

AN ACT PROVIDING FOR THE ESTABLISHMENT OF LOCAL CIVIL GOVERNMENT IN THE TOWNSHIPS AND SETTLEMENTS OF NUEVA VIZCAYA.

Act No. 387, April 09, 1902

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

Whereas the conditions which prevail in the pueblos of the province of Nueva Vizcaya are such that it is not deemed expedited at present to organize them under the Municipal Code, the following form of municipal government is adopted for them:

GENERAL PROVISIONS.

SECTION 1. The pueblos of the Province of Nueva Vizcaya namely, Bayombong, Bambang, Dupar, Aritao, Solano, and Bagabag, shall be recognized as municipal corporations with the same boundaries as now exist de jure or de facto upon organizations under the provisions of this Act. They shall be designated as townships, and shall be known respectively by the names heretofore adopted. Under such names they may sue and be sued, contract and be contracted with, acquire and hold real estate and personal property for the general interests of the township, and exercise all the powers hereinafter conferred upon them. All property and property rights vested in any pueblo under its former organization shall continue to be vested in the same township after its incorporation under this Act.

SEC. 2. Each of these townships shall be divided into barrios. For the purposes of the first election, the barrios as established under Spanish sovereignty shall be recognized; but, when local civil government shall have been established in any township, this government shall readjust the division of the township into barrios, definitely fixing the boundaries of these barrios, as hereinafter provided. The barrio of the township in which the "tribunal" was formerly situated shall be known as the chief barrio.

SEC. 3. The government of each of the townships named in section one is hereby vested in a president, a vice-president, and a council, composed of one representative from each barrio of the township, who shall be designated "councilor."

SEC. 4. There shall be in each township a secretary, a treasurer, and such other nonelective and provide for, and the provincial board shall authorize.

SEC. 5. The president and vice-president shall be chosen at large by the qualified electors of the township; the councilor of each barrio shall be chosen by the qualified electors of the barrio. The term of office of the president, vice-president, and councilors shall be for two years from and after the first Monday in January next after their election, and until their successors are duly chosen and qualified: Provided, That the president, vice-president, and councilors elected in nineteen hundred and two shall hold office until the first Monday in January, nineteen hundred and four, or until their successors are duly chosen and qualified.

QUALIFICATIONS OF ELECTORS—ELECTIONS.

SEC. 6. The electors exercising the privilege of choosing elective officers shall be male persons eighteen or more years of age, who have had a legal residence in the township in which they exercise the right of suffrage for a period of six months immediately preceding the election, and who are not citizens or subjects of any foreign power: 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 township for the required six months.

SEC. 7. Each elector shall, before voting, take and subscribe the following elector's oath, which shall be administered by a member of the board of election judges, or by the township secretary. Electors' oaths shall be filed with the township secretary:

"ELECTOR'S OATH.

"I, _____, do solemnly swear (or affirm) that I am a male resident of the township of _____, in the Province of Nueva Vizcaya; and shall have resided therein for the period of six months next preceding the next township election; that at the date of said election I shall be eighteen or more years of age; that I am not a citizen or subject of any foreign power; 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 duly promulgated by its authority; and that I impose upon myself this obligation voluntarily and without mental reservation or purpose of evasion. So help me God. (In case of affirmation the words "So help me God" should be stricken out.)

"(Signature of elector.)

"Subscribed and sworn to (or affirmed) before me this _____ day of _____, 190____.

"(Signature of officer administering oath.)"

SEC. 8. The following persons shall be disqualified from voting:

- (a) Any person who is delinquent in the payment of public taxes assessed subsequently to the passage of this Act.
- (b) Any person who has been deprived of the right to vote by the sentence of a court of competent jurisdiction since August thirteenth, eighteen hundred and ninety-eight.
- (c) Any person who has taken and violated the oath of allegiance to the United States.
- (d) Any person who, after the passage of this Act, shall be in arms in the Philippine Islands against the authority or sovereignty of the United States, whether such person be an officer, soldier, or civilian.
- (e) Any person who, after the passage of this Act, shall make contribution of money or other valuable thing in aid of any person or organization against the authority or sovereignty of the United States, or who shall demand or receive such contribution from others, or who shall make any contribution to any person or organization hostile to or in arms against the authority or sovereignty of the United States for the purpose of securing any protection, immunity, or benefit.
- (f) Any person who, after the passage of this Act, shall in any manner whatsoever give aid and comfort to any person or organization in the Philippine Islands in opposition to or in arms against the authority or sovereignty of the United States.
- (g) Insane or feeble-minded persons.

SEC. 9. The provincial board shall formulate rules for the holding of elections, and shall appoint for each township a board of five election judges to preside over the election and report its result.

(a) Immediately after the close of the election, the result of the voting shall be canvassed by the board of election judges, a certificate of the result of the election shall be prepared in duplicate, and signed by the members of the board, and this certificate shall be a sufficient warrant for those elected to assume their offices, unless objections are filed as follows: A duplicate containing the additional statement that a term of three days is granted in which any resident of the township can present to the board, or to the chairman thereof, in writing, such objections as he may deem just and legal against those declared elected, shall be prepared by the board and posted at the main entrance of the township building.

