

AN ACT TO PROVIDE FOR THE REORGANIZATION, GOVERNMENT, AND INSPECTION OF THE MUNICIPAL POLICE OF THE MUNICIPALITIES OR PROVINCES AND SUBPROVINCES ORGANIZED UNDER ACT NUMBERED EIG...

Act No. 2169, February 06, 1912

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

Section 1. The municipal police of the municipalities of the men provinces and subprovinces organized under Act Numbered Eighty-three is hereby reorganized in accordance with the provisions of this Act.

SEC. 2. Subject to the approval of the Secretary of Commerce and Police, the Director of Constabulary shall prepare general regulations for the good government, discipline, and inspection of the municipal police, compliance wherewith shall be obligatory for all members of the organization, but each municipal council may issue supplementary regulations for the municipal police not incompatible with the provisions of the general regulations, but such supplementary regulations shall not be put into effect without the approval of the provincial board.

The general regulations shall be translated into Spanish and the vernacular of each locality.

SEC. 3. An examining board for the municipal police is hereby created in each of the provinces above mentioned, to be composed of the senior inspector of Constabulary, as chairman, and the third member of the provincial board and a municipal president designated by the provincial board, as members, with the third member acting as secretary.

SEC. 4. The third member of the provincial board, as member and secretary of the examining board, shall be entitled to per diems equal to those received by him as member of the provincial board, for each day of session of the examining board, and to reimbursement of his actual and necessary traveling expenses from his place of residence to the place where the examination is held and vice versa: Provided, That such per diems and traveling expenses shall be paid from provincial funds.

The actual and necessary traveling expenses of the municipal president designated, from his place of residence to the place where the examination is held, and vice versa, shall also be reimbursable from provincial funds.

SEC. 5. Subject to the approval of the Secretary of Commerce and Police, the Director of Constabulary shall prepare an examination manual, prescribing at the same time suitable rules for conducting examinations, and it shall be his duty to send a sufficient number of copies of said manual to each of the municipalities subject to this Act, and to the examining boards.

SEC. 6. The examining boards shall each year notify candidates to file their applications within a period expiring on the eve of the examination.

SEC. 7. The first examination board shall be held in the month of June, nineteen hundred and twelve, and

thereafter examinations shall be held in the month of January of each year at the place, day, and hour designated by the examining board in each province.

SEC. 8. The Director of Constabulary shall provide the examining boards with application blanks which shall be furnished free of charge to candidates.

SEC. 9. To be eligible for examination, a candidate shall have the following requirements:

- (1) Be a native of the Philippine Islands;
- (2) Be from twenty-one to forty years of age;
- (3) Be a person of good habits;
- (4) Be of sound physical constitution;
- (5) Not suffer from any contagious disease;
- (6) Have no criminal record;
- (7) Have not been expelled or dishonorably discharged from any civil or military employment;
- (8) Be able to write and read English or Spanish; and
- (9) Have a perfect reading and writing knowledge of the vernacular.

SEC. 10. Applications shall be filed with the chairman of the board fifteen days prior to the date stated in the notice and shall be accompanied by a medical certificate showing the physical qualification of the applicant.

SEC. 11. The physical examination shall be made by the district health officer or municipal physician or physicians to whom the chairman of the board shall give the proper orders, designating the day and hour when said examination is to take place.

SEC. 12. It shall be the duty of the physician examining the applicant to issue free of charge the proper certificate of examination, if requested by the applicant.

SEC. 13. The examining board shall furnish the municipalities applicants successful of the provinces and subprovinces with a list of the residents of each municipality that have passed the examination and a general list of all applicants who have passed the same.

SEC. 14. The notice required by section six of this Act shall state the name of the physician or physicians to whom candidates must apply for examination.

SEC. 15. Only persons who have demonstrated their efficiency before an examining board, by making the average prescribed in the general regulations, and who have all the qualifications required in section nine of this Act, shall be admitted in the municipal police.

SEC. 16. The municipal president shall appoint, by and with Appointments. the consent of the municipal council, the persons who shall form the police of the municipality: Provided, That the chief of police shall be appointed by, the provincial governor, on recommendation of the municipal president by and with the consent of the municipal council, and the person recommended shall be a resident of the locality, who has passed the examination for chief, and in default thereof any person who has passed said examination and has not been recommended by another municipality.

SEC. 17. Any vacancy in the municipal police shall be filled by the appointment of any resident who has passed the examination, and if there be none, by any person whose name appears on the general eligible list, and vacancies in the position of sergeant or chief shall be filled by any person who has obtained the necessary average in the examination for said grades.

