

AN ACT PROVIDING FOR THE ESTABLISHMENT OF A CIVIL GOVERNMENT FOR THE PROVINCE OF BENGUET.

Act No. 49, November 23, 1900

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

SECTION 1. A civil government is hereby established for the Province of Benguet.

SEC. 2. The officers of this government shall be:

- (a) A provincial governor, at a salary of one thousand five hundred dollars per year;
- (b) A provincial secretary, at a salary of one thousand dollars per year; and
- (c) A provincial inspector, at a salary of four hundred dollars per year;

All in money of the United States.

SEC. 3. These officers shall be appointed by the United States Philippine Commission.

SEC. 4. These officers shall reside and have their offices in the township of Baguio, which shall be the capital of the province.

SEC. 5. The governor shall be the chief executive of the province. Until such time as a departmental government shall be established which shall include the Province of Benguet, he shall report directly to the Chief Executive of the Insular Government. On or before the first day of February of each year he shall make a written statement to such Chief Executive of the condition of the province.

SEC. 6. He shall make known to the people of his province, by proclamation or communications delivered to the presidents of the several townships, all general laws or governmental orders which concern them, and each president shall deliver all such proclamations and communications to the township secretary, to be by him filed and preserved.

SEC. 7. He shall pass upon every ordinance or act of the several township councils of the province, approving it, should he deem it satisfactory. Should he consider it unsatisfactory, he shall return it to the council, suggesting suitable amendments. The council shall inform him of its action, and he shall then approve the ordinance or act as amended, or modify it, as he may deem necessary.

SEC. 8. Should the council of any township fail to fix the limits of the barrios of the township; to fix the salaries of duly authorized officers and employees; to make appropriations for lawful and necessary township expenditures; to provide for the construction and care of trails and bridges in the chief barrio of the township, and of those necessary to connect it with the outlying barrios; to regulate the sanitation of the township and order the removal of nuisances the causes of disease; to regulate the running at large of domestic animals; to adopt suitable measures to prevent the spread of disease; to prohibit gambling, cockfighting, opium smoking or the sale of opium for smoking; to provide and enforce regulations for the taxation of the retail sale, in quantities of less than

five gallons, of any intoxicating, fermented, malt, or vinous liquors, except the native beverage made from rice and known as "tapuy"; to impose such other license fees as may be required by general law; to provide for the care of the poor, the sick, or of orphans; to provide for the establishment and maintenance of schools for primary instruction; to provide for the construction and maintenance of necessary waterworks for supplying the inhabitants of the township with water, and for insuring the equitable distribution and use of water for the purpose of irrigation in the township, or in general, to provide for carrying into effect and discharging the powers and duties conferred on them by the "Act providing for the establishment of local civil governments in the townships of the Province of Benguet;" or should it fail to enact such measures as are necessary and proper to provide for the health and safety, promote the prosperity, improve the morals, good order, peace, comfort, and convenience of the township and the inhabitants thereof and for the protection of the property therein:

Then the governor shall issue to the president of such township suitable written orders for securing these ends, and these orders shall have the effect of law. But, the constant aim of the governor shall be to aid the people of the several townships of the province to acquire the knowledge and experience necessary for successful local popular government, and his supervision and control shall be confined within the narrowest limits consistent, with the requirement that the powers of government in the townships shall be honestly and effectively exercised, and that law and order and individual freedom shall be maintained.

SEC. 9. Until such time as a treasurer shall be appointed for the province, the governor shall act as provincial treasurer, subject to the provisions of general law. He shall audit the monthly accounts of the several townships, and shall cause investigation to be made should he find reason to believe that the finances of any township are dishonestly or negligently administered. Should such investigation reveal ground for action, he shall cause proceedings to be instituted against the offending person or persons.

SEC. 10. He 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 Commission, who may approve or revoke the same.

SEC. 11. He shall provide the presidents of the several townships with official paper stamped by him for convenient amounts, to be used in receipting for all fines, fees, or taxes and in the issuing of true copies of entries in the civil register. He shall hold each president responsible for the aggregate amount of stamps on official paper furnished to him and not returned.

SEC. 12. He shall fix the dates for the first township elections in the several townships, and the day or days during each month from January fifteenth to July thirty-first of each year on which the people of the several townships may appear before the presidents to pay their taxes: Provided, That the last day so fixed shall be the thirty-first of July of each year.

