

AN ACT TO INCORPORATE THE CITY OF BAGUIO AND FOR OTHER PURPOSES.

Act No. 1963, August 09, 1909

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

SECTION 1. Incorporation; powers.—All that part of the township of Baguio, subprovince of Benguet, contained within the boundaries described in the next succeeding section, and all the people inhabiting said district, shall be a municipality of the subprovince of Benguet by the name of the "city of Baguio;" and by that name shall have perpetual succession: have and use a common seal and alter the same at pleasure; sue and be sued, and prosecute and defend to final judgment and execution hold, lease, convey, and dispose of real and the benefit of the city, with in or without it tract and be contracted with : and execute at conferred.

SEC. 2. Boundaries.—The boundaries and limits of the territory of said city are hereby established and prescribed as follows:

Beginning at point marked "1," being a point on a large rock in the center of the Irisan River in the subprovince of Benguet, at the bridge site over said river on the Baguio-San Fernando Road, thence S. 19° 53' E., 7,332.9 m. to point 2. a tripod on a knoll of the Baguio-Santo Tomas ridge: S. 79° 14' E, 6,880.6 m. to point 3, a tripod on a small wooded mountain west of the Kias trail; N. 10° 42' E., 2,193.2 m. to point 4. a tripod on a wooded ridge; N. 7° 35' W., 3,920 m. to point 5; N. 1,478 m. to point 6; W. 973 m. to point 7, being Pakdal triangulation station; S. 83° 58' W., 3,022 m. to point 8, on a bridge over a small creek on the Baguio-Trinidad Road: N 58° 15' W., 1,364 m. to point 9, a tripod at the triangulation station known as "center;" N. 86° 1' W., 4,010.6 m. to the point of beginning.

SEC. 3. Governor-General's supervision.—The Governor-General shall have the city of Baguio under his executive control and supervision. He shall appoint or designate, by and with the consent of the Philippine Commission, the mayor, the vice-mayor, and the other members of the city council; he shall also appoint or designate, upon recommendation of the Secretary of the Interior, the city health officer and the members of the advisory council; upon recommendation of the Secretary of Commerce and Police, the city engineer and the chief of police, and upon recommendation of the Secretary of Finance and Justice, the city treasurer, the city assessor, the city attorney and the assistant city attorney; he shall have power to remove at pleasure any of the said appointive officers: Provided, That the Governor-General is authorized to appoint to any of the above-named offices persons who already hold official positions: Provided further, That any officer or employee in the public service who shall be appointed or designated to any authorized position in the government of the city of Baguio may, in the discretion of the appointing authority, receive all or any part of the salary appropriated for the position, present existing provisions of law in the contrary notwithstanding.

In case of sickness, absence, or inability to serve for any reason. of any of the aforementioned officials, the Governor-General may make a temporary appointment or designation until the return to duty of such official. During the period of such temporary appointment or designation, the person receiving the same shall possess all the powers and perform all the duties pertaining thereto.

SEC. 4. City officers and employees in general.—All city officers city officers and and employees' shall be subject to the following provisions:

(a) City officers shall, before entering on the duties thereof, take and subscribe to the following oath, which shall be filed with the city secretary and he by him recorded:

"I, ... having been duly appointed of the city of Baguio, do hereby accept said office, and do solemnly swear (or affirm) that I recognize and accept the supreme authority of the United States of America in these Islands, and will maintain true faith and allegiance thereto; that I will obey all 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; that I will well and faithfully discharge the duties of the office upon which I am about to enter, so help me Cod. (Last four words to be stricken out in ease of affirmation.)

.....

(Signature of officer.)

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

.....

(Signature of officer administering oath.)

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

(b) Every city officer and employee charged with the custody of city funds or property shall, before entering upon the duties of his office, be bonded to the city in an amount to be prescribed by the Insular Auditor

(c) City officers and employees, other than members of the re-appointments and advisory council and officers appointed by the Governor-General, shall be appointed and removed in accordance with the provisions of the Civil Service Law and Rules.

(d) No city officer or employee shall be directly or indirectly interested in any contract work, any business transaction with the city whereby money is to be paid directly or indirectly out of the revenues of the city to such person, any licensed games and amusements, any business of the municipality, or in the purchase of any real estate or any other property belonging to the city. Any officer or employee violating the provisions of this subsection shall, after hearing, be removed from office by the appointing officer, 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.

(e) Every retiring city 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 city, 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 city treasurer. In case of the death or removal of any city officer, the mayor shall at once take charge of the office, books, papers, property, and funds of the late incumbent, and if bonded forthwith notify the sureties on his official bond. Such sureties shall cause to be rendered to the Auditor the accounts-current of the deceased or removed officer, and deposit or cause to be deposited, as aforesaid, the moneys with which such officer was chargeable.

(f) The failure of any city officer to enforce the provisions of this charter or any law or ordinance, or the negligence of said officers while enforcing or attempting to enforce the same shall not cause the city to be held liable for damages or injuries to persons or property.

(g) Every city officer shall in addition to the powers and duties and duties. In this charter expressly imposed and granted have such further powers and perform such further duties as may be prescribed by law or ordinance.

SEC. 5. The mayor.—There shall be a mayor who shall be a member of the city council, and who shall have the following general powers and duties:

(a) He shall take care that the laws of the Philippine Islands, the provisions of this, charter, and the ordinances and resolutions of the city are duly observed and enforced within the jurisdiction of the city.

(b) He shall see that all other officers of the city faithfully discharge their respective duties, and to that end may, with the approval of the Governor-General, cause to be instituted any appropriate criminal action, or take proceedings to bring the attention of the proper superior officer to the derelictions of the city official.

