

AN ACT PROVIDING A TEMPORARY FORM OF GOVERNMENT FOR THE TERRITORY KNOWN AS THE DEPARTMENT OF MINDANAO AND SULU, MAKING APPLICABLE THERETO, WITH CERTAIN EXCEPTIONS, THE PROVISION...

Act No. 2408, July 23, 1914

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Whereas the change of government in the Department of Mindanao and Sulu, effected in January last, necessitates certain reforms, and not only is the time ripe for these reforms, but they are insistently demanded by present conditions in said department; and

Whereas it is the desire of the people of the Islands to promote the most rapid moral, material, social, and political development of the inhabitants of said department in order to accomplish their complete unification with the inhabitants of other provinces of the Archipelago; and

Whereas for the accomplishment of this purpose the extension thereto of the general laws of the country and of the forms and procedures of government followed in other provinces, under certain limitations in harmony with the special conditions now prevailing in said department, is among other measures advisable and necessary, but always with the understanding that such limitations are temporary and that it is the firm and decided purpose of the Philippine Commission to abolish such limitations together with the departmental government as soon as the several districts of said region shall have been converted into regularly organized provinces: Now, therefore,

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

CHAPTER I.—THE DEPARTMENT.

ARTICLE 1.—Preliminary provisions.

SECTION 1. Short title.—The short title of this Act shall be "The Organic Act for the Department of Mindanao and Sulu."

SEC. 2. Territory included.—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 capital of the Department of Mindanao and Sulu Capital-shall be at Zamboanga.

SEC. 3. 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 Act they will be construed to refer to officers of the Department of Mindanao and Sulu, provided for in section five hereof.

The term "non-Christians" shall include Mohammedans and pagans.

SEC. 4. Corporate powers.—The government of the Department of Mindanao and Sulu established under this Act 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.

ARTICLE 2.—The administrative council.

SEC. 5. Officers appointed by Governor-General.—The Governor-General, by and with the consent of the Philippine Commission, 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.

SEC. 6. Administrative council, powers and duties.—The five officers appointed by the Governor-General as provided in the next 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: Provided, however, That no appropriation made pursuant to the provisions of this subsection shall be valid or take effect until it shall have been approved by the Philippine Commission or unless and until thirty days after receipt of the notice thereof by the Philippine Commission shall have passed without the disapproval of the Philippine Commission having been given: And provided further, That any unexpended balances of appropriations made pursuant to the provisions hereof shall be returned to the general funds of the department treasury.

(b) Hours of labor.—To adopt rules regulating the hours of employment in the various offices in the department, 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 Act and for cause suspend and remove any officer 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 Act or laws hereafter enacted.

SEC. 7. Department officers, salaries of.—The department governor shall receive an annual salary of twelve thousand pesos: Provided, That the first civilian governor shall receive an annual salary of eighteen thousand pesos, together with a residence, equipped and furnished, to be provided by the department; and each of the other department officers, namely, secretary, attorney, and treasurer, shall each receive an annual salary of not exceeding eight thousand pesos to be fixed by the Governor-General in the appointment and to be approved with the appointment by the Philippine Commission.

The senior supervising engineer, the superintendent of schools, and the chief health officer shall each receive an annual salary of not exceeding eight thousand pesos; and the superintendent of reformatories shall receive an annual salary of not exceeding six thousand pesos, to be fixed in the appointment.

The salaries of all officers and employees of the department shall be payable out of the revenues thereof or other available funds. In case of officers and men of the Army or Constabulary, detailed to perform duties in connection with the government of the Department of Mindanao and Sulu, or any political subdivision thereof, they shall be paid in addition to their regular salary such additional allowance as may be provided by the administrative council.

ARTICLE 3.—Public affairs.

SEC. 8. Department governor; powers and duties.—It shall be the duty and within the power of the department governor:

- (a) General supervision.—To have supervision and supervision, control over the various offices of the department, the provincial governments, 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 presidents, 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 interests require, to withdraw the Constabulary from one province or municipality for use in another.
- (e) Inspection of provinces.—To visit at least once in every six months every province within the department.
- (f) Appointments.—To appoint all department officers, except as herein otherwise provided, and to fix their salaries within the limitations provided by law subject to the approval of the administrative council.
- (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 of paragraph (d) of section six hereof.
- (h) Governor-General, report to.—To discharge the duties of his office under the general supervision and control of the Governor-General to whom he shall make a report of the conditions of the department at the end of each fiscal year, recommending such measures as he may deem necessary for the betterment of the department, and perform such other duties as the Governor-General may require of him.
- (i) Land tax, remission of collection.—To remit, subject to the approval of the Governor-General, 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.
- (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 attorney and the approval of the judge of first instance for the district.
- (l) Deposit of public funds in a bank.—To authorize the treasurer to deposit so much of the funds belonging to the department or 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; and any interest paid on such deposits shall inure to the benefit of the respective treasury of the department, province, or municipality, as the case may be.
- (m) Boundary lines of provinces, and so forth.—Subject to the approval of the Governor-General, to enlarge, contract, or otherwise change, by executive order, whenever in his judgment the public welfare requires it, the boundary of any province, subprovince, municipality, or any other political subdivision within the Department of Mindanao and Sulu, or separate any such subdivision into such portions as may be required as aforesaid, merge any of such subdivisions or portions with another, name any new subdivision so created, change the seat of government within any subdivision, existing or created hereunder, to such place therein as the public interests require, and shall fix in such executive order the date when the change, merger, separation, or other action shall take effect. Whenever such action as aforesaid creates a new political subdivision, the department governor shall appoint such officers for the new subdivision with such powers and duties as may be required by the existing provisions of law applicable to the case and fix their salaries, subject to the limitations provided in this Act. Such equitable distribution of the funds of changed subdivisions between the subdivisions affected shall be made as is recommended by the district auditor and approved by the department governor.
- (n) Capture of criminals; offer of reward.—To offer, or to grant authority to the provincial governor of any province organized under this Act, 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 any crime, or for information leading to the capture of an escaped convict.

(o) 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 require the production of documentary evidence and to administer oaths 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 in 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.