(b) On the day following that said term of three days, a duplicate of the election certificated and the objections made, if any, shall be sent by the chairman of the board of judges to the provincial board. Should the provincial board, upon investigation and after hearing of evidence, if necessary, find the election legal, they shall, within seven days after the receipt of said documents, direct the newly elected officers to qualify and enter upon their duties on the day fixed by this Act; but if the provincial board determines that there has been an illegality committed in the election of any officer, or that any candidate returned is not eligible, they shall so declare in writing, with the reason therefor, and shall order a special election to fill the vacancy thus occasioned, and shall certify their finding and order to the township secretary, who shall spread the same on the records of the council. In determining the legality of the election, the provincial board shall ignore irregularities or informalities which do not prevent the declared result from being the actual will of the electors.

SEC. 10. The provincial governor shall issue to each legally elected township officer a certificate of election. Certificates of election in blank, sufficient in number for the needs of the province, shall be supplied to the provincial governor by the provincial supervisor, who shall purchase them from the Treasurer of the Philippine Archipelago.

SEC. 11. Upon the election of a new president and vice-president an accounting shall be had between the incoming and the outgoing township officers, and each to the latter shall turn over to the former all township books, records, accounts, and moneys. The incoming officials shall inform the provincial fiscal of any irregularities in the management of the township funds which they may discover.

SEC. 12. A plurality of votes shall be sufficient to elect.

OFFICERS—THEIR QUALIFICATIONS, DUTIES, AND COMPENSATION.

SEC. 13. A president, vice-president, or councilor shall be a duly qualified elector of the province, and shall have a legal residence therein for one year prior to the election.

SEC. 14. A secretary shall be able to read, write, and speak intelligently a local dialect generally understood in the township, and the Spanish or English language.

SEC. 15. In no case shall there be elected or appointed to a township office ecclesiastics, soldiers in active service, persons receiving salaries from provincial, departmental, or governmental funds; those who are delinquent in the payment of public taxes assessed after the passage of this Act, or contractors for public works within the province.

SEC. 16. (a) Every person elected or appointed to a township office under the provisions of this Act shall, before entering upon the duties thereof, take and subscribe before the president or secretary the following oath of office: Provided, That oaths of office shall be administered by members of boards of election judges to officers chosen at

the first election:

"OATH OF OFFICE.

"I, _____, having been _____ as _____ of the township of _____, in the Province of _____, do solemnly swear (or affirm) that I have the prescribed qualifications to hold office in said township; that I recognize and accept the supreme authority of the United States of America and will maintain true faith and allegiance therto; that I will obey the laws, legal orders, and decrees duly promulgated by its authority; and that I impose upon myself this obligation voluntarily, without mental reservation or purpose of evasion; and that will I 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 _____, 190____.

"(Signature of president or secretary.)"

(b) Such oaths shall be filed in the office of the secretary.

SEC. 17. Every township officer charged with the custody of public funds shall, before entering upon the duties of his office, executed a bond to the township with two or more sureties, the amount of which bond and the sufficiency of which sureties shall be approved by the president and by the provincial secretary-treasurer in writing indorsed thereon, and by the council by a recorded vote. A copy of the bond and the approval of the same shall be spread upon the minutes of the council. The bond shall be fixed at a penal sum of not less than half of the amount to the aggregate revenue which will probably come into the custody of such officer during the current year, and shall be conditioned for the faithful performance of the duties to the office and the payment as required by law of all moneys received by such officer for and in behalf to the township. The bond shall be filed in the office of the secretary, who shall carefully preserve the same. Should suit be brought on this bond, it shall be no defense to those signing the bond that the above requirements for approval have not been complied with, if in fact, by virtue of such bond, the township officer had entered upon the discharge of his official duties.

SEC. 18. The president shall be the chief executive of this township.

(a) He shall cause the ordinances of the township to be executed and shall supervise the discharge of official duties of all subordinates.

(b) He shall examine and inspect the books, records, and papers of every officer or agent of the township.

(c) He shall issue orders relating to the police to public safety, and orders for the purpose of avoiding conflagrations, floods, and the effects of storms or other public calamities.

(d) He shall draw warrants upon the treasurer for the legitimate payments authorized by the council.

(e) He shall assist the provincial secretary-treasurer and his deputies in the collection of taxes.

(f) He shall be the presiding officer of a court consisting of himself and two councilors to be chosen as hereinafter provided in section thirty-eight. The secretary shall be the recording officer of this court, which shall hear and adjudge alleged violations of public ordinance, upon complaint filed by his direction, or by a police officer, or a private citizen; and, after due trial, in which the accused and his witnesses shall be heard, shall, upon conviction by a majority vote of the members, impose such punishment, either by admonition or by fine or imprisonment, or

both such fine and imprisonment, in his discretion, as is provided in subsection (q) of section thirty-one. In case the person convicted is unable or unwilling to pay this fine, he shall satisfy its amount by labor upon public works within the township at the rate of twenty cents, Mexican, per day: Provided, That females shall not be compelled to perform work unsuitable for their sex.

(g) This court shall have no jurisdiction in civil cases, except on the application of interested parties and upon their making an agreement in writing to accept the award of the court, when it may hear and adjudge any case not involving property exceeding in value the sum of two hundred dollars, Mexican. The judgment shall be recorded by the secretary and shall be final.

(h) The members of this court shall receive no compensation for their services.