(c) He shall give to the city council from time to time such information and recommend such measures as he shall deem advantageous to the city.

(d) He shall preside at all meetings of the city council; shall have the right to vote on all ordinances or other matters coming before the council; 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) He shall have power to examine and inspect the books, records, and papers of all officers, agents, or employees of the city.

(f) He shall sign all warrants drawn on the city treasurer and all bonds, contracts, and obligations of the city.

(g) He shall appoint, in accordance with the Civil Service Law and Rules, the city secretary, all employees of the office of the mayor, and all heads and assistant head's of departments which may be provided for by law or ordinance, and, at any time, for cause, he may suspend any such officer or employee thus appointed for a period not exceeding ten days, which suspension may continue for a longer period if approved by the Governor-General; and by and with the consent of the Governor-General he may discharge any such officer or employee.

(h) He shall cause to be instituted judicial proceedings to recover property and funds of the city wherever found or otherwise to protect the interests of the city, and shall cause to be defended all suits against the city.

(i) He may release any person imprisoned for violation of a city ordinance and remit the sentence of such person or any part thereof.

(j) He shall, on or before the tenth day of May of each year, prepare and present to the Governor-General and the city council, itemized form and in detail: (1) An inventory of lands, buildings and other property, real and personal, belonging to the city, hiding cash in the treasury; (2) a statement of the liabilities the city; (3) an estimate of the revenues of the city from all sources for the ensuing fiscal year, with a statement opposite each of the amount realized from such sources during the preceding months; (4) an estimate of the ordinary expenses for the ensuing fiscal year, with a statement opposite each item of the funding expenses during the preceding twelve months; (5) 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.

(k) He shall, on or before the tenth day of August of each year, prepare and present to the Governor-General an annual report covering the operations of the city government during the preceding fiscal year.

SEC. 6. The vice-mayor.—There shall be a city council, and who shall, during the absence of the mayor from the

city or his disability for any reason, discharge the duties of his office and exercise all his powers, except that of removing any officer from office.

SEC 7. The city council; meetings; ordinances.—There shall be a city council, a city council composed of the mayor, vice-mayor, and three other members. The council shall fix the times and places for its regular meetings, which shall be held once in each week, and shall hold special meetings when called by the mayor. 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. It shall keep a record of its proceedings and determine its rules of procedure not herein set forth. A majority of the council shall constitute 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. The affirmative vote of a majority of all the members of the city 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 city seal, signed by the mayor and the city secretary, and recorded in a book kept for that purpose. Each ordinance shall, on the day after its passage be posted by the city 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.

SEC. 8. The city council: powers.—The city council shall have power by ordinance or resolution—

(a) To make all appropriations for the expenses of government of the city, and establish and fix therein the salaries of city officers and employees, except teachers in the public schools, subject to approval by the Governor-General: Provided, That the fiscal year of the city shall commence on the first day of July of each calendar year, and extend to and include the thirtieth day of June following: Provided further, That in consideration of the exemption from taxation of the extensive real-estate holdings of the Insular Government within the limits of the city, of the expense of improvements which the government of said city is required to make by reason of the location therein of offices of the Insular Government, and of free services in connection with said offices, there is hereby created a permanent continuing appropriation, from any funds in the Insular Treasury not otherwise appropriated, equal to fifty per centum of the expenses of the government of the city of Baguio exclusive of those amounts which appear as expenses by reason of interdepartmental charges and charges against the Insular Government for services and supplies.

(b) To provide for the levy and collection of taxes and other city revenues, as provided by law, and apply the same to the payment of municipal expenses in accordance with appropriations.

(c) 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, embalmers, collecting agencies, mercantile agencies, transportation companies and agencies, advertising agents, tattooers, fortunetellers, 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, dance halls, circus and other similar parades, public vehicles, 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, regulate, or prohibit 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 mayor 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 Governor-General, whose action on the appeal shall be final. Such revocation shall operate to forfeit to the city all sums which may have been paid for said license and to prohibit the issuance to the person whose license is so revoked of any other license for a term which may be fixed in said order.

(d) To make regulations for the conducting of the business of the person and places named in subsection (c) of this section. To regulate the business and fix the location of blacksmith shops, foundries, steam boilers, steam engines, lumber yards, sawmills, and oilier establishments likely to endanger the public safety by giving rise to congregations or explosions; to regulate the storage and sale of gunpowder, tar, pitch, resin, coal, oil, gasoline, benzine, turpentine, hemp, cotton, nitroglycerin, petroleum, or any of the products thereof and of all other highly combustible or explosive materials.

(e) To provide for the registration of motor vehicles, and regulate the use of the streets and public places thereby; to provide for the licensing of all persons operating motor vehicles and, the qualifications of such persons; to issue licenses fixing the amount of the license fee and prescribe the time and manner of revoking the same for public garages.

(f) To provide for the erection or rental and care of buildings necessary for the use of the city.

(g) To establish and maintain public schools, subject to the limitations of law.

(h) To establish lire limits, and regulate the kinds of buildings and structures that may be erected within said limits, and the manner of constructing and repairing the same.

(i) To erect engine houses, 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 shall apply to the city of Baguio.

(j) To regulate the use of lights in stables, shops, and other buildings and places, and to regulate or restrain the building of bonfire and the use of firecrackers, fireworks, torpedoes, and pyrotechnic displays.

(k) To make suitable provisions to insure the public safety from conflagrations and the effects of storms, and other public calamities. and in provide relief for persons suffering from the same.

