7. Meetings.—The Council of Hygiene of the Philippine Islands 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.

SEC. 8. Rules.—The Council of Hygiene of the Philippine Islands shall draft a set of rules for the exercise of its functions. A majority of its members shall constitute a quorum.

SEC. 9. President and secretary.—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 on nomination of the Secretary of the Interior from among the members of the Council other than the officer of the Philippine Health Service detailed thereto, which latter officer in addition to his other functions shall act as secretary of the Council.

SEC. 10. Administration of funds, reports, and instructions.—The Director of Health with the advice as herein provided of the Council of Hygiene shall manage the health funds and attend to the maintenance of the Philippine Health Service and shall present to the Legislature, on or before the opening of its regular session each year, a written report covering the vital statistics, the sanitary condition of the country, a recapitulation of its work by divisions, the names of officers in its employment or the movement of the personnel employed by it, and recommendations regarding such ordinances, regulations, or on any fact or action as may in its judgment be necessary for the improvement and protection of the public health. Said annual report shall likewise contain a detailed statement of all the disbursements and receipts of the service. From time to time, and as frequently as he may deem necessary, or when the appearance of contagious or infectious diseases requires it, he may, with the aid as herein provided of the pubifetruction for the Council of Hygiene publish and distribute to the public any other useful information and instructions on hygiene, for public knowledge and utility and for the purpose of combating and preventing the propagation of such diseases.

SEC. 11. Duties of the Philippine Health Service.—All medical, surgical, and sanitary work of a public nature which is supported from the founds of the Philippine Islands shall hereafter be performed by the Philippine Health Service: Provided, That nothing in this section shall be construed as in any way curtailing or infringing upon the activities of the University of the Philippines in its educational work, the activities of the Bureau of Science, or those of the medical division of the Philippine Constabulary, or of the maritime quarantine service, as now provided for by law or regulations.

SEC. 12. Organization.—The Philippine Health Service shall consist of one Director of Health, one Assistant Director under whose charges shall be a division, three chiefs of divisions, twelve deputy chiefs of divisions, nineteen medical inspectors, and a total of forty senior surgeons and junior surgeons. There shall also be attached to the Philippine Health Service such number of assistant surgeons as may, on recommendation of the Director of Health and Council of Hygiene, and in the opinion of the Secretary of the Interior, be required, and for whom salaries shall have been provided in current appropriations: Provided, That for Purposes of organization under this Act, thirteen deputy chiefs of divisions are temporarily authorized, but the first vacancy subsequently occurring in the grade of deputy chief of division shall not be filled and thereafter the number in that grade shall be fixed at twelve.

Officers of the Philippine Health Service and assistant surgeons shall perform such duties and be subject to such

assignments as may be required in the interests of the service.

SEC. 13. Director of Health; appointment, qualifications, and duties.—The Director of Health shall be Chief of the Philippine Health Service, shall exercise general supervision and control over all the departments of the service, and shall be appointed by the Governor-General, with the approval of the Commission. He shall be a physician of good repute, with special knowledge regarding hygiene and tropical medicine, shall be a graduate from a university of recognized reputation, and shall receive the compensation now authorized for the Director of Health. The term of service as Director of Health shall be four years, or until his successor has been thereafter appointed and qualified. If not re-appointed, an officer who has so served shall be returned to, and serve in, such position in the Philippine Health Service as he would have occupied had he not received appointment as Director of Health. He shall perform all the duties and functions, and exercise all the powers, not in conflict with this Act, which are now reposed in the Director of Health, or which may hereafter be conferred upon him by law.

SEC. 14. Main divisions.—The organization of the Philippine Health Service shall include the following main divisions : Sanitation of Manila; sanitation in the provinces; hospitals, sanatoria, and dispensaries; general inspections.

SEC. 15. Sanitary divisions in provinces.—Upon the recommendation of a health officer regularly assigned to the provinces charge of a province, provincial boards, unless exempted by the Governor-General, are hereby required, for the purposes of health administration, to divide their provinces into sanitary divisions which may be composed of one or more municipalities but not more than four, and these divisions shall become effective in a province whenever their organization has been agreed to by at least a majority of the municipal councils concerned: Provided, That to dissolve such a sanitary division, the vote of a majority of the municipal councils concerned, approved by the provincial board and by the Secretary of the Interior, shall be necessary. Any group of municipalities joined to constitute a sanitary division may have a divisional board of health organized in accordance with the provisions of Act Numbered Three hundred and eight, relative to the organization of municipal boards of health.