(p) Parole of prisoners.—To authorize and direct, subject of prisoners, to the approval of the Governor-General, the discharge from custody, whenever he thinks best, of any person convicted of crime in any court within the Department of Mindanao and Sulu and suspend the sentence of such convict without granting a pardon, and prescribe the terms upon which a convict so paroled shall have his sentence suspended. Upon the failure of any convict to observe the conditions of his parole, to be determined by the department governor, the latter shall have authority to direct the arrest and return of such convict to custody, and thereupon said convict shall be required to carry out the sentence of the court as though no parole had been granted him, the time between the parole and subsequent arrest not being taken as a part of the term of his sentence in computing the period of his confinement.

(q) 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 department attorney 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.

(r) Harbor lines, to harves, and so forth.—To establish by executive 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.

(s) Rides for general welfare.—Ho 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 Philippine Commission.

(t) Elections, postponed.—To postpone, by executive order, any provincial or municipal election hereinafter provided, subject to the approval of the Governor-General.

(u) 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 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 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 immediately of such action.

SEC. 9. Department secretary, duties.—The department secretary shall, during a vacancy in the office of the governor or during the governor's disability, or absence from the department, perform the duties of governor; he may, under the direction of the governor, make inspection of public affairs in the various provinces and municipalities, and perform such duties in reference thereto as the governor may authorize; he shall acquaint himself, as far as practicable, with the languages and customs of the non-Christians within the department, and from time to time make report to the governor of such matters as he deems necessary for their betterment. When the governor is absent from the capital but present in the department, the secretary shall perform such duties of the governor as may be delegated to him in writing by the governor. He shall attest the official acts of the governor of the department when required to do so, and shall record all of the governor's acts which are required by law to be recorded; he shall be the custodian of the department seal; he shall act as custodian of all records and documents affecting the department and discharge all duties usually pertaining to the office of secretary; 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 department treasury; and shall perform such other duties as the department governor may require of him. He shall act as secretary of the administrative council herein created, attest all its acts and resolutions, and prescribe rules and regulations for the guidance of provincial and municipal secretaries.

SEC. 10. Department attorney and' assistant; duties, and so forth.—The department attorney shall be the attorney and legal adviser of the department and of each of its officers and of the administrative council hereinbefore constituted and shall, when called upon by the said council or any officer of the department, furnish a written opinion on questions of law arising in the administration of the government. He shall represent the department, and all provincial and municipal governments therein, in all suits brought on their behalf or against them in any court, except in cases where the interests of the department are opposed to those of any provincial or municipal government, when he shall represent the department, and the province or municipality may employ-special counsel; and in cases where the interests of any province are opposed to those of another province or municipality, in cases when two municipalities are adverse parties in the same litigation, and in cases arising under Act Numbered Thirteen hundred seventy-six, in all of which cases the provincial or municipal government concerned may employ special counsel.

There shall be an assistant attorney for the department, who shall be appointed by the governor subject to confirmation by the administrative council. Both the department attorney and the assistant attorney shall be duly admitted members of the bar of the Supreme Court of the Philippine Islands. The assistant attorney shall receive such annual salary as may be fixed and provided for such officer in the appropriations made by the administrative council not to exceed five thousand pesos annually. Before assuming office he shall take the oath of office hereinafter prescribed for provincial officers.

The department attorney shall appear and take charge of prosecutions for the government in any court of justice within the department, but he may direct the assistant attorney to represent the public in the prosecution of crimes in any courts within the Department of Mindanao and Sulu, when the public interest requires it. The assistant attorney shall also render such other services as may be assigned to him by the department attorney. During the temporary absence from duty of the said assistant attorney, or whenever for any reason he is disqualified to act therein in an official capacity, or in case of a vacancy in such office, or whenever, from any cause, such officer is unable to, or does not appear in any criminal proceeding in any court in the department, the department governor, whenever in the judgment of the department attorney it shall be necessary, shall appoint a temporary assistant attorney who shall have the powers of such assistant attorney and shall serve in such capacity until his temporary employment shall be terminated by the governor. For such service, the temporary assistant attorney shall receive

such compensation as the governor shall determine, not exceeding the salary herein provided for the assistant attorney.

With the consent of the court first had, the department attorney and the assistant attorney are hereby empowered, *virtute officii*, to enter a *nolle prosequi* and thereby at once to stay the proceeding in any criminal action in the courts of justice within the department, at any stage in the proceeding. The department attorney shall discharge his duties under the general supervision of the Attorney-General of the Insular Government, and the Attorney-General shall represent the department and the provincial and municipal governments organized within the territory of the Department of Mindanao and Sulu in all suits for or against them which shall come before the Supreme Court, except in cases where the interests of the department are opposed to those of any provincial or municipal government when he shall represent the department, and the province or municipality may employ special counsel; but if the Attorney-General deems it necessary he may require the department attorney to assist in the presentation of the cause before the Supreme Court. In every criminal case appealed to the Supreme Court from any court held within the territory of the department, the attorney or his assistant shall forthwith make a report to the Attorney-General explaining the questions of law and fact appearing therein and the conclusions of the court. The attorney shall make an annual report to the Attorney-General of the Philippine Islands as to the condition of public and private litigation in the courts throughout the department.

The department attorney shall be *ex officio* register of deeds for the department, and shall give a bond to the Government of the Philippine Islands in the amount to be fixed by the Insular Auditor: Provided, however, That the administrative council may authorize the appointment of a deputy register of deeds who shall give a bond to the Government of the Philippine Islands in an amount to be fixed by the Insular Auditor and shall perform the duties of register of deeds for the department.

In addition to the foregoing the department attorney and his assistant shall perform such duties as are enjoined upon provincial fiscals by section twenty-three hereof.

SEC. 11. The department delegate.—The department delegate shall have the following qualifications, duties, and compensation:

(a) Qualifications.—He shall be a qualified elector of a province organized under this Act, and not less than twenty-five years of age.

(b) Term of office.—He shall discharge his duties during a term of not more than two years after appointment unless sooner removed for cause or until his successor be appointed and qualified: Provided, That whenever during said term the office of department delegate becomes vacant by reason of death, removal, resignation, or other cause, the vacancy shall be filled in the manner provided in section five hereof: And provided further, That any vacancy occurring in this office, except through expiration of term, shall be filled for the unexpired portion of the term only.

(c) Residence; duties.—It shall not be necessary for the department delegate to reside at the capital of the department or to establish an office in the capital, but he shall be required to be present at the sessions of the administrative council and to perform his duties as a member thereof: Provided, however, That said department delegate shall perform such ministerial duties as may, by resolution of the administrative council, upon request of the department governor, be required of him.