SEC. 13. He shall be ex officio a justice of the peace in and for the Province of Benguet. All the powers and duties of that office which are now or may hereafter be provided by law, are vested in him. He shall have the power, and it shall be his duty, to issue a warrant for the arrest of a person charged with the commission of any offense, and if the offense is one which a justice of the peace may finally try and decide, he shall try and decide it; and if the accused is convicted, he shall impose the proper punishment. If he shall find that the offense is one which can only be tried by a Court of First Instance, he shall make such investigation, and shall be governed by the same rules, as judges of the first instance in similar cases. If he finds that there is probable cause for believing the accused to be guilty, he shall bind him over for trial by the judge of the first instance for the Provinces of Union and Benguet, and shall at once forward to that official all the records in the case. He is hereby empowered to take bail of such accused person, should the case be bailable by law. Be in the same manner as a judge of the

first instance.

SEC. 14. He shall be the presiding officer of the board of assessors provided for in section nineteen.

SEC. 15. He shall have the general control of all Constabulary and police forces in the province, subject to the supervision of the Chief Executive, of the Insular Government.

SEC. 16. He shall not leave the province, except in case of emergency, without the consent of the Chief Executive of the Insular Government. During such absence the provincial secretary shall not in his stead. In case of the death of the provincial governor, or of his inability to perform his duties through illness, they shall be discharged by the provincial secretary until such time as the Commission shall appoint some person to perform them or the provincial governor shall be able to resume their performance.

SEC. 17. The provincial secretary shall be the custodian of all official records. He shall receive and shall translate for the provincial governor all communications from the several townships in the province, and shall serve as interpreter for the governor, in official proceedings, whenever requested to do so. He shall make written translations of all official orders or communications which the provincial governor may desire to have translated. He shall act as recorder in all judicial and official proceedings presided over by the provincial governor. He shall be a member of the board of assessors provided for in section nineteen and shall serve as its recording officer. He shall receive from the township secretaries the certified copies of the civil registers and other statistical lists required to be kept by them, and shall file the same and make a compilation thereof for the use of the provincial governor, and the same shall be a record open to the inspection of the public. He shall be ex officio a notary public in and for the province. All the powers and duties of that office which are now or may hereafter be provided by law, are vested in him.

SEC. 18. The provincial inspector shall visit and inspect the several townships of the province at stated intervals to be determined by the provincial governor, and on special occasions, whenever the governor may so direct. He shall examine the records and accounts of the several townships, with a view to ascertaining whether the affairs of the townships are being honestly and efficiently administered, and shall report the results of his investigations to the provincial governor. He shall hear all complaints which the inhabitants of any township may desire to make, and shall truthfully and fully report them to the provincial governor. He shall investigate any suspected cases of dishonesty in the declarations, as to the value of their property required of property owners as a basis for taxation, and shall report the result of every such investigation to the provincial governor, together with any instances of serious misconduct on the part of residents of the province which may be brought to his attention. He is hereby empowered to summon witnesses and hear testimony for the promotion of these ends.

SEC. 19. Should any owner of property within the province fail to declare the value of his property before the thirty-first day of January of any year, or should the provincial inspector or any resident of the province complain that a property owner has made a false declaration as to the value of his property, the provincial governor, the provincial secretary, and the president of the township in which the property is situated shall constitute a board of assessors to determine the value of the property in question. The provincial governor shall be the presiding officer of this board, and the provincial secretary shall be its recording officer. The board is hereby empowered to call and examine witnesses and to fix the value of property, when such value has not been declared or is alleged to have been incorrectly stated. Its decisions shall be final. The recording officer of the board shall make and keep a record of all its proceedings and findings.

SEC. 20. The Chief of the Bureau of Forestry shall assign a forester to the province, who shall have his office at Baguio. He shall perform the duties prescribed by general law for foresters, except that he shall collect no revenue for firewood used by native residents to cook their food or warm their houses, or for limber actually used by them

in the construction of their dwelling houses, or in fencing plots of cultivated grounds, but they shall be allowed the necessary timber and firewood for these purposes free of charge: Provided, That the usual charges shall be collected on all timber or firewood sold by one person to another or offered for sale.

SEC. 21. This Act shall take effect on its passage.

Enacted, November 23, 1900.

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