(l) To provide for hiving 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, promises, 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 city, specially on the property benefited, or on all the property within any stated area or district within the bounds of said city 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 city; to provide for the payment of such compensation as may be found to be due in 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 upon property and all cases and upon and after such thing, 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 of 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 oilier 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 Baguio 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 Baguio 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 limes 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 city 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 thing 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 no change shall lie made in the existing park system either by closing any existing park or opening any new one or by changing the size of any existing park or relating to improvements thereon or the use thereof by the public or otherwise without the previous approval in writing of the committee on the development of the Baguio Reservation and control and management of the park system designated by resolution of the Philippic Commission of March thirtieth, nineteen hundred and seven, as Assessments based amended: Provided further, 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.

(m) To provide for the lighting, cleaning, and sprinkling of streets and public places; to prevent and remove encroachments and control, 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 cross-walks, 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 pales 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 city.

(n) To provide for the inspection of all gas, electric and telephone wires, conduits, meters, and other apparatus

and the condemnation and correction or removal of the same when dangerous or defective.

(o) To maintain waterworks for the purpose of supplying water Waterworks to the inhabitants of the city, to purify the source of supply, and supply-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.

(p) To establish and maintain a city pound and fix the fees for poundage: regulate, restrict, or prohibit the running at large of domes the animals and dogs unlicensed, and provide for the distraining, impoundings, and killing or sale of the same for the penalty incurred and the cost of the proceedings; also 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.

(q) To regulate the keeping and use of animals, in so far as the same affects, the public health and the health of domestic animals, any land or building which is in an insanitary condition |o be cleansed at the expense of the owner or tenant, and upon failure to comply with such an order, have the work done, and expense upon the land or buildings.

(s) 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 Bureau of Health 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.

(t) To construct and keep in repair public drains, sewers, and cesspools, and regulate the construction and use of private water costs, privies, sewers, drains, and cesspools.

(u) 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.

(v) 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.

(w) To enforce the regulations of the Bureau of Health for the Philippine Islands, and by ordinance to provide fines and penalties for violations of such regulations; to fit such other measures to prevent the introduction and spread of disease as may, from time to time, be deemed desirable or necessary.

(x) To declare, prevent, and abate nuisances.

(y) To provide for the recording of births, marriages, and deaths.

(z) To establish, maintain, and regulate a police force and prescribe the powers and duties of its members.

(aa) To establish, maintain, and regulate a city prison.

(bb) To prohibit and provide for the punishment of cruelty to animals.

(cc) To suppress houses of ill fame and other disorderly houses; to prohibit the printing, sale, or exhibition of immoral pictures, books, or publications of any description.

(dd) To prevent and suppress riots, frays, 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, disorderly persons, mendicants, and prostitutes, and persons connected of violating any city ordinance.

(ee) To establish, regulate, and maintain city departments and prescribe the powers and duties thereof and

readjust the same.

(ff) 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 city in such manner as may be directed by the city council: Provided further, That whenever a person is imprisoned for nonpayment of a line he shall be released upon payment of such fine, less one peso per day for each day that he has been confined, rendering 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.

(gg) 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 Ibis charter 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 city and the inhabitants thereof, and for the protection of property therein; and enforce obedience thereto with such lawful lines or penalties as the city council may prescribe under the provisions of subsection (ff) of this section.

SEC. 9. The advisory council—There shall be an advisory council of five members who shall be Igorots. It shall hold meetings on the request of any three members transmitted to the city secretary, or when convened by the mayor. The presiding officer shall be the mayor or other member of the city council designated by him. It shall be the duty of the said presiding officer to explain or cause to be explained to the advisory council all action taken or proposed by the city council regarding ordinances, public improvements, and other matters of general interest to the population of the city; to ascertain its views thereon and on other subjects concerning which the advisory council is desirous of making recommendations or suggestions; and to present said recommendations and suggestions to the city council or the proper city officer for consideration.

SEC. 10. The city council.— There shall have be a city secretary who shall have the following general powers and duties:

- (a) He shall act as secretary of the city council, the board of tax appeals, and such other boards or committees as may hereafter he created, and shall keep a journal of their proceedings.
- (b) He shall record in a book kept for that purpose all ordinances passed by the city council, with the dates of passage and publication of the same.
- (c) lie shall keep the corporate seal and affix the same with his signature lo all ordinances and other official acts of the mayor or council.
- (d) He shall cause each ordinance passed to be posted as herein provided.
- (e) He shall have charge of all records and documents of the city for which provision is not otherwise made, and shall, on demand, furnish certified copies of all city records and documents, and collect and receive therefor such fees as the council may prescribe, for the use of the city.
- (f) He shall perform such other duties as the mayor or council may direct.

SEC. 11. The city health officer.—There shall be a city health officer who shall have the following general powers and duties:

- (a) He shall have general supervision over the health and sanitary condition of the city.
- (b) He shall execute and enforce all laws, ordinances, and regulations relating to the public health.

(c) He shall ordinances as public health.

(d) He shall cause to be prosecuted all violations of sanitary laws, ordinances, or regulations.

(e) He shall make sanitary inspections and may be aided therein inspection by such members of the police force of the city or of the Philippines Constabulary as shall be designated as sanitary police by the chief of police or proper Constabulary officer and by such sanitary inspectors as may he authorized by law.

(f) He shall perform such other duties, not repugnant to law, with reference lo the health and sanitation of the city as the Director of Health shall direct.

SEC. 12. The city engineer.—There shall be a city engineer who shall have the following general powers and duties:

(a) He shall have charge of all the surveying and engineering work of the city, and shall perform such services in connection with public improvements, or any work entered upon or projected by the city as may require the skill and experience of a civil engineer.