(d) Compensation.—The department delegate shall receive a compensation, to be fixed by resolution of the administrative council, of not more than twenty-five pesos for each day of actual attendance at the sessions of the council. When designated to perform other official duties as above provided, said department delegate shall be entitled upon resolution of the administrative council to receive for each day that he shall be occupied with official duties such compensation as may be fixed in said resolution, within the limitations hereinbefore prescribed: Provided, That on no one day shall more than one compensation be allowed to such department delegate.

SEC. 12. Superintendent of reformatories.—There shall superintendent of be a superintendent of reformatories, under the supervision of the Director of Prisons, who shall have the direction and control of the prison and penal farm at San Ramon and of all prisons and prisoners within the department. It shall be his duty to make such regulations and prescribe such rules, by and with the approval of the Director of Prisons, as may best promote discipline in all prisons and penal settlements within the department and best secure the reformation and safe custody of all prisoners irrespective of their classification under Act Numbered Pour hundred thirteen: Provided, however, That the powers and duties of the Director of Prisons in the department shall be vested temporarily in the department governor until such time as the Governor-General by executive order may authorize the Director of Prisons to exercise such powers and perform such duties in the Department of Mindanao and Sulu or any part or parts thereof.

ARTICLE 4.—Accounts and finance.

SEC. 13. Department treasurer; duties and powers.— The department treasurer shall:

- (a) Financial officer.—Act as chief financial officer of -financial officer, the department.
- (b) Supervision over provincial treasurers.—Exercise over general supervision over the offices of all provincial treasurers and whenever he thinks the bond of any provincial treasurer either too small in amount or of insufficient security he shall call the attention of the Insular Auditor to the same, who may then require a new or an additional bond.
- (c) Assessment.—Supervise the appraisal and assessment, by the department assessor and his deputies of all property in the department required by law to be assessed for taxation.
- (d) Collections.—Supervise the collection of the public revenues, by the provincial treasurer and other authorized agents.
- (e) Custodian of funds.—Act as custodian of all the funds deposited in the treasury and shall account for all moneys received into or taken out of the treasury in accordance with law and administrative regulations.
- (f) Supplies, and so forth, purchase of.—Purchase all supplies for the use of department, provincial, and municipal governments, upon the order of the proper administrative officer, under such rules and regulations as the administrative council may prescribe.
- (g) Property officer.—Keep a property account in which he shall charge departmental, provincial, or municipal officers with the furniture or other personal property delivered to them and held or used by them for public purposes.
- (h) Purchasing Agent.—Make his purchases of supplies the Purchasing Agent, except when otherwise authorized by the governor.
- (i) Internal revenue.—Act as collector of internal revenue for the Department of Mindanao and Sulu, under the executive supervision of, the Insular Collector of Internal Revenue: Provided, however, That in any event all collections derived from taxation within the territory of the Department of Mindanao and Sulu shall be covered into the treasury of the department for the benefit of the general funds thereof: And provided further, That the proceeds of the forestry taxes due on forest products cut in the department, whether collected within or beyond the limits of the department, shall accrue to the department treasury: And provided further, That beginning January first, nineteen hundred and fifteen, and thereafter, all internal revenue collected in the Department of Mindanao and Sulu shall be deposited in the Insular Treasury to be distributed in accordance with general laws.
- (j) Control over various offices.—Exercise supervision and control over the offices of department assessor and superintendent of markets, which shall be considered as divisions in the office of the department treasurer, and over such other offices as the administrative council may hereafter provide.
- (k) Other duties.—Discharge such other lawful duties as the department governor may require of him.

SEC. 14. Auditor.—There shall be a district auditor assigned to the department who shall perform the duty of department auditor under the administrative jurisdiction control of the Insular Auditor. He shall examine, audit, and settle all accounts pertaining to the revenues and receipts from whatever source of the department or any of its

subdivisions and shall audit in accordance with law and administrative regulations all expenditures of funds or property pertaining to or held in trust by said department and political subdivisions thereof.

The auditor herein provided shall receive a salary of six thousand pesos per annum and is hereby authorized to use as a distinctive title and to affix to his official signature the words "department auditor."

ARTICLE 5.—Public instruction

SEC. 15. Superintendent of schools.—There shall be detailed to the department a superintendent of schools who shall be under the general supervision of the Director of Education and his duties and powers shall include those prescribed for division superintendents of schools under Act Numbered Seventy-four, as amended: Provided, however, That the powers and duties of the Director of Education in the Department of Mindanao and Sulu shall be vested temporarily in the superintendent of schools subject to the control of the department governor until such time as the Governor-General by executive order may authorize the Director of Education to exercise such powers and perform such duties in the Department of Mindanao and Sulu or any part or parts thereof.

(a) Curriculum.—The superintendent of schools herein provided shall fix a curriculum for primary, industrial, intermediate, and secondary schools, varying the same for different schools and different localities in accordance with the peculiar conditions prevailing therein.

(b) Languages, teaching of.—The basis of instruction in the public schools shall be the English language, but, where local conditions demand it, the superintendent of schools may temporarily authorize the use of any other language or dialect.

(c) Division superintendents.—The superintendent of schools may appoint in each province a division superintendent of schools who shall exercise such powers and perform such duties as may be expressly delegated to him by the superintendent of schools.

(d) General laws.—The general provisions of law concerning public instruction now in force in the provinces organized under Act Numbered Eighty-three and in the municipalities organized under Act Numbered Eighty-two shall apply to the Department of Mindanao and Sulu, except as herein otherwise provided.

ARTICLE 6.—Public safety.

SEC. 16. Chief health officer.—There shall be detailed to the department a chief health officer who shall be under the general supervision of the Director of Health and his duties and powers shall include those prescribed for district health officers under Act Fourteen hundred eighty-seven, and the laws amendatory thereof: Provided, however, That the powers and duties of the Director of Health in the Department of Mindanao and Sulu shall be vested temporarily in the chief health officer subject to the control of the department governor until such time as the Governor-General by executive order may authorize the Director of Health to exercise such powers and duties in the Department of Mindanao and Sulu or any part or parts thereof.

The general provisions of law concerning public health, now in force in the provinces organized under Act Numbered Eighty-three and in the municipalities organized under Act Numbered Eighty-two shall apply to the Department of Mindanao and Sulu, except as otherwise herein provided.

