

AN ACT TO AMEND CERTAIN PROVISIONS OF THE ADMINISTRATIVE CODE, REGULATING CERTAIN DETAILS OF THE FUNCTIONS AND AUTHORITY OF THE EXECUTIVE DEPARTMENTS, AND FOR OTHER PURPOSES.

Act No. 2803, February 28, 1919

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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. Section seventy-four of the Administrative Code is hereby amended to read as follows:

"SEC. 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 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 shall be considered the Department Head of the Bureau of Audits, the Bureau of Civil Service, and of all other offices and branches of the service not assigned by law to any Department."

SEC. 2. Section seventy-nine of the Administrative Code is hereby amended to read as follows:

"SEC. 79. Under Secretaries.—There shall be in each Department one or more Under Secretaries, 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 Under Secretary, or the Under Secretary designated, as the case may be, shall temporarily perform the functions of said office.

"In case neither the Secretary nor the Under Secretaries of a Department are able to perform their duties, owing to illness, absence, or any other cause, the Governor-General may temporarily designate a Secretary or Under Secretary of another Department to perform such duties temporarily during the absence of the former.

"SEC. 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, shall, as a general rule, be issued upon proposition and recommendation by the respective Department.

"SEC. 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.

"SEC. 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 chiefs of said Bureaus or offices when advisable in the public interest.

"SEC. 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, 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 and forty pesos or less per annum, shall be appointed and removed by the chief of the Bureau or office, subject only to the general control of the Department Head.

"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.

"SEC. 79. (E). Leave of Secretaries and Under Secretaries.—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 Under Secretaries 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.

"SEC. 79 (F). Conveyances and contracts to which the Government is a party.—In cases in which the Government of the Philippine Islands 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, for approval by the same. Such deed, instrument or contract shall be executed and signed by the Governor-General on behalf of the Government of the Philippine Islands, unless the authority therefor be expressly vested by law in another officer."

SEC. 3. All Acts or parts of Acts, executive orders or decrees inconsistent herewith are hereby repealed.

SEC. 4. This Act shall take effect on its approval.

Approved, February 28, 1919.

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