(b) He shall ascertain, record, and establish monuments of the city survey and from thence extend the surveys of the city, and supervision, locate, establish, and survey all city property, and also private property abutting on the same, whenever directed by the Director of Public Works; shall make such tests and inspection of engineering materials used in construction and repair as may be necessary to protect the city from the use of materials of a poor or dangerous quality; shall inspect and report upon the condition of public property and public works whenever required by the mayor; shall have the care and custody of all public buildings, including markets and slaughterhouses, and of any system established for lighting the streets, public places, and public buildings; shall prevent the encroachment of private buildings and fences on the streets and public places of the city; shall inspect and supervise the construction, repair, removal, and safety of private buildings; shall regulate and enforce the numbering of houses in accordance with the ordinances of the city; shall have the care of all public streets, parks, cemeteries, and bridges; shall maintain, clean, sprinkle, and regulate the use of the same for all purposes as provided by ordinance; shall collect and dispose of all garbage, refuse, the contents of closets, vaults, and cesspools, and all other offensive and dangerous substances within the city in accordance with ordinance; shall prepare plans and have charge of the construction of any sewer and water supply systems of the city hereafter authorized, shall have the care and custody of any such public system of waterworks and sewers, and all sources of water supply, and shall control, maintain, and regulate the use of the same in accordance with the ordinances relating thereto; shall inspect and regulate, subject to the approval of the mayor, the use of all private systems for supplying water to the city and its inhabitants, and all private sewers and their connections with the public sewer system; and shall prepare plans, maps, specifications, and estimates for buildings, streets, bridges, and oilier public works, and supervise the construction and repair of the same: Provided, That no construction involving public buildings, laying out of streets or parks or change of existing buildings, streets, or parks shall be begun without first having obtained plans therefor approved by the Consulting Architect, and that it shall be the duty of the Consulting Architect to advise the mayor, the city council, and the city engineer of the city of Baguio on all matters pertaining to the architectural features of construction, repair, or alterations of a material nature of public buildings and monuments of a permanent character, or any construction involving a modification of the Burnham plans, including the laying out or alteration of public streets and parks, and, upon request, to prepare plans, specifications, estimates, and other information for public buildings or works of a permanent character for the city.

(c) He shall file and preserve all maps, plans, notes, surveys, and other papers and documents pertaining to his office.

(d) He shall have power, subject to the approval of the mayor, to cause buildings dangerous to the public to be made secure or torn down, and shall supervise and regulate the locations and use of engines, boilers, forges, and other manufacturing and heating appliances in accordance with the law and ordinance relating thereto.

SEC. 13. Contracts.—All repair or construction of any work or public improvement, except roads, involving a greater cost than one thousand pesos, shall be let to the lowest responsible bidder after public advertisement for not less than ten days in a paper of general circulation in the city, if any, by publication in one or more of the newspapers in the city of Manila, and by notice posted for not less than ten days at the main entrance of the municipal building. A plan or profile of the work to be done, accompanied by specifications for the performance of the same, shall, before advertisement, be placed on file in the offices of the city engineer in Baguio and of the Director of Public Works in the city of Manila, which plan, profile, and specifications shall, at all proper times, be open for public inspection. Each bid shall be accompanied by a deposit, the amount and character of which shall be fixed by the city engineer and named in the advertisement, and which shall not exceed ten per centum of the estimated cost of the improvement or work to be done where the estimated cost exceeds two thousand pesos, nor be less than two hundred pesos in any case. Such deposit shall be forfeited to the city if the bidder shall neglect or refuse to enter into a contract, with approved sureties, to execute the work for the price mentioned in his bid and according to the plans and specifications, in case the contract shall be awarded to him. Bonds, to be approved by the city engineer, shall be taken for the faithful performance of contracts. The city engineer may, in his discretion, reject any and all bids, and if such bids are too high may purchase the material, hire the laborers, and supervise the work. In the repair or construction of city roads, work may be done by day labor and then need be no advertising or bidding, unless it seems desirable to the city engineer, when the regulations provided for the repair of other works hereinbefore mentioned shall be followed.

Public works of all kinds costing less than one thousand pesos may be undertaken either by day labor or by contract, and may be let without advertisement under such rules as may be prescribed by the city engineer. Such contracts may be signed, on written order of the mayor, by the city engineer.

SEC. 14. Purchases for city.—The Purchasing Agent shall purchase all supplies, equipments, material, and property of every kind, except real estate, for the use of the city of Baguio or any department or office thereof, and shall supply the same to the city or any department or office thereof in accordance with law: Provided, That; contracts for completed work of any kind for the use of the city, or any department or office thereof, involving both labor and materials, where the materials are furnished by the contractor and not by the city, shall not be deemed to be within the provisions of this section, but such contracts shall be made in accordance with other sections of this charter: Provided, That section thirteen of Act Numbered One hundred and forty-six of the Philippine Commission, as amended, is hereby made applicable to the city of Baguio.

SEC. 15. The city attorney.—There shall be a city attorney who shall be the chief legal adviser of the city, and who shall have the following general powers and duties:

- (a) He shall represent the city in all civil cases now pending or hereafter brought in any court wherein the city or any officer thereof, in his official capacity, is a party.
- (b) He shall, when required, draw ordinances, contracts, bonds, leases, and other instruments involving any interest of the city, and inspect and pass upon any such instruments already drawn.
- (c) He shall give his opinion in writing, when requested by the mayor or the council, upon any question relating to the city or the rights or duties of any city officer.
- (d) He shall, whenever it is brought to his knowledge that any city officer is guilty of neglect or misconduct in office, or that any person, firm, or corporation holding or exercising any franchise or public privilege from the city, 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 mayor.
- (e) He shall have charge of the prosecution of all crimes and misdemeanors and violations of city ordinances in

the justice of the peace court. The fiscal of the Mountain Province shall have charge of all prosecutions of crimes, misdemeanors, and violations of city ordinances appealed to, or brought before, the Court of First Instance of the Mountain Province.