(i) Whenever it shall come to the knowledge of the president that a crime or misdemeanor not within the jurisdiction of the court provided for in subsection (f) of this section has been committed within the township, the president shall direct the arrest of the alleged offender, shall make a preliminary investigation into the facts, and, if the guilt of the prisoner shall appear probable, shall order the arresting officer to proceed immediately with the prisoner and the president's report of his investigation to the governor of the province.

(j) Fines shall be paid in coin to the treasurer of the township upon the order of the president, and the treasurer shall issue a receipt therefor, which shall be countersigned by the president: Provided, That if the charge be against a township officer or employee for violating his official duty, the president shall have jurisdiction to suspend him, pending action on such violation by the council; and, if a fine is imposed against such officer, it may be collected by withholding the requisite amount from such salary as is or may thereafter become due to him.

(k) The president shall keep a docket of the trials held under the preceding subsection, in which shall be recorded in a summary manner the name of the defendant, the charge against him, the date of the trial, the presence of the defendant, and the nature of the judgment, together with the fines collected, if any, in accordance with the judgment. A docket with proper blanks for entry of the required details shall be furnished to the president by the provincial supervisor, and the cost of the same shall be paid out of the treasury of the township.

(l) The president shall recommend to the council at any time such measures connected with the public health, cleanliness, or ornament of the township, or the improvement of its finances, as he shall deem expedient. He shall preside at all meetings of the council and shall sign its journal; but he shall not vote, except in case of a tie, when he shall give the casting vote. He shall approve ordinances adopted by the council, unless he shall consider them prejudicial to the public welfare, in which case he shall veto them; but the council may pass an ordinance over the veto of the president by a two-thirds vote of all its members, in which case it shall be valid without the signature of the president. If the president shall not either approve or veto an ordinance within five days of this adoption, it shall become a law.

(m) He shall appoint, by and with the consent of two-thirds of all the members of the council, a treasurer, a secretary, and all non-elective officers and employees that may be provided for by law or ordinance: Provided, that the appointment of the treasurer shall be subject to the approval of the provincial board; and at any time, for cause, he may suspend any such officer or employee for a period not exceeding ten days, which suspension may be continued for a longer period by the council; and, by and with the consent of a majority of all the members of the council, he may discharge any such officer or employee.

(n) He shall make all nominations at the first meeting of the council after his election, except for those offices in which a vacancy may occur during his term. In case the council shall reject any of the nominations made by him, then it shall be his duty at the next regular meeting of the council to submit the names of other persons for

appointment. 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.

(o) During the month of December of each year the president shall prepare and make out in duplicate an annual report, in which he shall set forth the most important events which have occurred in the township during the current year. One copy of the report shall be filed in the office of the secretary, and the other shall be submitted to the council and thereafter forwarded to the provincial governor on or before the fifteenth day of the following January.

(p) He is authorized to use, as a symbol of office, a black cylindrical cane, with gold head, gilt ferrule, and silver cord and tassels.

SEC. 19. The vice-president shall:

(a) Act as substitute for the president in case of the absence of the latter or his temporary inability to discharge the duties of his office.

(b) In case of a permanent vacancy in the office of president he shall fill the post for the unexpired portion of the term; and a new vice-president shall be elected by a majority vote of all the members of the council.

(c) He shall be an ex officio member of the council, with all the rights of any other member.

(d) He is authorized to use, as a symbol of office, a black cylindrical cane, with gold head, gilt ferrule, and black cord and tassels.

SEC. 20. The secretary shall be the clerk of the council, whose meetings it shall be his duty to attend.

(a) He shall keep a journal of the proceedings of the council, and of all records and acts of the township.

(b) He shall countersign and certify to the correctness of all warrants ordered by the council to be drawn on the treasury of the township.

(c) He shall keep his office in the building where the council meets, or at some place convenient thereto, as the council shall direct.

(d) He shall keep a civil register for the township and shall record therein all births, marriages, and deaths, with their respective dates. In case of marriages he shall further record the previous residence of the contracting parties, the name of the person solemnizing the marriage, and the names of the witnesses. In case deaths, the cause of death shall be recorded when known. Physicians and midwives residing within the limits of the township shall immediately forward to the secretary notification of every birth or death that occurs under his or her professional observation, together with the necessary information for making the proper entry in the civil register. Every person resident within the limits of the township who is authorized by law to celebrate marriage, shall immediately forward to the secretary notification of every marriage which he celebrates, together with the necessary data for properly recording said marriage in the civil register. All entries in the register shall be made by the secretary free of charge.

(e) He shall issue upon demand of any person a certified copy of any record within his control, and shall be authorized to charge and receive a fee which shall not exceed, for both the writing and certificate, ten cents per one hundred words (Mexican currency). The records shall, during usual business hours, be open to inspection by all residents of the township and by all officers of the provincial, departmental, and general governments.

(f) He shall read all communications from the provincial governor to the president and the council at its next

regular meeting after they are received, unless the matter treated of be urgent, in which case the president shall call a special meeting of the council, at which the communication shall be read.

(g) Upon request of the president, he shall prepare at his dictation and for his signature any official communications which the president may desire to send, or any documents or reports which the president is required to furnish.

(h) During the first week of every month he shall forward to the provincial governor true copies of all records made by him during the preceding month.

(i) He shall each year prepare a list of the persons from whom taxes are due, as provided in section fifty-two.

