

AN ACT REQUIRING A CERTIFICATE FROM THE INSULAR AUDITOR SHOWING FUNDS DULY APPROPRIATED WHICH MAY BE USED FOR THE PURPOSE INDICATED IN A PROPOSED CONTRACT ENTAILING THE EXPENDIT...

Act No. 2119, February 01, 1912

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

SECTION 1. Before a contract, agreement, or other obligation proposed obligations, entailing the expenditure of money from Insular funds amounting to two thousand pesos or more, for construction, equipment, or supplies shall be entered into by the Government of the Philippine Islands, a copy of such proposed contract shall be made and submitted to the Insular Auditor with a request for a certificate to be made by him, showing that there are sufficient funds duly appropriated to be expended for the object set forth in said contract in the Treasury in excess of all outstanding contracts and obligations connected with or affecting such appropriation; the Bureau, Board, committee, or officer submitting this request shall transmit therewith a statement in writing of all obligations incurred against said appropriation not yet presented for audit; and it shall be the duty of the Insular Auditor upon receipt of such written request for a certificate and said statement to immediately make such certificate in writing showing whether or not there are any funds duly appropriated for the purpose of carrying into execution such said proposed contract in excess of all obligations and indebtedness chargeable to such said appropriation.

SEC. 2. No contract, agreement, or other obligation involving the expenditure of two thousand pesos or more shall be entered into, etc. by any Bureau, Board, committee, or officer of the Government of the Philippine Islands, or of any province or municipality thereof for construction, equipment, or supplies unless the Insular Auditor shall first certify to said Bureau, Board, committee, or officer who proposes to enter into such contract that the money required for the contract, agreement, or other obligation, or to pay the appropriation or expenditure, is in the Treasury to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certificate shall be attached to and made a part of the proposed contract; and the sum so certified shall not thereafter be available for expenditure for any other purpose until the Government or the province or municipality, as the case may be, is discharged from the contract, agreement, or obligation; and all contracts, agreements, or other obligations entered into contrary to the provisions of this section shall be void, and no person whatever shall have any claim or demand thereunder against the Government or any branch or political subdivision thereof; nor shall a Bureau, Board, committee, or officer of the Government or any province or municipality thereof have power to waive or qualify the limits of this Act or fasten upon the Philippine Government or any province or municipality thereof any liability whatever for any excess of such limits, or release any person from an exact compliance with his contract under this Act, except as authorized under the provisions thereof; a violation of any provision of this section shall disqualify the person violating it from holding any office of trust or profit in the Philippine Government or in that of any province or municipality thereof, and render him liable to the Philippine Government, or province or municipality thereof as the case may be, for any damages resulting from such violation, and if in office he shall be dismissed therefrom: Provided, however, That for the purpose of entering into such contracts ninety per centum of the estimated revenues and receipts of the

Government for any fiscal year covered by the contract shall be deemed to be in the Treasury: And provided further, That such requirements shall apply to contracts extending for more than one year, and that before expenditures may be made in any year during the continuance of any contract such said certificate must be first had, showing that the funds for the carrying on of such contract for that year are in the Treasury as above provided.

SEC. 3. The same procedure shall be followed when any existing contract for works of construction and repair is altered or amended amend contracts, if such alteration or amendment involves an expenditure of funds in excess of the original contract price.

SEC. 4. All contracts for works of construction and repair entered into by the Government of the Philippine Islands shall be executed in duplicate, one copy of which shall be filed in the division of archives, patents, copyrights, and trademarks of the Executive Bureau, and one copy shall be furnished to the contractor, and a certified copy shall be furnished by the Executive Secretary to the Insular Auditor and to the Bureau, Board, committee, or officer who entered into the contract.

SEC. 5. When requisitions are made upon the Purchasing Agent Requisitions by any Bureau, Board, committee, or officer of the Government of the Philippine Islands, or of any province or municipality thereof for two thousand pesos or more, it shall be accompanied by a certificate of the Auditor as in this Act required and no further certificate shall be required to be secured by the Purchasing Agent before entering into the contract for the purchase of the articles so requisitioned.

Enacted, February 1, 1912.

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