(f) He shall investigate all charges of crimes, misdemeanors, and violations of city ordinances and prepare the necessary informations or make the necessary complaints against the persons accused, and discharge all other duties in respect to criminal prosecutions enjoined upon provincial fiscals in the General Provincial Government Act and the Code of Criminal Procedure, as amended.

(g) He may, if he deems it wise, conduct investigations in respect to crimes, misdemeanors, and violations of 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 Mountain Province.

(h) He shall cause to be investigated the causes of sudden deaths which have not been satisfactorily explained and when there is suspicion that the causes arose from unlawful acts or omissions of other persons or from foul play. For that purpose he may cause autopsies to be made in case it is deemed necessary, and shall be entitled to demand and receive for the purposes of such investigations or autopsies the aid of the city health officer.

(i) He shall, when directed by the mayor, institute and prosecute in the city's interest a suit on any bond, lease, or other contract and upon any breach or violation thereof.

SEC. 16. The assistant city attorney.—There shall be an assistant city attorney who shall assist the city attorney as he shall direct.

SEC. 17. The justice of the peace court.—There shall be a justice of the peace and an auxiliary justice of the peace for the city of Baguio, who shall be appointed and have similar powers, duties, and jurisdiction as justices of the peace and auxiliary justices of the peace outside of the city of Manila; and, in addition thereto, territorial jurisdiction over the entire police zone of the city: Provided, That nothing in this section shall be construed to limit the jurisdiction of any officer now authorized by law to act as justice of the peace within the territory described as the city of Baguio. Such officer shall have like and concurrent jurisdiction in the city of Baguio with the justice of the peace authorized by this section.

SEC. 18. The chief of police.—There shall be a chief of police who shall have the following general powers and duties:

(a) He shall have charge of the organization, government, discipline, and disposition of the city police and detective force.

(b) He shall quell riots, disorders, disturbances of the peace, and shall arrest and prosecute violators of any law or ordinance; shall exercise police supervision over all land and water within the police jurisdiction of the city; shall be charged with the protection of the rights of persons and property wherever found within the jurisdiction of the city, and shall arrest without warrant, when necessary to prevent the escape of the offender, violators of any law or ordinance, and all who obstruct or interfere with him in the discharge of his duty; shall have charge of the city prison; and Prison. shall be responsible for the safe-keeping of all prisoners until they shall be released from custody, in accordance with law, or delivered to the warden of the proper prison or penitentiary.

(c) No may take good and sufficient bail for the appearance before the justice of the peace court of any person arrested for violation of any city ordinance.

(d) He shall have authority, within the police limits of the city, to serve and execute criminal processes of any court; shall, either in person or by deputy, attend all sessions of the justice of the peace court: and shall promptly and faithfully execute all orders of the mayor and all writs and processes of the justice of the peace court when placed in his hands for that purpose.

SEC. 19. Police jurisdiction.—The jurisdiction of the city of Bauio for police purposes only shall extend over the barrios of San Pascual, Taloy, Tabaan, Twin Peaks, Saitan, Cuenca, San Luis. Dagupan, Maoasoas, Ambangunan, Pugo, and Nagalisan, and all settlements situated on Antamok and Bituan Creeks. Within the aforementioned barrios and settlements the justice of the peace court of the city of Baguio shall have concurrent jurisdiction with the chiefs of justices of the peace of the municipalities within the courts of justices of the peace of the municipalities within which the said barrios and settlements are situated to try crimes and misdemeanors committed therein. The court first taking jurisdictions of such an offense shall thereafter retain exclusive jurisdiction thereof: Provided, That all fines, forfeitures, fees and costs imposed by reason of offenses committed within said barrios and settlements shall accrue, not to the treasury of the City of Baguio, but to the treasury of the municipality in which the barrio or settlement in which the offense committed is located.

SEC. 20. Peace officers.— The Chief of police, all city officers, and all members of the police force and secret service shall be peace officers; and all peace officers created by this charter, or authorized by law or ordinance, are authorized to serve and execute all process of the justice of the peace court and criminal processes of Insular courts to whomsoever directed, within the jurisdiction or police limits of the city; and within the same territory they may pursue and arrest, without warrant, any person found in suspicious places or under suspicious reasonably tending to show that such person has committed, or is about to commit, any crime or breach of the peace; may arrest or cause to be arrested, without warrant, any offender when the offense is committed in the presence of a peace officer or within his view; and such pursuit or arrest may enter any building or take into custody any person suspected of being concerned in such crime or breach of the and any property suspected of having been stolen; they shall such person only until he can be brought before the proper magistrate, and shall have such other powers and perform such as peace officers as may be prescribed by law or ordinance. Whatever the mayor shall deem it necessary, to avert danger protect life and property, in case of riot, disturbance, or public calamity, or when he has reason to fear any violation of law and order, he shall have power to swear in special police, in such numbers as the occasion may demand; such special police shall have the same powers while on duty as members of the regular force.