(j) On or before the thirty-first of December of each year, he shall prepare a list of the inhabitants of the township, grouping them by barrios and families. This list shall give the name, sex, and approximate age of each person; the amount of taxes paid by him during the current year, and such other details as the provincial governor shall direct. The fact that a man's name has been entered on this list as an inhabitant of a given township shall not restrict his right to transfer his residence to another township.

(k) He shall forward to the provincial secretary-treasurer on or before the fifteenth of January of each year, a complete copy of the entries in the civil register for the township during the year ending on the preceding thirty-first of December, and a true copy of the list provided for in subsection (j) for the same year, and shall certify the same as true copies of the original records in his office.

(l) He shall perform all such other duties as the council may be ordinance provided, or as may be imposed by general legislation.

SEC. 21. Taxes, imposts, and all other revenues of the township shall not be leased or farmed by the council, but shall be collected by the provincial secretary-treasurer, or his authorized deputies, or by the township treasurer, as hereinafter provided.

SEC. 22. (a) The township treasurer shall collect all moneys due to the township from any source except license fees for the selling, giving away, or disposing in any manner of any intoxicating, malt, vinous, mixed, or fermented liquors at retail in quantities to not more than five gallons; license fees for billiard tables, to the keeping of dogs, for public carriages, carts, or hearses kept for hire; and for cafes, restaurants, hotels, and lodging houses.

The tax imposed for the purpose of protecting roads in section forty-four, subsection (h), and taxes on real estate and personal property shall be collected by the provincial secretary-treasurer or his deputies, and paid to the township treasurer as hereinafter provided.

(b) He shall give to every person paying money to the township treasury a receipt therefor, specifying the date and amount of the payment and upon what account paid.

(c) He shall keep a detailed account of all moneys received, and shall pay the same out only under authority of an ordinance or resolution of the council, and upon a warrant signed by the president and countersigned by the secretary.

(d) He shall, on or before the third day of each month, make out in triplicate a full and complete statement of the receipts and expenditures of the preceding month, together with a statement of the cash actually on hand in the township treasury. He shall deliver two copies to the president, who shall verify them and certify upon the face of each of the correctness thereof and shall then immediately cause one copy to be posted at the main entrance of the township building and send the other copy to the provincial secretary-treasurer.

(e) He shall pay all lawful warrants in the order in which they shall be presented, and he shall note on the back of each the date of such presentation, and, when payment is made, the date of such payment: Provided, That he shall not pay any warrant when there is not in the treasury a sufficient amount to meet warrants previously presented and not paid for want of funds.

(f) He shall have his office in the township building and shall keep in the township safe or strong box, which it shall be the duty of the council to provide, all moneys belonging to the township. Such moneys shall be kept separate and distinct from his own money, nor shall he be permitted to make profit out of public money, nor to lend or otherwise use it nor to use the same in any method not authorized by law. A treasurer violaint the foregoing restriction shall be dismissed from office, if such violation shall be established at a hearing before the provincial secretary-treasurer. Such violation shall be considered a malversation of funds, to be tried accordingly under the penal law by a court of competent jurisdiction. the provincial secretary-treasurer shall report any such violation to the provincial fiscal for prosecution. The treasurer may, to prevent the accumulation of too large an amount of money in the strong box of the township, when especially authorized by resolution of the council, deposit for safe-keeping withe the provincial secretary-treasurer such sums of money as he will not be obliged to use at once, taking a receipt from the provincial secretary-treasurer. He shall exhibit this receipt to the council at its next meeting, and the secretary shall record the fact of such exhibition and the date amount of the receipt.

(g) He shall be the custodian of all township property, and shall keep a record thereof in a suitable book.

SEC. 23. (a) Each councilor shall inform the people of his barrio as to the acts of the councilor and as to governmental measures which directly concern them. He shall serve in the council as the representative of the people of his barrio and shall bring their especial needs to the attention of that body.

(b) He shall promptly inform the president of any unusual or untoward event occuring in his barrio.

(c) He shall notify the people of his barrio of the days on which they should present themselves to pay taxes, and shall himself be present on such occasions to identify them.

SEC. 24. The president, secretary, and treasurer shall receive such annual salaries as the council shall fix and the provincial board approve.

(a) The salary of the president, during the period when the vice-president shall perform his duties, shall be drawn by the vice-president.

(b) The vice-president, except when serving as president, and the councilors, shall receive no compensation, their offices being honorary.

(c) No change of salaries by the council, after salaries have been fixed at the organization of the township, shall affect that of an officer then elected or incumbent.

SEC. 25. (a) A person elected by the people to fill a township office shall not be permitted to decline the same, but shall qualify and discharge the duties thereof, unless before election he shall have presented to the judges of election, and established to their satisfaction, a claim for exemption on the ground:

(1) That he has discharged the duties of the same office for two previous terms; or

(2) That he is physically disabled; or

(3) That he is more than sixty-five years of age.

(b) Any person violating the foregoing provision of this section, and being convicted thereof in a court of competent jurisdiction, shall suffer imprisonment for a term not exceeding six months.

SEC. 26. A second reelection to any township office is prohibited, except after two years.

SEC. 27. Should any elective township officer become permanently incapacitated for the proper discharge of his duties during his term of office, through accident or disease, his office may be declared vacant by the vote of a majority of all the members of the council, and his successor shall be promptly chosen, also by a majority vote of all the members.

SEC. 28. The term of office of all appointive officers shall be until the end of the term of the president appointing them, and until their successors are appointed and qualified, unless such office is sooner abolished by the provincial board or the officer is removed, as provided in this Act.