SEC. 17. District chief of Constabulary; duties and powers.—The district chief of Constabulary at Zamboanga in charge of the Constabulary in the Department of Mindanao and Sulu shall discharge his duties under the supervision of the Chief of Constabulary, subject to such special control by the department governor as has been hereinbefore provided. The Constabulary force shall be supported by funds appropriated from the Insular Treasury in like manner as the Constabulary force in the other parts of the Islands is supported.

He shall exercise such authority and perform such duties -municipal police. in connection with the municipal police as may be required by law.

In case the revenues of a municipality do not allow of its organizing, maintaining, and equipping its municipal police in accordance with the provisions of this Act, the department governor may authorize the payment of the necessary sum from provincial funds.

ARTICLE 7.—Public works.

SEC. 18. Engineer.—There shall be detailed to the department a senior supervising engineer who shall be under the general supervision of the Director of Public Works and his duties and powers shall include those prescribed for district engineers under Act Numbered Fourteen hundred one, and the laws amendatory thereof: Provided, however, That the powers and duties of the Director of Public Works in the Department of Mindanao and Sulu shall be vested temporarily in the supervising engineer subject to the control of the department governor until such time or times as the Governor-General by executive order may authorize the Director of Public Works to exercise such powers and perform such duties in the Department of Mindanao and Sulu or any part or parts thereof.

(a) Road construction, and so forth.—By agreement with the president of each municipality, he shall fix the territory within which the duty of repairing, constructing, and maintaining roads, bridges, culverts, and ferries shall fall upon the municipal government, and that in which such duty shall fall upon the provincial government or the department as the case may be, and in the event of any disagreement the issue shall be settled by the department governor whose decision shall be final: Provided, however, That in case two or more municipalities of a province fail to agree, the controversy shall be decided by the provincial board. From the decision of the board an appeal may be taken to the department governor.

(b) General laws.—The general provisions of law concerning public works, now in force in the provinces organized under Act Numbered Eighty-three and in the municipalities organized under Act Numbered Eighty-two shall apply to the Department of Mindanao and Sulu: Provided, however, That prior to December thirty-first, nineteen hundred fourteen, or until such time as the Department of Mindanao and Sulu shall participate in the regular Insular allotment of road and bridge funds on the same basis as the provinces organized under Act Numbered Eighty-three, the Insular surcharge on public works shall not be collected on the public works of the said department.

CHAPTER II.—THE PROVINCIAL GOVERNMENTS.

ARTICLE 8.—Preliminary provisions

SEC. 19. The provinces.—A civil provincial government is hereby established for the following provinces, within the territory of the Department of Mindanao and Sulu, to wit:

(a) Agusan Province.—The Province of Agusan shall consist of the territory now known as the Province of Agusan, excluding only the subprovince of Bukidnon.

(b) Bukidnon Province.—The Province of Bukidnon shall consist of the territory now known as subprovince of Bukidnon.

(c) Cotabato Province.—The Province of Cotabato shall consist of the territory now known as the district of Cotabato.

(d) Davao Province.—The Province of Davao shall consist of the territory now known as the district of Davao.

(e) Lanao Province.—The Province of Lanao shall consist of the territory now known as the district of Lanao.

(f) Sulu Province.—The Province of Sulu shall consist of the territory now known as the district of Sulu.

(g) Zamboanga Province.—The Province of Zamboanga shall consist of the territory now known as the district of Zamboanga.

The provinces herein provided shall preserve their present boundaries and seats of government, except as provided in paragraph (m) of section eight hereof.

SEC. 20. Corporate powers.—Every provincial government corporate powers, 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 department governor, 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.

ARTICLE 9.—Provincial officers.

SEC. 21. Officers and employees; duties in general.—All officers and employees shall be subject to the following provisions:

(a) Oath of office.—Provincial officers shall, before entering on the duties thereof, take and subscribe to the following oath, which shall be filed with the provincial secretary-treasurer and be by him recorded:

"I, ... having been (appointed or elected as the case may be) to the office of....., of the Province of do hereby solemnly swear (or affirm) that I will well and truly perform all the duties of said office; that I will faithfully account for all moneys coming into my hands as such officer; that I will bear true faith and allegiance to the Government of the United States; that I take this oath without any mental reservation whatsoever. So help me God."

(In case of affirmation the last four words shall be omitted.)

This oath and all oaths required in connection with the administration of the provincial government may be administered by any officer authorized to administer oaths, and no fee shall be charged therefor.

(b) Appointments.—Provincial officers and employees, unless otherwise provided for in this Act, shall be appointed in accordance with the provisions of the civil-service law and rules. There shall be as many employees as may be provided for in the appropriations of the provincial board, subject to the approval of the department governor.

(c) Retiring officers; transfer to successors.—Every Transfer to succes provincial officer shall deliver to his successor in office, who shall receipt for the same in duplicate, all property, books, and effects of every description in his possession, belonging to the province, or pertaining to his office. One copy of the receipt shall be delivered to the retiring officer, and the other copy shall be filed with the provincial secretary-treasurer. Any violation of this subsection, after trial and conviction by a competent court, shall be punished with a fine of not exceeding two hundred pesos.

(d) Additional powers and duties.—Every provincial official powers shall in addition to the powers and duties in this Act expressly imposed and granted have such further powers and perform such further duties as may by legislation now existing or hereafter enacted be prescribed.

(e) Temporary appointments.—In case of suspension or absence of any provincial officer, the department governor 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.

(f) Traveling expenses.—The actual and necessary traveling expenses 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 traveling expenses of the provincial officers and employees shall apply to those herein authorized.

SEC. 22. Provincial officers in general.—Except as herein after 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 appointed nor shall he be eligible for any of these offices who is not either

a citizen of the United States or a native of the Philippine Islands, or who, not being a subject or citizen of any other power or government, may have under and by virtue of the treaty of Paris acquired the political rights of a native of the Philippine Islands; or who may hereafter become a naturalized citizen of the Philippine Islands; or who, having taken the oath of allegiance to the United States, shall violate the same. The fact of nonresidence in the province shall not be a bar to appointment to a provincial office or employment.

(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 Act; and the third member shall be elected by a plurality of the votes of all the councilors of municipalities duly organized and such officers in municipal districts, within the province, as may be authorized to vote in accordance with the provisions of section fifty-two hereof.