SEC. 21. The city treasurer.—There shall be a city treasurer who shall have the following general powers and duties:

(a) He shall collect all taxes due the city, all licenses authorized by law or ordinance, all rents for lands, markets, and other property owned by the city, all further charges of whatever nature fixed by law or ordinance, and shall receive and receipt for all fines, forfeitures, fees, and costs imposed by the justice of the peace court.

(b) He shall receive and safely keep all moneys arising from the revenues of the city of Baguio, and shall expend and disburse the same upon lawful warrants.

(c) He shall perform in the city of Baguio the duties prescribed by the Internal Revenue Law, the Weights and Measures Law, and Act Numbered Fourteen hundred and four for provincial treasurers and their deputies; such further duties prescribed by law for provincial treasurers as not inconsistent with the provisions of this charter; and the duties prescribed by the Land Registration Act for registers of deeds.

(d) He shall, when so directed or designated by the Governor-General, perform the duties of the city assessor.

(e) He shall discharge his duties in accordance with the provisions of Act Numbered Seventeen hundred and

ninety-two.

(f) He shall render his accounts in such manner as the Insular Auditor may prescribe: the Insular Auditor shall receive and audit all accounts of the city of Baguio in accordance with the provisions of said Act Numbered Seventeen hundred and ninety-two.

SEC. 22. The city assessor.—There shall lie a city assessor who shall have the following general powers and duties:

(a) He shall annually assess and value for taxation the real estate of the city of Baguio, and for this purpose is empowered to administer any oath authorized to be administered in the assessment or collection of taxes.

(b) He shall make a list of all taxable real estates in the city and the names of the owners thereof, with a brief description opposite their names of the property owned by them and the cash value thereof. In making this list the city assessor shall take into consideration any sworn statement made by the owners of the property, but shall not be prevented thereby from considering other evidence on the subject, and exercising his own judgment in respect thereto. For the purpose of completing this list he is authorized to summon witnesses, administer oaths to them and subject them to examination concerning the amount of real estate, its ownership, and cash value. If the city assessor is unable to discover the owner of any real estate, he shall nevertheless list the same for taxation and charge the same against an unknown owner. In case of doubt or dispute as to ownership of real estate, the taxes shall be levied against the possessor or possessors thereof. Where it shall appear that there are separate owners of the land and the improvements thereon, a separate assessment of the property of each shall be made. If it shall be discovered by the city assessor, or brought to his attention, that any taxable real estate in the city has escaped listing, it shall be his duty at once to list and value the same, and the duty of the city treasurer to charge against the owner thereof the taxes due for the current year and for all other years since the original assessment, and the taxes thus assessed shall be legal and collectible, and penalties shall be added to the back taxes as if they were assessed at the time when they should have been assessed.

(c) He shall complete the listing and valuation of all real estate situated within the city on or before the thirty-first day of December of each year, and when completed shall authenticate the same by signing the following certificate at the foot of the list:

"I hereby certify that the foregoing list contains a true statement of the piece or pieces of taxable real estate belonging to each person named in the list, and its true cash value, and that no real estate taxable by law in the city of Baguio has been omitted from this list, according to the best of my knowledge and belief.

"....."

(Signature.)

(d) He shall, when the list shall be completed, inform the public by notice published for seven days in a newspaper of general circulation in the city, if any, and by notice posted for seven days at the main entrance of the municipal building, that the list is on file in his office, and may be examined by any person interested therein, and that upon the date fixed in the notice, which shall not be later than the tenth day of January, the city assessor will be in his office for the purpose of hearing complaints as to the accuracy of the property and the assessed value thereof. It shall be carefully to preserve and record in his office copies of said on the day fixed in the notice, and for five days thereafter, he shall be present in his office to hear all complaints filed within the period by persons against whom taxes have been assessed real estate, and he shall make his decision forthwith and enter the same in a well-bound book, to be kept by him for that purpose, and if he shall determine that injustice has been done or errors have been committed he is authorized to amend the list in accordance with his findings.

(e) He shall attend all meetings of the board of tax appeals and furnish it with all written evidence in his possession relating to assessment and valuation. He shall likewise furnish the city treasurer with a list of taxable

real estate, the respective assessments thereof and against whom assessed, and such other information as the city treasurer may require for the collection of taxes.

SEC. 23. The board of tax appeals.—There shall be a board of tax tax appeals, which shall be composed of the members of the city council, the mayor to be chairman thereof.

(a) The members of the board of tax appeals shall, before organizing as such, take the following oath before the justice of the peace or some other officer authorized to administer an oath:

"I do solemnly swear (or affirm) that I will well and truly hear and determine all matters and issues between the city assessor and taxpayers submitted for my decision. So help me God. (In case of affirmation the last four' words to be stricken out.)

".....
(Signature.)

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

"....."
(Signature of officer administering oath.)

(b) The board of fax appeals shall meet on the first Monday after the fifteenth of January of each year and shall hear all appeals duly transmitted to it by the filing of written notice, and shall decide the same forthwith. It shall have authority to cause to be amended the listing and valuation of the property in respect to which any complaint is made on order signed by the board or a majority thereof, and transmit it to the city assessor, who shall amend the tax list in conformity with said order.

SEC. 24. Exemption from taxation.—Lands or buildings owned by the United States of America, the Government of the Philippine Islands, the city of Baguio, or the subprovince of Benguet, and burying grounds, churches, and their adjacent parsonages and conventos, and lands or buildings used exclusively for religious, and not for profit, it inn shall not extend though the income scientific, or scientific, or educational purposes shall be exempt from taxation; but such exemption shall not be extended to lands or buildings held for investment, though the income therefrom be devoted to religious, charitable, national purposes.