SEC. 29. Every officer of the township shall, at the expiration of his term, 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 township 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 treasurer. Upon the refusal of the retiring officer to comply with this provision, he shall be liable for all damages caused thereby and to such penalty as may be law or ordinance prescribed.

SEC. 30. (a) No township officer shall be directly or indirectly interested in any contract work, or business of the township, or in the purchase of any real estate or any other property belonging to the corporation.

(b) Any officer violating the provisions of this section shall, upon a two-thirds vote of all the members of the council, be removed from office; and upon trial and conviction in a court of competent jurisdiction, shall be imprisoned for not less than six months and not more than two years.

THE TOWNSHIP COUNCIL.

SEC. 31. The council shall, by a majority vote of all its members:

(a) Fix the salaries of all duly authorized employees, except teachers in the public schools, subject to the limitations expressed in section twenty-four.

(b) Fill a permanent vacancy in the office of vice-president or of councilor from among persons having the necessary qualifications. A person thus substituted as vice-president or councilor shall serve only for the unexpired portion of the term for which his predecessor was elected and until his successor shall have been chosen. The provincial governor, with the advice and consent of the provincial board, shall fill temporary vacancies in the office of vice-president, treasurer, or 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.

(c) Make appropriations for lawful and necessary expenditures, subject to the approval of the provincial board.

(d) Manage the property of the township.

(e) Erect all needful buildings for the use of the township.

(f) Provide regulations for the sanitation of the township, and order the removal of nuisances and causes of disease.

(g) Regulate the running at large of domestic animals.

(h) Adopt such measures to prevent the introduction and spread of disease as may from time to time be necessary.

- (i) Prohibit gambling, opium-smoking, or the sale of opium for smoking.
- (j) Establish, regulate, and maintain a police department.
- (k) Establish, maintain, and regulate township prisons.
- (l) Establish and maintain primary schools, subject to the approval and supervision of the division superintendent.
- (m) Establish a post-office and provide for the collection and delivery of mails; but such regulations must be in harmony with the postal service and rules established by the General Government.
- (n) Provide by ordinance for the levy of taxes for township purposes, within the limitations of law, as hereinafter provided in section forty-four.
- (o) License and regulate or prohibit the selling, giving away, or disposing in any manner of any intoxicating, malt, vinous, mixed, or fermented liquors, at retail in quantities of not more than five gallons, except the native liquor made from rice and known as "bubud," and determine the amount to be paid for such licenses, subject to such limitations of general law as may hereafter be enacted.
- (p) Provide for inspection of weights and measures, and enforce the keeping of proper weights and measures by vendors, but without the power to exact fees for such inspections.
- (q) 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 of imprisonment for each peso of the fine. An appeal shall lie to the Court of First Instance, next to be held within the province, in all cases where the judgment shall be for a fine exceeding fifteen pesos, or for imprisonment exceeding fifteen days; and it shall be the duty of the provincial fiscal to appear for the represent the prosecution in such appeal cases. Pending the appeal the defendant shall remain in custody unless released upon sufficient bail, in accordance with the general provisions of law, to await the judgment of the appellate court.
- (r) Make such 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 township and the inhabitants thereof, and for the protection of property therein; and enforce obedience thereto with such lawful fines or penalties as the council may prescribe under the provisions of subsection (q) of this section.

SEC. 32. (a) The council shall prescribe the time and place of holding its meetings. Regular meetings shall be held once in every two weeks, and special meetings as often as occasion may demand. 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.

(b) The president, or any two members of the council, may call a special meeting by giving written notice of it to each member of the council, which notice shall be served personally or left at his usual place of abode.

SEC. 33. The majority of the council elected shall constitute a quorum to do business, but a smaller number may adjourn from time to time and may compel the attendance of absentees, under such penalties as may be prescribed by ordinance.

SEC. 34. (a) The regular sessions or meetings of the council shall be public and the person presiding has the authority to exact from all present due respect and proper deportment, to prevent disturbances and disorder, and to order the room cleared of any or all present who give reason for such action by improper behavior.

(b) The council may hold special sessions with closed doors to consider and vote upon appointments submitted to it by the president.

SEC. 35. The council shall determine its own rules of procedure, punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members, the council may suspend or expel a member for cause, electing his successor by a majority vote of all the members.

SEC. 36. The council shall keep a journal of its own proceedings. The ayes and nays shall be taken upon the passage of all ordinances, upon all propositions to create any liability against the township, and upon any other proposition, upon the request of any member, and they shall be entered upon the journal. the affirmative vote of a majority of all the members of the council shall be necessary to the passage of any ordinance or of any proposition creating indebtedness; but other measures, except as otherwise specially provided in this Act, or by due authority, shall prevail upon the majority vote of the members present at any meeting duly called and held.

SEC. 37. Every ordinance shall go into effect on the tenth day after its passage, unless the ordinance shall provide that it shall take effect at an earlier or a later date. The ordinance, on the day after its passage shall be posted by the secretary at the main entrance of the township building. he shall certify to the fact of posting and shall spread his certificate upon the minutes of the council, but failure to post an ordinance shall not invalidate the same.