(c) Election.—Within one year after the completion and publication of the census for the territory known as the Department of Mindanao and Sulu, under the provisions of Act Numbered Twenty-three hundred and fifty-two, or as soon thereafter as the department governor shall certify to the Governor-General that existing conditions in all or any of the provinces herein created justify the holding of such election, the Governor-General shall, by executive order, fix the date for a general election for the offices of provincial governor and third member of the provincial board for the province or provinces certified to by the department governor, in accordance with the provisions of Act Numbered Fifteen hundred and eighty-two as amended.

(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 with the appointment. The third member 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 may be designated by the provincial board to perform: Provided, however, That on no one day shall more than one compensation be allowed to such third member.

Provincial health officers shall each receive an annual -health officers, salary not exceeding five thousand pesos, to be fixed by the department governor in the appointment and approved by the Governor-General with the appointment: Provided, however, That provincial health officers shall not be permitted to engage in private practice.

The salaries of provincial officers shall be paid out of -how paid-provincial funds: Provided, however, That 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 paragraph (c) of section twenty-two hereof.

SEC. 23. The provincial fiscal.—There shall be a provincial Provincial fiscal, 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 own cases, municipalities thereof in all civil cases now pending or hereafter brought in any court 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 his opinion in writing when opinions, 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 subdivisions 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, investigation 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 municipal president 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 special counsel, 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 all 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 arising under Act Thirteen hundred and seventy-six, 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 in the general provincial government Act and the Code of Criminal Procedure, as amended.

(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.

SEC. 24. The provincial health officer.—There shall be a provincial health officer under the supervision and control of the chief health officer 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.

SEC. 25. 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.

SEC. 26. 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: Provided, That the traveling expenses and per diems of the department officers herein provided while traveling as provincial officers shall be a proper charge against the funds of the respective provinces unless otherwise directed by the department governor.

ARTICLE 10.—The provincial executive.

SEC. 27. Provincial governor; duties.—The provincial Provincial governor, 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 faith fully 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 a municipality of the province he may suspend such officer in accordance with the provisions of section thirty-six 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 police of the province to control or suppress, it shall be the duty of the provincial governor to call upon the department governor 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 department governor, authorize the provincial governor to appoint such assistants, clerks, and other employees subject to the Civil Service Act as the public interests require at salaries to be fixed in the resolution.
- (h) Reports.—Not later than the fifteenth day of January after the end of each fiscal year, he shall make a report of the conditions of the province for the fiscal year ending December thirty-first to the department governor, 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 presidents of the various municipalities or districts of the province, all general laws or governmental orders which concern them.
- (j) Additional duties.—Unless otherwise provided in this Act, or inconsistent with the provisions hereof, he shall also perform the duties devolving upon district governors under existing legislation in force in the department at the time of the passage of this Act.

ARTICLE 11.—The provincial board.

SEC. 28. The provincial board, members of.—The following officers of the provincial government, to wit, the governor, the secretary-treasurer, and the third member, shall constitute the provincial board. The provincial governor shall be the presiding officer of the board. In the absence or disability of the provincial governor, or if for any other reason he is unable to perform his official duties, the duties of the provincial governor shall be performed by the provincial secretary-treasurer. Copies of all the resolutions of the provincial board and executive orders of the provincial governor shall be furnished the department governor under such regulations as he may prescribe.

SEC. 29. 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.

SEC. 30. 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 department governor, 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 -provincial building, 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 senior supervising engineer.

(g) Boundary roads, bridges, and so forth.—To agree upon the recommendation of the senior supervising 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 department governor, whose decision shall be final.

(h) Suits on behalf of the province.—To direct, subject to the approval of the department governor as provided in section eight (k) 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 department governor, 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 department governor.

(k) Deposit of provincial funds.—To authorize the provincial funds, 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 department treasurer: Provided, That the provincial treasurer of any province organized under this Act, 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) Hours of labor.—To adopt rules regulating the hours of employment of the subordinates in the various provincial offices, subject to the approval of the administrative council.

(o) Provincial seal.—To provide a seal for the province.

(p) 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 free secondary instruction of pupils resident in the province, such secondary 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 secondary 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 fifteen hereof: Provided, That temporarily and until such time as the department governor 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 secondary schools from the provincial treasury, such salaries and expense may be borne by the department: Provided further, That 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 high school in any other province or in the city of Manila, of such pupils as may wish to enter such high 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 in Act Numbered Twenty-one hundred forty-six.

(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 m 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 three 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) Land and cedula 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 or cedula personal tax without penalty, for a period not exceeding six months.

(v) 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 for a period not exceeding one year at a time: Provided, That the department governor, in his discretion, may of his own motion remit the collection of the land tax in any of the provinces organized under this Act in accordance with the provisions of paragraph (i) of section eight hereof.

(w) 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 on the legislative council of the department by Act Numbered Twenty-three hundred and ninety-six, and subject to the conditions and provisions thereof

(x) Approval by department governor.—No appropriation or resolution made pursuant to the provisions of subsections (q), (r), (s), (t), (u), (v), and (w) preceding shall be valid or take effect until it shall have been approved by the department governor, or unless and until thirty days after receipt of notice thereof by the department governor shall have passed without the disapproval of the department governor 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, district auditor, division superintendent of schools, and observer for the Weather Bureau, and such other officers as may be authorized to render service in connection with the provincial governments herein established.

(z) Surveys and examinations.—To order, in its discretion, the execution by the senior supervising 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 Government, within the jurisdiction of the province: Provided, That no survey or examination costing more than five hundred pesos Philippine currency shall be commenced without the previous approval of the department governor.

(aa) Provincial pound.—To provide a provincial pound for the purpose of carrying out the provisions of Act Numbered Eight hundred and seventy-seven.

SEC. 31. 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 department governor, such ferries as provincial toll ferries, may make appropriations from the provincial road and bridge fund for the construction, maintenance, and operation thereof, and may from time to time, subject to the approval of the department governor, establish reasonable rates of tolls to be paid for the use thereof: Provided, That officers and enlisted 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 department governor 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 department governor or the provincial board, as the case may be, shall so order and thereafter such ferry shall be free for public use.