SEC. 25. Taxes on real estate.—A tax, the rate per centum of ad valorem taxation, not to exceed two per centum, to be determined by the city council, shall be levied annually on or before the second Monday of February on the assessed value of all real estate in the city subject to taxation. Taxes shall be due and payable annually on and after the first day of March. If any taxpayer shall fail to pay the taxes assessed against him on or before the thirtieth day of June he shall be deemed to be delinquent in such payment, and shall be subject to an additional tax as penalty for such delinquency graduated as follows: Five per centum on the original amount of the tax, if the tax remain unpaid after the thirtieth day of June; ten per centum of the original amount of the tax if the tax remain unpaid after the fifteenth day of August following delinquency; and fifteen per centum of the original amount of the tax if the tax remain unpaid after the thirtieth day of September following delinquency. The penalties thus imposed shall be collected and accounted for by the city treasurer at the same time and in the same manner as the original tax.

SEC. 26. Taxes on real real estate; sale, of personalty.—In the event that such tax and penalty shall remain unpaid on or after the first day of October after the tax has become delinquent, the city treasurer shall prepare and sign a certified copy of the records of his office, showing the persons delinquent in payment of their taxes and the amounts of tax and penalty respectively due from them. He shall proceed at once to seize the personal property of each delinquent, and, unless redeemed as hereinafter provided, to sell at public auction, either at the main entrance

of the municipal building or at the place where such property is seized, as he shall determine, so much of the same as shall satisfy the tax, penalty, and costs of seizure and sale, to the highest bidder for cash, after due advertisement by notice posted stating the time, place, and cause of sale. The certified copy of the city treasurer's record of delinquents shall be Ids warrant for his proceedings, and the purchaser at such sale shall acquire an indefeasible title to the property sold. Within two days after the sale the city treasurer shall make return of his proceedings and spread it upon his records. Any surplus resulting from the sale, over and above the tax, penalty, and costs, shall be returned to the taxpayer on account: of whose delinquency the sale has been made. It shall not be essential to the validity of tax sales of real estate hereunder that the city treasurer shall have attempted to make out of the personal property of the taxpayer the tax due upon his real estate. The remedy provided herein for the collection, of taxes upon real estate by levying upon the personal property of the taxpayer shall be deemed to be cumulative only. The owner of the personal property seized may redeem the same from the collecting officer at any time after seizure and before sale by tendering to him the amount of the tax, the penalty, and costs incurred up to the time of tender. The costs to be charged in making such seizure and sale shall only embrace the actual expense of seizure and preservation of the property pending the sale, and no charge shall be imposed for the services of the collecting officer or his deputy.

SEC. 27. Taxes on real estate; liens; sale of realty.—Taxes and Taxes penalties assessed against realty shall constitute a lien thereon, which lien shall be superior to all other liens, mortgages, or incumbrances of any kind whatsoever; shall be enforceable against the property whether in the possession of the delinquent or any subsequent owner, and can only be removed by the payment of the tax and penalty. The lien for the taxes shall attach to the real properly from the first day of March of the year in which the taxes are due. In addition to the last-mentioned procedure the city treasurer may, upon the warrant of the certified record required in section twenty-six, on or after the first day of October following delinquency, advertise the real estate of the delinquent for sale, or so much thereof as may be necessary to satisfy all public taxes upon said property as above, and costs of sale, for a period of thirty days. This provision shall be retroactive so far as to apply to all taxes heretofore assessed in the portion of the township of Baguio included within the corporate limits of the city of Baguio, but not collected.

The advertisement shall be by posting a notice at the main entrance of the municipal building and in a public and conspicuous place on or adjacent to the real estate, and by publication once a week for three week's in a newspaper of general circulation published in the city, if any there be. The advertisement shall contain a statement of the amount of the taxes and penalties so due and the time and place of sale, the name of the taxpayer against whom the taxes are levied, and a short description of the land to be sold. At any time before the day fixed for the sale the taxpayer may discontinue all proceedings by paying the taxes, penalties, and costs to the city treasurer. If he does not do so the sale shall proceed and shall be held either at the main entrance of the municipal building be premises to be sold, as the city treasurer may determine. Within five days after the sale the city treasurer shall make return proceedings and spread it on his records. The purchaser at the sale shall receive a certificate from the city treasurer from lowing the proceedings of the sale, describing the stating the name of the purchaser, and setting out the exact amount of all public taxes, penalties and costs. Any surplus remaining after paying all public taxes, penalties and costs due, shall he paid to the owner of the property.

SEC. 28. Taxes on real estate; redemption of realty.—Within one year from the date of sale the delinquent taxpayer, or anyone for him, shall have the right of paying to the city treasurer the lie public taxes, penalties, and costs together with interest on said purchase price at the rate of fifteen per centum per annum from the date of purchase to the date of redemption; and it shall entitle the person paying to the delivery of the certificate issued to the purchaser and a certificate from the city treasurer that be has thus redeemed the real estate, and the city treasurer shall forthwith pay over to the purchaser the amount by which such land has thus been redeemed, and

the land thereafter shall be free from the lien of such taxes and penalties.

In case the taxpayer shall not redeem the real estate sold as above provided within one year from the date of sale, the city treasurer shall, as grantor, execute a deed in form and effect sufficient under the laws of the Islands to convey to the purchaser so much of the real estate against which the taxes have been assessed as has been sold, free from all liens of any kind whatsoever, and the deeds shall succinctly recite all the proceedings upon which the validity of the sale depends.