There shall be for each division a president who shall be proposed by the district health officer and appointed by the Director of Health. The powers, duties, and remuneration of such president shall be fixed as by law provided. The president of a sanitary division shall be a duly qualified physician and shall fulfill his duties under the immediate supervision of the district health officer: Provided, That 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 municipal sanitary divisions: Provided, further, That before making such appointment, the said Director shall submit it to the Council of Hygiene and receive their opinion upon it: And provided, finally, That nothing in this section shall be construed to amend or modify the existing sanitary organization for the city of Manila.

SEC. 16. Health fund; how created; purposes for which it may be used.—Each municipality shall set aside each year an amount not less than five per centum nor more than ten per centum from its general funds and each provincial board shall 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 "health fund:" Provided, That the Governor-General may authorize the amounts hereinbefore specified to be set aside by a municipality or province to be increased or decreased, and a contribution to be made from Insular funds if an appropriation has been made for that purpose, which in no case shall exceed one-half the amount contributed by the municipalities and the province: Provided, further, That municipalities whose general funds do not exceed three thousand pesos a year shall, upon application to the Director of Health, be exempted from the requirements of this section.

The health fund thus created shall be deposited with the provincial treasurer and shall be used only for the purpose of paying the salaries and traveling expenses of presidents, subordinate officers, and employees of the sanitary divisions, and the traveling expenses necessarily incurred by them 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 this Act: Provided, That the salaries of district health officers and their assistants, and expenses in connection with their duties, may be paid from this fund whenever the approval of the Secretary of the Interior has first been had: Provided, further, That if at the close of the fiscal year there shall remain any balance in the health fund, provincial boards are hereby authorized, unless otherwise directed by the Governor-General, 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 or medical improvements: And provided, further, That whenever in the course of official service any president of a sanitary division travels to attend or visit any pay client of patient, he shall not be entitled to reimbursement "for any traveling 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: And provided finally, That the city of Manila" may be treated as a province under this section, in so far as the Governor-General, in his discretion, may direct.

SEC. 17. Officers and salaries.—Officers of the Philippine Health Service in other grades shall receive pay, per annum, as follows: Chiefs of divisions, six thousand pesos; deputy chiefs of divisions, four thousand pesos; medical inspectors, three thousand pesos; senior surgeons, two thousand pesos; junior surgeons, one thousand six hundred pesos: Provided, That all officers, other than the Director of Health, shall be entitled to receive additional pay at the rate of ten per centum for each five years of service, but no officer shall receive such additional pay in amount exceeding forty per centum of the pay of his grade proper; nor shall a "chief of division receive more than eight thousand pesos, a deputy chief of division more than five thousand five hundred pesos, or a medical inspector more than four thousand pesos per -computationovertime, annum, respectively: Provided, further, That time heretofore served as a physician, surgeon, or health officer in any capacity other than as an interne, under the Government of the Philippine Islands, shall be reckoned in computing the additional service pay authorized under this Act, the base pay for the computation being the minimum salary of the grade to which transferred under this Act. Assistant surgeons shall be entitled to such percentage increase of their pay proper, by reason of length of service, as is authorized for commissioned officers of the Philippine Health Service: And provided further, That medical officers assigned to duty at the leper colony, Cuion, shall be entitled to receive an additional ten per centum on their pay proper while so serving: And provided further, That nothing, in this Act shall be construed as interfering with allowances for subsistence, quarters, and laundry, in kind or by commutation, for persons detailed for duty in hospitals, as now authorized by law for the Bureau of Health: And provided finally, That any officer of the Philippine Health Service who may demonstrate special knowledge of any language used in the Philippine Islands may receive additional compensation for such knowledge at not to exceed one hundred pesos per annum for each such language.

SEC. 18. Qualifications for appointment.—No person shall be appointed in the Philippine Health Service, or employed as an assistant surgeon, who is not a physician of good repute and character and a graduate of a reputable medical college, or who is not legally entitled to practice medicine and surgery in the Philippine Islands, or who is not a native of the Philippine Islands or a citizen of the United States: Provided, That nothing in this section shall be construed to prevent the employment under the Philippine Health Service of such engineers and other technical experts as may be required and for whom salaries may be provided, and whose appointment may be requested by the Director of Health after consultation with the Council of Hygiene, and with the approval of the Secretary of the Interior.