SEC. 18. Members of the municipal police shall not be removed, and except in case of resignation, shall not be

discharged except for misconduct and incompetency, disloyalty to the Government, serious irregularities in the performance of their duties, and violation of the law, and in such cases charges shall be preferred and investigated by the municipal council in public hearing, and defendants shall be given an opportunity to make their defense. The municipal council may delegate its authority to a committee of three councilors designated for said purpose by a majority of the council, and it shall be the duty of said committee to submit a report in writing, together with its opinion, and the council shall make such recommendation as it may deem just to the president, who shall take whatever action may in his judgment be most in accordance with justice. His decision shall be subject to appeal to the provincial governor who, after hearing the provincial board, shall decide the case. From the decision of the provincial governor an appeal shall lie to the Governor-General whose decision shall be final.

SEC. 19. Any person entering the municipal police shall bind himself in due form to serve four years: Provided, however, That after the expiration of the time of his enlistment, he may reenlist if he so desires, provided that his conduct has been good and his record in the service is satisfactory, and if the person applying for reenlistment is a chief of police, the municipal president shall, if he desires to grant his application, recommend him, by and with the consent of the council, to the provincial governor for appointment.

SEC. 20. The municipal council shall fix the pay of the municipal police, subject to the following rules:

- (a) Members of the police other than chiefs shall receive pay at a rate of not more than fifty pesos a month.
- (b) Chiefs of police shall receive pay at a rate of not less than twenty-five nor more than two hundred pesos a month.

SEC. 21. In each of the municipalities subject to the provisions of this Act there shall be a chief of police and such number of policemen as the council shall determine, under the supervision of the provincial board.

SEC. 22. The Director of Constabulary shall prescribe the uniforms, insignia, and equipment of the municipal police, which shall as a whole be alike in all the municipalities of the provinces and subprovinces subject to the provisions of this Act, but shall differ from those of the Philippine Constabulary and the United States Army.

SEC. 23. He shall also prescribe the kind of arms to be used by the police.

SEC. 24. The municipal council shall furnish each of the police of the municipality with the arms prescribed by the Director of Constabulary, in accordance with the next preceding section.

SEC. 25. The arms, uniforms, insignia, and equipment shall be paid for with the funds of the municipality: Provided, That the chief of police shall provide himself with uniform and insignia at his own expense.

SEC. 26. Any member of the police who, through neglect or for any other unjustified reason shall lose his arms, shall be punished by fine of not more than two hundred pesos, or imprisonment for not more than six months, or both, in the discretion of the court.

SEC. 27. The chief of police of each municipality shall be chiefs and policemen. directly responsible for the arms of the police, the loss whereof from any cause shall be made good by him and be punished, besides, with the penalties provided in the next preceding section: Provided, however, That if the arm has been lost by the policeman using it, in connection with the service or for any other reason, such policeman shall be the only party responsible.

SEC. 28. The loss of uniforms, insignia, or equipment shall be made good by the policemen themselves.

SEC. 29. By virtue of this Act both the provincial board and the Philippine Legislature shall from year to year appropriate, out of provincial and Insular funds, respectively, the funds necessary for the purposes of the next following section.

SEC. 30. 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 provincial board, on application of such municipality, shall set aside from the funds appropriated in accordance with the next preceding section the sum requested, which shall be placed immediately at the disposal of the municipal treasurer thereof, and if the provincial funds are not in a condition to furnish the aid requested, the provincial board shall forward the application to the Governor-General, who shall furnish the aid required from the funds appropriated for this purpose.

SEC. 31. All members of the municipal police required to absent themselves from the municipality on official business shall be entitled to reimbursement of necessary expenses supported by the proper vouchers.

SEC. 32. No member of the municipal police shall in any manner intervene in the general elections, except for the maintenance of the public order. Any member of the police entitled to vote may do so, but shall not act as election officer nor solicit votes for any candidate, nor be himself a candidate at any election. Any violation of this section, aside from being sufficient cause for removal, shall be deemed a misdemeanor and be punished by fine of not more than one hundred pesos, or imprisonment for not more than six months, or both.

SEC. 33. This Act shall not be construed to exempt any member of the municipal police from being tried by the ordinary courts of justice for violations of any existing law or ordinance.

SEC. 34. The members of the municipal council are hereby relieved of the obligation to furnish bond for the arms and ammunition of the municipal police, provisions of the existing law to the contrary notwithstanding.

Enacted, February 6, 1912.

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