SEC. 38. At the first regular meeting after the election and qualification of a new president, the council shall pass on his nominations to nonelective township offices and shall prescribe the duties of all appointed officers and employees, when not determined by the provisions of this Act. It shall also choose, by a majority vote of all its members, two of the councilors to serve with the president as members of the court provided for in section eighteen, subsection (f).

SEC. 39. The council shall definitely fix the limits of the barrios of the township, prescribing for them such boundaries that the barrios, taken collectively, shall include the entire territory of the township.

SEC. 40. The council may, by a majority vote of all its members:

- (a) Order the suspension or removal at any time, for cause, of any nonelective officer or employee.
- (b) Make such provisions for the care of the poor, the sick, orphans, or those of unsound mind as it may deem necessary.
- (c) Purchase, receive hold, sell, lease, convey, and dispose of property, real and personal, for the benefit of the township: Provided, That the express authorization of the provincial governor shall be necessary to alienate or constitute any lien upon any real property of the township.
- (d) Employ a lawyer or lawyers, when necessary, in order to defend the interests of the township, but ordinary legal questions shall be submitted to the provincial fiscal, who shall answer the same in writing free of charge.
- (e) Provide for the erection of markets, public stables, public bathing establishments, wharves, and township cemeteries, and for the establishment of ferries, and fix reasonable fees for the use of the same.
- (f) Provide for the establishment and maintenance of special and professional institutions of learning other than primary schools, and charge and collect matriculation and tuition fees.
- (g) Construct and maintain waterworks for the purpose of supplying the inhabitants of the township with water, and control the use of said water, and of water courses within the township.
- (h) Name streets, avenues and other public places, or change the names thereof.

(i) License, tax, regulate, or prohibit the keeping of dogs and authorize the killing of the same when at large contrary to ordinance.

(j) License, tax, or prohibit cockfighting and the keeping or training of fighting cocks, and license, tax, or close cockpits: Provided, That cockfighting in such cockpits shall take place only on legal holidays: And provided, further, That no game of chance be permitted on the premises.

(k) License public carriages, carts, and hearses kept for hire; cafes, restaurants, hotels, inns, and lodging houses; billiard tables, theatrical performances, horse races, and circuses.

SEC. 41. Questions which may arise relative to the constitution or attributes of the township government shall be submitted to the provincial fiscal for decision.

TAXATION AND FINANCE.

SEC. 42. Taxation shall be just, and, in each township, uniform.

SEC. 43. The revenues of the township shall be devoted exclusively to local public purposes.

SEC. 44. The revenues of the township shall be derived from the taxes provide for in sections fifty-four and fifty-five, and from the following additional sources only:

(a) The granting of the privilege of fisheries.

(b) Fees for the issuing of certificates of ownership of large cattle and of transfer of title in the same.

(c) Rents and profits from all property belonging to the township, tolls from ferries, township stables, markets, slaughter-houses, public bathhouses, and cemeteries belonging to the township.

(d) Rentals for the privilege of establishing and maintaining the same.

(e) Fees for tuition in institutions of instruction other than primary schools founded and maintained solely by the township; but nothing herein shall require the charging of such fees.

(f) Licenses for billiard tables, theatrical performances, horse races, and circuses; for the selling at retail, in quantities of not more than five gallons, of any intoxicating, malt, vinous, mixed, or fermented liquors; for the keeping of dogs; for cockpits, cock fighting, or the keeping or training of fighting cocks; for public carriages, carts, or hearses kept for hire; and for cafes, restaurants, hotels, inns, and lodging houses; in accordance with the provisions of section thirty-one, subsection (o), and section forty, subsections (i) and (j).

(g) Township fines.

(h) An annual tax, hereby imposed for the purpose of protecting the roads of the township and the province from destruction, of three dollars, Mexican, upon each draft cart, the wheels of which have tires less than two inches and a half in width, and an annual tax of two dollars, Mexican, upon each cart the wheels of which are rigid with the axles to which they are attached, and an annual tax of five dollars, Mexican, upon each cart having both such tires and axles.

SEC. 45. It shall not be in the power of the council to impose a tax in any form whatever upon goods and merchandise carried into the township, 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 for wharfage, use of bridges, or otherwise shall be void.

SEC. 46. 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.

SEC. 47. (a) 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 of the council.

(b) All licenses and privilege taxes shall terminate on the thirty-first of May of each year, and anyone beginning a business on or after the thirty-first of May, shall be required, before beginning such business or exercising such privilege, to pay the license or tax for the part of the year which remains, to and including the thirty-first of May following, but all licenses and privilege taxes may be paid in advance in four quarterly installments at the election of the licensee.

(c) An addition to the tax or license, in the nature of a penalty amounting to twenty per centum of the original tax or license to be collected and accounted for by the provincial secretary-treasurer in the same manner as the original tax or license, shall be imposed for a failure to pay the tax or license when due.

SEC. 48. It shall be the duty of the provincial secretary-treasurer to keep a record, open to public inspection, of the names of all persons paying licenses or privilege taxes, arranged alphabetically.

SEC. 49. Within ten days after the passage of the ordinance by the council for the payment of licenses or privilege taxes, the president and treasurer shall prepare a list of the names of the persons whose business, if continued, would render them liable to the license or tax, and they shall transmit such list at once to the provincial secretary-treasurer, to enable him more readily to detect persons failing to pay the licenses and privilege taxes for which they shall have become liable.

SEC. 50. The council shall provide that any person conducting a business or enjoying a privilege without paying that tax required both, after trial and conviction before the president, as in other cases, under the limitations prescribed in subsection (q) of section thirty-one.