SEC. 29. Taxes on real estate; forfeiture of realty.—In case is no bidder at the public sale of such land who offers a sum sufficient to pay the taxes, penalties, and costs, the city treasurer shall declare the land forfeited to the city, and shall make, within two days thereafter, a return of his proceedings and the forfeiture, which shall be spread upon the records of his office.

Within one year from the date of forfeiture thus declared the taxpayer, or anyone for him, may redeem said real estate as above provided in cases where the land is sold. But, if the land is not thus redeemed within a year, the forfeiture shall become absolute and the city treasurer shall execute a deed, similar in form and having the same effect as the deed required to be made by him in case of a sale, conveying the land to the city. The deed shall be recorded as required by law for other land titles and shall be filed with the city secretary, who shall enter it in his record of municipal property.

SEC. 30. Taxes; legal procedure.— (a) The assessment of a tax shall constitute a lawful indebtedness from the taxpayer to the city which may be enforced by a civil action in any court of competent jurisdiction, and this remedy shall be in addition to all other remedies provided by law.

(b) No court shall entertain any suit assailing the validity of a tax assessed under this charter until the taxpayer shall have paid, under protest, the taxes assessed against him; nor shall any court declare any tax invalid by reason of irregularities or informalities in the proceedings of the officers charged with the assessment or collection of the taxes, or of a failure to perform their duties within the time specified for their performance, unless such irregularities, informalities, or failures shall have impaired the substantial rights of the taxpayer; nor shall any court declare any tax assessed under the provisions of this charter invalid except upon condition that the taxpayer shall pay the just amount of his tax as determined by the court in the pending proceeding.

(c) No court shall entertain any suit assailing the validity of a tax sale of land under this charter until the taxpayer shall have paid into the court the amount; for which the land was sold, together with interest at the rate of fifteen per centum per annum upon that sum from the date of sale to the time of instituting suit. The money so paid into court shall belong to the purchaser at the tax sale if the deed is declared invalid and shall be returned to the purchaser, and shall be returned to the depositor should he fail in his action.

(d) No court shall declare any such sale invalid by reason of any irregularities or informalities in the proceedings of the officer charged with the duty of making the sale or by reason of failure by him to perform his duties within the time herein specified for their performance, unless such irregularities, informalities, or failure shall have impaired the substantial rights of the taxpayer.

SEC. 31. Tax penalties.— Any officer charged with the duty of assessing real property who shall willfully omit from the tax lists real property which he knows to be lawfully taxable; any officer charged with the duty of listing or collecting license or privilege taxes who shall willfully omit to list or collect the same or any part thereof; any officer charged with any duty in connection with the assessment or collection of taxes who shall accept a bribe to influence his official action therein, and any person offering a bribe to an officer charged with any duty in

connection with assessing or collecting taxes for the purpose of influencing his official action shall be punished by a fine not exceeding one thousand pesos or imprisonment not exceeding two years, or by both such fine and imprisonment, in the discretion of the court.

SEC. 32. Transitory and general provisions.—The city of Baguio is declared to be the successor municipality of the township of Baguio.

(a) All lands, buildings, offices, books, papers, records, moneys, credits, securities, assets, accounts, or other property or rights belonging to the township of Baguio or pertaining to the business or interests thereof shall, when this charter takes effect, be taken in possession for the city of Baguio by the mayor, and be under the control of the said city.

(b) All lawful obligations of the township of Baguio shall be assumed by the city of Baguio.

(c) All moneys received from the sale of public lands within the city of Baguio shall accrue to and be deposited in the treasury of the city of Baguio and all the fees and charges accruing within said city under general law which but for this charter would accrue to a province shall accrue to and be deposited in the treasury of the city of Baguio: Provided, That public improvement taxes payable by residents of the city of Baguio under the provisions of section nineteen of Act Numbered Thirteen hundred and ninety-six shall accrue to the province within which the city is situated.

(d) All portions of the township of Baguio not contained in the corporate limits of the city of Baguio, namely, the barrios of San Pascual, Taloy, Tabaan, Twin Peaks, Saitan, Cuenca, San Luis, Dagupan.,Maoasoas, Ambangunan, Pugo, and Nagalisan, shall constitute the township of Twin Peaks, with the tribunal at the barrio of Twin Peaks. The township of Twin Peaks shall, until the first day of January, nineteen hundred and ten, be under the control, and governed as a part of, the city of Baguio; after said date it shall have officers to be elected at the election to be held in November, nineteen hundred and nine; shall constitute a subdivision of the sub province of Benguet; and shall be governed by the provisions of the Township Government Act, as amended. The city treasurer of the city of Baguio shall, on separation of the township of Twin Peaks from the city of Baguio, divide the funds on deposit in the treasury of the city of Baguio and the taxes payable to said city and uncollected, and apportion both the funds and the taxes to the city of Baguio and the township of Twin Peaks, respectively, as equity may require, having such regard as may seem proper to the amount of taxes produced by the city of Baguio and the township of Twin Peaks.

(e) All township ordinances in force at the time of the taking effect of his charter, and not inconsistent herewith, shall continue in force until they are repealed or modified by ordinances passed in accordance with the provisions of this charter. All laws or Parts of laws of the Philippine Islands which, prior to the passage of Act, were applicable to the territory comprising the city of Baguio and which are not inconsistent with the provisions of this Act shall remain in full force and effect.

SEC. 33. Repeal provisions.—All Acts or parts of Acts inconsistent with, or contrary to, the provisions of this Act are hereby repealed.

SEC. 34. Enactment.—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. 35. In effect, when.—This Act shall take effect on the first day of September, nineteen hundred and nine.

Enacted, August 9, 1909.

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