It shall be unlawful for any person whatever to use any such provincial toll ferry except as provided in this section without paying the toll provided therefor, and any person who shall make use thereof in violation of this section shall be punished by a fine not to exceed fifty pesos and in default of the payment thereof shall be imprisoned one

day for each peso of fine and costs unpaid.

SEC. 32. Condemnation proceedings.—The provincial board is authorized, for and in behalf of the province, subject to the approval of the department governor, 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 right granted in this section shall otherwise be exercised in the manner prescribed in Acts Numbered One hundred ninety, and Twenty-two hundred forty-nine.

SEC. 33. Convention of municipal presidents.—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 municipal presidents of the province at such place and time as it may designate, and it shall be the duty of the presidents called to attend the same: Provided, That 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 department governor. 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 presidents called and actually 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 municipal president is absent for the purpose of attending any such meeting the vice-president shall act in his place and shall receive therefor out of the municipal treasury a sum equal to the salary due the president for the same time. The president shall also receive the salary while absent for the said purpose.

ARTICLE 12.—Finance.

SEC. 34. Provincial secretary-treasurer; duties and powers.—There shall be a provincial secretary-treasurer: Provided, That 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 provided further, That the traveling expenses¹ 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) Assessment of property.—He shall keep on file a -assessment of prop-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, collection of taxes, 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 department treasurer. Such deputies and clerks shall be selected under the provisions of the Civil Service Act: Provided, That he may 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.
- (d) Tax assessor.—He shall also act as ex officio provincial assessor in accordance with the provisions of the general assessment act of the department, when so designated by the department treasurer.
- (g) Account to district auditor.—The provincial treasurer shall render such accounts as the district auditor may require of him.
- (h) Requisition of supplies; property account.—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) Mining recorder.—He shall act as mining recorder for the province under Act Numbered Six hundred and twenty-four.

(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 department treasurer.

SEC. 35. Collection of provincial taxes.—The taxes levied 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 appeals 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.

ARTICLE 13.—Suspensions and removals.

SEC. 36. 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 department governor in accordance with the provisions of section eight (g) hereof. The action of the department governor removing a provincial officer may be reviewed by the Governor-General 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 department ' governor.

(c) Municipal officers.—Municipal officers and chiefs of -municipal officers. 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 department governor whose decision shall be final.

(d) Municipal employees.—Municipal employees other than officers may be suspended by the municipal president and removed by the majority vote of the municipal council: Provided, That clerks of the municipal treasurer may only be suspended by the municipal treasurer. 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 department governor.

(f) Special powers of department governor.—The provisions of this section shall not be construed to deprive the department governor 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, with the consent and approval of the administrative council, remove such officer or employee.

CHAPTER III.—THE MUNICIPAL GOVERNMENTS.

ARTICLE 14.—General provisions.

SEC. 37. Municipal corporations.—The provincial board of any province established under this Act may by resolution, approved by the department governor, organize any territory within the province as a municipality in accordance with the provisions of this chapter.

(a) Municipalities excepted.—Municipalities established within the Department of Mindanao and Sulu previous to the passage of this Act are continued and recognized as corporations unless otherwise reorganized in accordance with the provisions of this Act.

(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 department governor. 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, classification.

(d) Classification.—Municipalities of the first class shall be those which contain not less than twenty-five thousand inhabitants: Provided, however, That a municipality which is also the seat of a provincial government shall be considered as a first-class municipality regardless of the number of its inhabitants; of the second class, those containing eighteen thousand and less than twenty-five thousand inhabitants; of the third class, those containing ten thousand and less than eighteen thousand inhabitants; of the fourth class, those containing less than ten thousand inhabitants.

(e) Department governor determines classification.—In case of controversy the department governor shall determine to which class a municipality shall belong.

SEC. 38. Municipal salaries.—The president 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: Provided, That the municipal

treasurer may also act as a deputy of the provincial treasurer and receive such additional compensation therefor, to be paid from provincial funds, as the provincial board may fix and the department governor approve. Salaries shall not exceed the following rates:

- (a) Municipalities, first-class.—In cases of municipalities of the first class: For president, 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 president, 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 president, eight hundred pesos; for municipal secretary, four hundred pesos; and for municipal treasurer, four hundred pesos.
- (d) Municipalities, fourth-class.—In cases of municipalities of the fourth class: For president, six hundred pesos; for municipal secretary, three hundred pesos; and for municipal treasurer, three hundred pesos.
- (e) Salary of acting president.—The salary of the president, during the period when the vice-president or a councilor performs the duties of president, shall be drawn by the vice-president or the councilor performing such duties.
- (f) Honorary offices.—The vice-president and the councilors, except when serving as president, shall receive no compensation, their offices being honorary: Provided, however, That with the approval of the provincial board first had, the municipal council is authorized to fix the rate or rates for reimbursement of actual and necessary traveling expenses incurred by the vice-president and councilors in attending sessions of the council.
- (g) Municipal treasurer as secretary; additional compensation.—Whenever the municipal treasurer shall, in any addition to the regular duties of his office, perform the duty of municipal secretary in accordance with section forty-five hereof, the municipal council shall fix the extra compensation which he shall receive therefor: Provided, That in no case shall the total salary received by the municipal treasurer from municipal funds exceed the limit fixed by law for salaries of municipal presidents, 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 nonelective municipal officer is found by the provincial board to be inadequate, that board may fix and the department governor 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 Act to the contrary notwithstanding.

SEC. 39. Government, how vested.—The government of each municipality established under this chapter is hereby vested in a president, a vice-president, and one representative from each barrio of the municipality who shall be designated as councilor.

The president, until otherwise provided by law, shall be selection of officers, appointed by the provincial governor subject to the approval of the department governor. The vice-president shall be chosen at large by the qualified electors of the municipality; the councilor of each barrio shall be chosen by the qualified electors of the barrio.

ARTICLE 15.—Municipal officers and employees.

SEC. 40. Nonelective officers.—There shall be in each municipality a secretary, a treasurer, and such other non-elective officers and employees as the council shall deem necessary and provide for and the provincial board shall authorize: Provided, 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.