SEC. 19. Transfer of existing officers.—All physicians now occupying salaried positions under the Bureau of Health as Director, Assistant Director, assistant to the Director, chief of statistical division, medical inspector, district health officers and health officers of subdistricts, chiefs of hospital divisions, and medical assistants and residents in hospitals other than internes, and junior medical inspectors, and physicians employed under any other Bureau of the Government of the Philippine Islands, other than those specifically excepted under this Act, shall be commissioned in the Philippine Health Service in grades carrying as nearly as practicable duties similar to those they may be performing and the pay of which is nearest the salary which they are actually receiving at the time of the passage of this Act; and within each such grade they shall be arranged on a list and given seniority and relative rank therein according to the length of service previously rendered in a medical capacity in any branch of the Government of the Philippine Islands: Provided, That for the purposes of original transfers made under this Act, physicians now under the Bureau of Health and receiving a salary of four thousand pesos or more per annum and not exceeding six thousand pesos shall be graded as deputy chiefs of divisions; those receiving three thousand pesos or more per annum and less than four thousand pesos as medical inspectors; those receiving two thousand pesos or more per annum and less than three thousand pesos as senior surgeons; and those receiving less than two thousand pesos per annum as junior surgeons: Provided further, That nothing in this Act shall be construed to legislate out of the service, or to reduce the salary or privileges enjoyed by, any person occupying a position under the Bureau of Health at the time of the passage of this Act: And provided further, That when the Mindanao and Sulu. health service of the Department of Mindanao and Sulu shall come under the direct control of and be merged into the general health service of the Philippine Islands, the then health officer of that department, and the then provincial health officers thereof, other than Constabulary medical officers, acting as such, shall become officers of the Philippine Health Service in accordance with their respective ranks.

SEC. 20. Appointments.—After the accomplishment of all transfers authorized by this Act, no person shall receive an original permanent appointment in the Philippine Health Service except in the grade of junior surgeon, nor shall such appointment be made unless he shall have been examined and approved in accordance with the Civil Service Act and rules: Provided, That if the Director of Health finds that a necessity exists for special expert services, and, with the approval of the Secretary of the Interior, certifies that no physician or surgeon then in the service possesses the requisite special qualifications, an original limited appointment may be given by the Governor-General for a period of four years or less, to any physician or surgeon upon his having been examined and approved by the Bureau of Civil Service if a resident of the Philippine Islands, or by the Civil Service of the United States if a resident of the United States.

SEC. 21. Commissions.—Commissions shall be issued to all officers of the Philippine Health Service by the Governor-General in their respective grades.

SEC. 22. Leaves of absence.—Officers of the Philippine Health Service shall be entitled to the same leaves of absence and accrued leaves as other persons in a civil-service status: Provided, That the Secretary of the Interior, if he deems it to the interest of the Government, may place any officer of the Philippine Health Service on waiting orders, for a period not exceeding six months, and while so serving such officer shall receive half pay.

SEC. 23. Promotions.—Subsequent to the passage of this Act, promotions to vacancies in all grades except that of Director of Health, within the Philippine Health Service, shall be made from the next lower grade: Provided, That chiefs of divisions may be appointed from any grade not lower than that of medical inspector. Assistant surgeons shall not be entitled by virtue of any appointment as such, to promotion in the Philippine Health Service.

Subsequent to completion of all transfers contemplated in the organization of the Philippine Health Service under -this Act and subject to the provisions of the preceding section, two-thirds of all promotions to vacancies within the service shall be made by seniority and one-third by selection in all grades up to that of chief of division:

Provided, That, of the promotions authorized under this Act, other than those to fill vacancies which exist, or may exist, in the grade of chief of division, and of promotions from the grade of junior surgeon to that of senior surgeon as a result of three years' service, only one-fifth of the promotions to the original vacancies hereby created shall be accomplished annually for a period of five years: And provided further, That junior surgeons shall be entitled to promotion to the next higher grade after three years' service and that time served in any medical capacity under the Government, other than as interne, shall be counted for such promotion:

And provided, finally, That all promotions, except that to the grade of Director of Health, shall be subject to qualifying examination as hereinafter prescribed.