SEC. 51. Until a time to be hereafter determined by the Insular Government, when the councils of the townships in the Province of Nueva Vizcaya shall have gained sufficient knowledge and experience properly to exercise, without intervention, the powers herein conferred, all ordinances and rules passed by them shall be subject to the approval of the provincial governor, and without such approval shall be invalid.

SEC. 52. Every person eighteen or more years of age, who owns property in the province, or who has within his control any owner of property in the province who is less than eighteen years of age, shall appear before the president of the township in which such property lies between the first and fifteenth days of January of each year, and shall declare the value of his property, and the value of that of any property owner less than eighteen years of age who is within his control: Provided, That if it shall be inconvenient or impossible for him to appear before the president he shall make a sworn declaration in writing as to the value of such property, and shall cause this statement to be delivered to the president between the dates above fixed. His declaration shall be accepted as true, unless the provincial secretary-treasurer or some other resident of the province shall question its correctness, and bring the matter to the attention of the provincial governor, in which case the provincial governor, the provincial secretary-treasurer, and the president of the township in which the property lies shall form a board of assessors to determine its value. This board shall be empowered to call and examine witnesses, and after giving the owner and his witnesses, if any, opportunity to be heard, shall fix the value of the property alleged to be incorrectly valued. Its decision shall be final.

SEC. 53. Any property owner who fails to declare the value of his property within the period fixed in section fifty-two, or that of the property of any resident of the province less than eighteen years of age within his control, shall immediately be warned by the councilor of his barrio that, unless he makes his declaration before the thirty-first day of January, he will be subject to a fine of five dollars, Mexican; and, should he fail to make the

declaration within the period specified, the fine shall be adjudged against him by the court provided for in section eighteen, subsection (f), and shall be collected by the treasurer; or, in lieu of the payment thereof, he shall be compelled to work it out on public works within the township at the rate of twenty cents, Mexican, per day. In the event of his not making his declaration before January thirty-first, the value of his property shall be fixed by the board of assessors provided for in section fifty-two.

SEC. 54. Every resident of the province who does not own real or personal property to the value of two hundred dollars, Mexican, shall be excused from the payment of any property tax; but, if such resident is a male, and eighteen or more years of age, he shall, in lieu thereof, pay an annual tax of one dollar, Mexican.

SEC. 55. Every resident of the province who is the owner of real or personal property to the value of more than two hundred dollars, Mexican, shall pay as an annual property tax an amount equal to one-half of one per centum of the value of such property.

SEC. 56. A cedula or certificate shall be issued to each person paying the tax prescribed in section fifty-four or that prescribed in section fifty-five, which shall contain an acknowledgment by the provincial secretary-treasurer of the amount received, the name of the person paying, his age, residence, place of nativity, his status—whether married or single—and his business or occupation. Upon the delivery to him of the cedula or certificate, he shall sign the same with his usual signature, in the presence of the collecting officer, who shall the signature. In case the taxpayer is unable to sign his name, then he shall identify himself by his usual mark similarly witnesses. The cedula or certificate of registration herein provided for may be used for purposes of identification, admitted in evidence, and must be presented by anyone liable to pay such tax whenever—

- (1) He appears in any court of the Archipelago, either as a suitor or as a witness in his own behalf in any civil proceeding;
- (2) He transacts any business with any public office or officer;
- (3) He pays any tax or receives money from any public funds;
- (4) He acknowledges any document before a notary public;
- (5) He assumes any public office, whether by appointment or by election;
- (6) He receives any license, certificate, or permit from any public authority.

No contract, deed, or other document acknowledged before a notary public shall be valid or be recognized by any court unless the notary shall have certified thereon that the thereto parties have presented their certificates of registration, or are exempt from the tax, and shall have entered in such certification the number, place of issue, and date of each certificate of registration: Provided, That in all cases when a notary public has not certified as above provided on any deed, contract, or other document acknowledged before him, any party having an interest therein may at any time appear before the treasurer of the proper province, who shall, upon the payment of the delinquent tax and the penalty due, if any, certify on such deed, contract, or other document that said tax and penalty have been paid, with the date of such payment, and the same shall thereupon be deemed to be valid to all intents and purposes and receivable in evidence.

SEC. 57. On the basis of the declarations made and of the findings of the board of assessors, if any, the secretary shall prepare, on or before February fifteenth of each year, a list of the persons from whom a property tax is due, with the amount of such tax due from each of them. This list shall be kept open to public inspection in his office. All persons from whom a property tax is due shall be notified by the councilors of their respective barrios to appear before the secretary and learn the amount of such tax, which shall be stated to them verbally by secretary if

they can not read.

SEC. 58. Taxes may be paid between February fifteenth and July thirty-first of each year, on a day or days during each months to be fixed by the provincial secretary-treasurer.

SEC. 59. All persons who have not paid their taxes in full on or before the thirty-first day of July of each year shall be deemed delinquent taxpayer, after such delinquency shall have been adjudged, upon due notice to the alleged delinquent, by the court provided for in section eighteen, subsection (f). If any taxpayer shall fail to pay the delinquent taxes adjudged against him within twenty-four hours after judgment, he shall be made to satisfy the amount due by labor upon public works within the township at the rate of twenty cents, Mexican, per day, either performing such work in person or providing a substitute to perform it: Provided, That at any time after he or his substitute shall have begun work he may secure release from obligation to work by payment of the amount of the tax originally due in full.