SEC. 41. Municipal officers and employees in general.— All municipal officers and employees shall be subject to the following provisions:

(a) Oath of office.—Municipal officers shall, before entering on the duties thereof, take and subscribe to the following oath, which shall be filed with the municipal secretary and be by him recorded:

"I, _____, having been _____ as _____ of the municipality of _____ in the Province of _____, do solemnly swear (or affirm) that I have the prescribed qualifications to hold office in said municipality; that I recognize and accept the supreme authority of the United States of America and will maintain true faith and allegiance thereto; that I will obey the laws, legal orders, and decrees promulgated by its duly constituted authorities; that I impose upon myself this obligation voluntarily, without mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office upon which I am about to enter, so help me God. (Last four words to be stricken out in case of affirmation.)

(Signature of officer.)

"Subscribed and sworn to (or affirmed) before me this _____ day of _____
19____."

Such oaths shall be filed in the office of the municipal secretary.

This oath and all oaths required in connection with the administration of the municipal government may be administered by any officer authorized to administer oaths, or by any municipal officer appointed or elected under this Act, and no fee shall be charged therefor.

(b) Term of office.—All appointive officers and employees shall hold office during good behavior.

(c) Retiring officers; transfer to successors.—Every retiring municipal officer shall deliver to his successor in office, who shall receipt for the same in duplicate, all property, books, and effects of every description in his possession belonging to the municipality or pertaining to his office. One copy of the receipt shall be delivered to the retiring officer and the other copy shall be filed with the municipal treasurer. Any violation of this paragraph shall be punished with a fine not exceeding two hundred pesos upon conviction by a competent court.

(d) Additional powers and duties.—Every municipal Additional powers officer shall, in addition to the powers and duties in this Act expressly imposed and granted, have such further powers and perform such further duties as may be prescribed by law or ordinance.

SEC. 42. Qualifications.—Municipal officers and employees shall have the following qualifications in general:

(a) President, vice-president, and councilors.—A president, vice-president, or councilor shall have the qualifications prescribed by law for elective municipal officers: Provided, That in the case of an appointive municipal president

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, departmental, or Insular funds; those who are delinquent in the payment of public taxes assessed after September fourteenth, nineteen hundred and five; or contractors for public works within the province.

ARTICLE 16.—The municipal executive.

SEC. 43. The municipal president.—The municipal president shall be the chief executive officer of the municipality and shall have the following general powers and duties:

(a) Observation and enforcement of laws.—He shall take of 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.—Re 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.—Re 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: Provided, That the appointment of the 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 president, 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.

(i) 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: Provided, That 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 fiscal year.

SEC. 44. The vice-president.—The vice-president shall be a member of the municipal council and shall, during the temporary absence of the president from the municipality or his disability for any reason, discharge the duties of his office and exercise all his powers: Provided, That in case of death, removal, or permanent disability of the municipal president the vice-president shall act as temporary president until a new president is appointed and qualified, secretary.

SEC. 45. 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 president or council.

(d) Posting.—He shall cause each ordinance passed to -p°st>nK ordinances, be posted as herein provided.

(e) Documents, and so forth.—He shall have charge of all records and documents of the municipality for which ments' 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.

(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 president or council may direct.

ARTICLE 17.—Municipal council and councilors.

SEC. 46. Municipal council; duties.—There shall be a municipal council composed of the president, vice-president, 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 president. 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-quorum 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 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 municipal seal, signed by the president 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 president, 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 Act 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 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 fiscal year with a statement opposite each item of the corresponding expenses during the preceding twelve months. The estimated expenses shall not exceed the estimated 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 fiscal 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) Vacancies.—The provincial governor, with the advice and consent of the provincial board, shall fill temporary vacancies in the offices of vice president or municipal councilor, and whenever a president, vice president, 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 municipal president: Provided, however, That all health ordinances shall be subject to the approval of the chief health officer as provided in chapter one 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 president be dissatisfied with the decision of the provincial board, an appeal may be taken by it or him to the department governor, who shall decide the same question which was presented to the provincial board and either affirm or reverse 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 municipal president, the validity of which shall be involved in any cause arising before such tribunal, without respect to the decision of the executive authorities.

SEC. 47. The municipal council; powers.—The municipal council shall have power by ordinance or resolution:

(a) Appropriations.—To make necessary appropriations -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: Provided, That 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 department governor, to close in whole or in part any municipal road, street, alley, park, or square, and to devote the same to any municipal purpose, including those mentioned in Act Numbered Two thousand and twenty-nine, or to convey the same, with or without money consideration, to the department, province, or to the Insular Government for governmental purposes: Provided, however, That 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 vegetables, 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 amusement, shooting galleries, slot machines not used for gaming, and merry-go-rounds; to license or prohibit dance halls; and the selling, giving away, or disposing in any manner of any intoxicating, spirituous, vinous, or fermented liquors, and determine the amount to be paid for such licenses: Provided, That nothing in this section shall be held to repeal or modify the provisions of Act Numbered Sixteen hundred and thirty-nine.

If after due investigation the president 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 revoked of any other license for a term which may be fixed in said order.

(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 department governor.

(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 house, 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: Provided, That until further provision is made, Act Numbered Seventeen hundred and thirty-three of the Philippine Commission, except as to the number of authorized volunteer firemen, shall apply to all municipalities.

(k) Lights, fires, and fireworks.—To regulate the use of and 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) 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 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 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: Provided, That 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 that 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: Provided further, That 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 department governor.

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: Provided, however, That the additional land and property so authorized to be acquired, taken, condemned, or appropriated shall be 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: And provided further, That 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 department governor.

(o) Streets; lighting, cleaning, care, and control.—To provide for the lighting, cleaning, and sprinkling of streets control of 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 poles, 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 water works 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: Provided, That "large cattle" shall 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 large cattle as defined by section one of Act Numbered Eleven hundred and forty-seven, sheep, goats, and swine to keep such animals from moving, running, or being at large except when in charge of some 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.

(w) 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 an 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 the 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, setuers, 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 Act Numbered Fourteen hundred and fifty-eight of the Philippine Commission.

(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 or 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 seventeen 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 -«ueity to animals, the punishment of cruelty to animals.

(gg) Disorderly and so forth.—To suppress or houses, regulate houses of ill fame and other disorderly houses; to e 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: Provided, That 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: Provided, further, That 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: And provided further, That 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 Act, 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.

SEC. 48. 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 president of any unusual or untoward event occurring within his barrio.

(d) Lieutenant of barrio.—He shall appoint one lieutenant 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: Provided, That 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.

ARTICLE 18.—Taxation and, finance.