SEC. 24. Examination for promotion.—No person shall be promoted to any higher grade in the Philippine Health Service unless he shall have passed such qualifying examination as may be prescribed under the Civil Service Act and rules: Provided, That any person previously employed under the Bureau of Health and transferred to the Philippine Health Service under the provisions of this Act shall not be required to take such examination for promotion if he elects to decline it, but so long as he elects to decline such examination he shall continue to serve in the grade to which he was transferred and shall continue to be ineligible for on further promotion: Provided further, That in making the transfers authorized under this section or from any other medical service of the Government to the Philippine Health Service to fill original vacancies created under this Act, no examination shall be required.

SEC. 25. Nature of examinations for appointment or promotion.—Examinations of applicants for appointment in the Philippine Health Service, and of officers therein who are candidates for promotion, shall be thorough, and include physical, moral and professional qualifications. It shall cover such subjects as the Director of Health may prescribe and be conducted in such manner as may be required by the Civil Service Act and rules.

SEC. 26. Reexamination for appointment.—Any applicant for appointment in the Philippine Health Service who, on examination, is found not qualified for appointment shall be allowed a second examination after one year, but not a third.

SEC. 27. Reexaminations for promotion.—Officers of the Philippine Health Service shall be allowed but two examinations to determine their fitness for promotion to the next higher grade. As far as practicable, every officer due for examination for promotion shall be notified in writing at least six months in advance of such examination to prepare himself for the same: Provided, That the second examination must be at least one year, and not more than two years, after the first. Any officer found on examination at any time to be physically unfitted for the service by reason of his own misconduct or habits shall be discharged by the Governor-General.

SEC. 28. Professional disqualification.—Junior surgeons shall be probationary and any junior surgeon who, on a second examination, is found to be professionally disqualified for promotion to the next higher grade shall be honorably discharged by the Governor-General.

Any senior surgeon who, on second examination, is found to be professionally disqualified for promotion to the next higher grade shall be debarred therefrom; but he may be continued in service as a senior surgeon, subject to successful passing of an examination appropriate to that grade, every five years, to determine his continuous competency to perform the duties pertaining thereto.

Any medical inspector or deputy chief of division who, on a second examination, is found to be professionally disqualified for promotion to a higher grade shall be ineligible for promotion but may continue to serve in his present grade.

SEC. 29. Distinguished qualifications.—Any officer of the Philippine Health Service may apply for and receive a

special examination in any subject relating to the practice of medicine, surgery, or hygiene; and if such examination demonstrates the possession by such officer of an exceptional and expert knowledge of the subject in which he is examined, such officer shall be officially designated as a specialist, and, so far as the interest of the service may permit, he shall be given assignments to duty affording opportunity for the exercise of such special knowledge: Provided, That any designation as specialist shall cease on promotion of the holder to the next higher grade, but may be revived on successfully passing another special examination in the same or another subject.

SEC. 30. Sanitary engineerh and technical experts; authority of; leaven of absence.—Sanitary engineers or other technical experts and technical assistants employed under the Philippine Health Service shall have the authority of commissioned officers for the purpose of exercising control over subordinate employees of the Philippine Health Service. They shall be entitled to the same vacation and accrued leaves of absence under the same conditions as other regularly and permanently appointed employees in the Philippine Civil Service.

SEC. 31. Subordinate personnel.—There shall be employed under the Philippine Health Service such number of clerks, storekeepers, sanitary inspectors, assistant sanitary inspectors, disinfectors, vaccinators, nurses, hospital attendants, drivers, cooks, guards, laborers, and other employees as may be required and for whom salaries are provided in current appropriations: Provided, That, without prejudice to any of their rights under the Civil Service Act and rules, none of the employees mentioned in this section shall be entitled to the rights and privileges con-ferred on officers of the Philippine Health Service under this Act.

SEC. 32. Appropriation.—The existing appropriation for salaries and wages for the year nineteen hundred and fifteen for the Bureau of Health shall be available for the execution of this Act, notwithstanding changes in title of position or salary, and there is hereby appropriated an additional sum of twenty thousand pesos for such salaries and wages.

SEC. 33. Repealing provisions.—All laws or parts of laws inconsistent with this Act are hereby repealed, amended, or modified so as to be in accordance with the provisions hereof.

SEC. 34. Date on which this Act takes effect.—This Act shall take effect July first, nineteen hundred and fifteen.

Enacted, February 5, 1915.

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