SEC. 60. In the year nineteen hundred and two the declarations as to the value of property provided for in section fifty-two shall be made between the first and fifteenth days of June. Property owners shall be subject to the fine provided for in section fifty-three if they fail to make their declarations on or before the thirtieth of June. The secretary shall prepare the list of persons from whom taxes are due provided for in section fifty-seven on or before the fifteenth of August, and taxes may be paid between the fifteenth of August and the first of December, on days fixed as provided in section fifty-eight. Unpaid taxes shall become delinquent, as provided in section fifty-nine on December first.

SEC. 61. All property taxes shall be collected by the provincial secretary-treasurer, or his authorized deputies; and when collected shall be turned over by the provincial secretary-treasurer or his deputies within one week from the date of collection to the township treasurer, together with an itemized statement showing the persons from whom such taxes, imposts, and revenues have been collected, the respective amounts of the same, and the nature of the tax, impost, or liability on account of which such amounts have been collected.

SEC. 62. (a) In case the provincial secretary-treasurer shall fail to pay over to the treasurer the amount collected by him, or which should have been collected as required by this Act, the township shall at once proceed, through the provincial fiscal, by action against the provincial secretary-treasurer upon his official bond, which by law he shall be required to give before entering upon the duties of his office, to recover the amount thus in default.

(b) At the termination of the period of collection as fixed by this Act, the provincial secretary-treasurer shall return to the council an account of those taxes that could not be collected, and such secretary-treasurer will not be held liable for the uncollected portion, unless because of negligence or bad faith on his part or on the part of his deputy or deputies.

(c) The proceedings under (a) and (b) shall not prevent criminal prosecution for such default where the Penal Code and the circumstances justify it.

SEC. 63. It shall be the duty of the provincial secretary-treasurer to be present in the township himself or by deputy on the dates indicated by him for the payment of property taxes. He or his deputy shall give receipts for the same showing the date of each payment, the name of the person paying it, the amount of each payment, and on what account collected. He shall give notice to the president of the coming of himself or deputy one week before the visit of himself or deputy to the township, and the president shall cause the same to be posted at the main entrance of the township building, and to be communicated to the people of the several barrios by their respective councilors.

SEC. 64. The presidents of the several townships of the province shall meet on the third Monday in January and

the third Monday in July of each year to consider matters needed in the province, and for the provincial government, and to make recommendation to the provincial board. The convention shall be called together by the provincial secretary-treasurer, and shall elect a chairman for each semiannual session. The provincial secretary-treasurer shall act as secretary of the convention, and shall certify its recommendations to the provincial board.

SEC. 65. Should any dispute arise as to the boundaries of townships, the provincial board shall hear the persons interested, and shall decide the matter in dispute, and its decision shall be final.

SEC. 66. The provincial governor shall have power to suspend any township official charged with misconduct in office, or disloyalty to the United States; and, after proper notice and hearing, to remove or reinstate him. Such suspension, removal, or reinstatement shall be reported to the Civil Governor, who may approve or revoke the same.

SEC. 67. All bank forms the use of the township shall be prescribed by the Treasurer of the Philippine Archipelago, subject to the approval of the Civil Governor, and the Treasurer of the Archipelago shall keep a sufficient quantity of such forms on hand, and shall furnish them to the provincial supervisor upon application. The cost of such purchases for each township shall be treated by the provincial secretary-treasurer as a charge against the revenue of the township collected by him or his deputies.

NON-CHRISTIAN TRIBES.

SEC. 68. Whereas a large majority of the inhabitants of Nueva Vizcaya are members of non-Christian tribes who have not progressed sufficiently in civilization to make it practicable to bring them under any form of municipal government, the provincial governor is authorized, subject to the approval of the Secretary of the Interior, in dealing with these non-Christian tribes, or members thereof, to appoint officers from among the members of said tribes, to fix their designations and badges of office, and to prescribe their powers and duties: Provided, That the powers and duties thus prescribed shall not be in excess of the powers conferred upon the township officers by this Act.

SEC. 69. Subject to the approval of the Secretary of the Interior, the provincial governor is further authorized, when he deems such a course necessary in the interest of law and order, to direct members of such tribes to take up their habitation on sites on unoccupied public lands to be selected by him and approved by the provincial board. Members of such tribes who refuse to comply with such direction shall, upon conviction, be imprisoned for a period not exceeding sixty days.

SEC. 70. The constant aim of the governor shall be to aid the people of the several non-Christian tribes of his province to acquire the knowledge and experience necessary for successful local popular government, and his supervision and control over them shall be exercised to this end, and to the end that law and order and individual freedom shall be maintained.

SEC. 71. When in the opinion of the provincial board any settlement of members of a non-Christian tribe has advanced sufficiently to make such a course practicable, it may be organized under the provisions of sections one to sixty-seven, inclusive, of this Act, as a township, and the geographical limits of such township shall be fixed by the provincial board.

SEC. 72. The public good requiring the speedy enactment of this bill, the passage of the same is hereby expedited in accordance with section two of "An Act prescribing the order of procedure by the Commission in the enactment of laws," passed September twenty-sixth, nineteen hundred.

SEC. 73. This Act shall take effect on its passage.

Enacted, April 9, 1902.

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