SEC. 49. 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 district auditor.—He shall render such accounts as the district auditor may require of him.

(c) Office; keeping of money, and no 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 moneys 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. Any violation of this provision may be considered a malversation of funds, to be tried by a court of competent jurisdiction, in accordance with the provisions of general 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 calendar 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 of 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 Act. 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 section thirty-four (h) hereof.

SEC. 50. 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 forty-seven hereof, from the following sources:

(a) Land taxes.—The assessment and collection of an -land taxes-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) Fisheries and fishing privileges.—The granting 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: Provided, That 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 freshwater 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 department governor, 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, slaughterhouse, bath house, 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 solely 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 persons: Provided, That the charge made for each such permit shall not

exceed fifty centavos.

(h) Building permits.—To issue building permits and to provide fees therefor.

SEC. 51. General rides 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 bridges, 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 installments without penalty during the first ten days of the quarter, at the election of the licensee.

(e) Fanning or leasing; collection by provincial treasurer.—No taxes, imposts, or other revenues of the municipality shall be leased or farmed except as provided in Act Numbered Sixteen hundred and thirty-four: Provided, That the powers therein conferred upon the Governor-General shall be exercised by the department governor. 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: Provided, further, That when the municipal treasurer is also a deputy of the provincial treasurer all such collections shall be made by him as such deputy: And provided further, That 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 Act specifically provided.

(f) Conducting business without license.—The council conducting business 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 section forty-seven (ii) 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 of other revenues of the municipality shall be turned over by revenues 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.

ARTICLE 19.—Municipal districts.

SEC. 52. 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 so remote that their organization as barrios of municipalities is impracticable, the department governor 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 department governor is authorized to appoint

officers, to fix the designation of such officers, and to prescribe their powers and duties: Provided, however, That 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 section eight (s) hereof.

SEC. 53. Taxation.—The provincial board is hereby empowered to prescribe the tax to be collected in municipal districts organized in accordance with section fifty-two hereof, subject to the approval of the department governor: Provided, however, That such taxes shall be within the limitations and restrictions imposed on municipal councils by chapter three hereof: And provided further, That in districts where no council is provided, the provincial board shall exercise all the duties and powers devolving upon municipal councils under this chapter.

ARTICLE 20.—Final and transitory provisions.

SEC. 54. Elections.—For the purpose of the elections herein provided, the following shall govern:

(a) Election of third members.—For the purpose of the election of the third members of the provincial board, as provided in paragraph (c) of section twenty-two hereof, the Governor-General, upon the recommendation of the department governor, shall fix not later than three months after the passage of this Act a date which may be different for each province, for the election of third members of the provincial boards: Provided, however, That until a duly elected and qualified third member of the provincial board shall take possession of the office, the department governor shall appoint, by and with the consent of the administrative council, the said third member of the provincial board.

(b) Municipal elections.—The provisions of the Election Law, as amended, relating to the election of municipal officials, provided in section thirty-nine hereof, not inconsistent herewith, are hereby made applicable to the Department of Mindanao and Sulu with the following exceptions, to wit:

1. That the Governor-General, upon the recommendation of the department governor, shall fix a date for the general elections of municipal presidents not later than the date fixed for provincial governors herein provided: Provided, however, That nothing in this paragraph shall be construed to preclude the election of municipal presidents in municipalities organized under the provisions of Act Numbered Eighty-two.

2. That section thirteen (c) of said Act, shall, for the purposes of this Act, read as follows:

Those who speak, read, and write English, Spanish, or any of the local native dialects: Provided, That officers, soldiers, sailors, or marines of the Army or Navy of the United States shall not be considered as having acquired legal residence within the meaning of this section by reason of their having been stationed in the municipalities for the required six months."

(c) Term of office.—The provincial and municipal officers elected under this Act 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 four years: Provided, however, That the next general election, immediately succeeding the first called pursuant to the provisions hereof, shall be coincident with the election prescribed by the Election Law for regularly organized provinces and municipalities.

SEC. 55. Administrative Code.—The department governor is hereby authorized and empowered to prepare or cause to be prepared under his direction and supervision, 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 Organic Act, including rules and regulations required by this Act 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 Governor-General 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" : Provided, however, That such code may be amended from time to time by the administrative council with the approval of the Governor-General first had: Provided further, That if requested by the department governor, the Governor-General may detail such

officers and employees of the Insular or provincial governments, as may be considered necessary, to assist in the preparation of the Administrative Code herein provided, and such officers and employees shall receive such additional compensation, in lieu of living expenses, as may be provided by the administrative council.

SEC. 56. Officers and employees continued; interest in government contract work prohibited.—Any officer or employee of the department or any political subdivision thereof whose official designation is modified herein shall continue in the performance of his duties in his capacity as officer or employee of the department or any political subdivision thereof until otherwise provided by law or administrative action.

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 thirty-six hereof and upon trial and conviction in a court of competent jurisdiction shall be punished by a fine of not more than one thousand pesos, or by imprisonment for not more than two years, or by both such fine and imprisonment, in the discretion of the court.

SEC. 57. Insular Auditor.—The Insular Auditor is hereby authorized and empowered to make and prescribe necessary rules and regulations as to preparation of budgets, disbursement of funds and accounts in general, to properly carry into effect the provisions of this Act.

SEC. 58. Customs revenue.—All customs collections in the Department of Mindanao and Sulu shall be deposited in the Insular Treasury subject to appropriation as Insular funds: Provided, however, That until December thirty-first, inclusive, nineteen hundred and fourteen, the gross amount of customs receipts from whatever source collected within the department, less the cost of collection of the same therein, shall constitute a special fund to be expended in the discretion of the administrative council; and for this purpose such funds shall be deposited by the collectors of customs in the department directly with the treasurer of the department, taking receipts therefor and forwarding one copy thereof to the Insular Collector of Customs and one copy to the Insular Treasurer.

SEC. 59. Repealing provisions.—The provisions of Act Seven hundred eighty-seven, as amended, and provisions, all Acts and parts of Acts inconsistent herewith are hereby repealed: Provided, however, That no provision of this Act shall be construed as repealing the provisions of the Civil Service Act, as amended, which shall continue in full force and effect in the department and political subdivisions thereof.

SEC. 60. Date effective.—This Act shall take effect September first, nineteen hundred and fourteen.

Enacted, July 23, 1914.

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