

AN ACT AMENDING SECTIONS FOUR, FIVE, TEN, ELEVEN, TWELVE, THIRTEEN, FIFTEEN, SIXTEEN, SEVENTEEN, EIGHTEEN, TWENTY, TWENTY-ONE, AND TWENTY-SEVEN OF ACT NUMBERED SEVEN HUNDRED AND...

Act No. 1283, January 13, 1905

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

SECTION 1. Section four of Act Numbered Seven hundred and eighty-seven, entitled "An Act providing for the organization, and government of the Moro Province," is hereby amended as to read as follows:

"SEC. 4. The Civil Governor of the Philippine islands, by and with the consent of the Philippine Commission, shall appoint, for the Moro Province, a governor, attorney, secretary, treasurer, superintendent of schools, and an engineer. The provincial governor, secretary, and engineer may be officers of the Army, detailed on request of the Philippine Commission by the Commanding General of the Division of the Philippines to perform the civil duties of such officers. In the event of a vacancy in either of the offices herein before mentioned, it shall be promptly reported to the Civil Governor by the provincial governor. The provincial governor may, until such vacancy is filled, require any provincial officer to perform the duties of the vacant office in addition to the regular duties of such provincial officer.

"The provincial governor may upon the recommendation of the legislative council, reduce the council to four members, in which case the secretary shall perform the duties pertaining to the engineer and the governor those pertaining to the superintendent of schools."

SEC. 2. Section five of said Act is hereby amended by inserting the words "or municipal" in the twentieth line of said section, after the words "execution of the duties of his office any district" and before the words "officer for misconduct or incompetency in office," and by erasing from said section the words "the lieutenant-governor of the subdistrict of Dapitan."

SEC. 3. Section ten of said Act is hereby amended so as to read as follows:

"SEC. 10. Subject to the restrictions contained in this Act or in any law of the legislative council, the provincial superintendent of schools shall exercise the powers granted him by this section. He shall establish schools in every municipality, rancheria, township, or other settlement in the Moro Province where he deems it practicable and useful, and shall reorganize those already established where such reorganization is necessary. He shall, with the approval of the provincial governor, fix the salaries of the American and native teachers within the limits established by law, and shall determine the places in which American teachers shall teach.

"He shall fix, with the approval of the legislative council, a curriculum for primary, industrial, and secondary schools, varying the same for different schools and different localities in accordance with the peculiar conditions prevailing therein. He may create principal teachers in each district who shall discharge the duties of superintendents of the district in his absence in addition to their duties as teachers. He shall supervise the plans for the construction of schoolhouses to be built in the province, whether by the municipalities, the district government, or the provincial government, prescribing the amount of land required in each case and rules of

hygiene to be observed in connection with the schools. He shall present requisitions for proper school supplies to the provincial engineer, and such supplies shall be purchased as other supplies, through the Insular Purchasing Agent, whenever proper appropriation has been made or proper authority for the purchase has been given by the legislative council.

"He shall present to the legislative council an annual estimate and requisition for the appropriation of funds necessary for the maintenance of the schools of the province, which estimate shall include the cost of repairs and construction.

"On or before January first or July first of each year he shall make a report of his administration for the previous six months to the provincial governor and such special reports as may from time to time be called for by the governor; he shall forward duplicates of all his reports to the provincial governor to the General Superintendent of Education, in the Islands. In the regular semiannual reports it shall be the duty of the superintendent to recommend changes in the school law which he deems expedient. He shall exercise general supervision over the entire school system of the province and shall prepare and promulgate rules for the examination and qualification of the applicants for the positions of native teachers and for the guidance of officers and teachers of the department not inconsistent with the school law to be adopted by the legislative council. He shall forward requisitions for such American teachers as he may need to the General Superintendent of Education at Manila; who are to be selected in accordance with the civil-service rules made applicable by law to the selection of teachers after the first of September, nineteen hundred and three. He shall, through such deputy superintendents as he may appoint among the American teachers in each district, by regulation define the school districts for each school which he may establish. The English language shall be the basis of the public school instruction; Spanish, Moro, or the languages of the locality may be taught. He shall discharge such other duties as may be required by the legislative council."

SEC. 4. Section eleven of said Act, is hereby amended by striking out the words "the lieutenant-governor of Dapitan shall receive an annual salary of not exceeding two thousand dollars, in United States currency, to be fixed by the legislative council" and by making the next sentence of said section, after the words so stricken out to read as follows: "In case an officer of the Army is detailed to perform the duties of provincial governor or secretary or provincial engineer, or a governor or a secretary of a district, he shall receive an allowance equal to twenty per centum of his current proper yearly pay as an officer of the Army and the actual and necessary expenses incurred while absent from his station in the performance of his necessary civil duties."

SEC. 5. Section twelve of said Act is hereby amended by adding, at the end thereof the following words: "In case of a consolidation of the offices of secretary and engineer and those of governor and superintendent of schools, the legislative council shall consist of the governor, the secretary and engineer, the attorney, and the treasurer. In such case three members shall constitute a quorum for legislative action. In case of a tie vote on any proposed enactment, the proposition which shall have received the vote of the governor shall prevail."

SEC. 6. (a) Subsection (h) of section thirteen of said Act is hereby amended by changing the word "possible" to "practicable" wherever found in said subsection, and by striking out the words "and following as nearly as possible in the provisions of these laws any agreements heretofore, made by the United States authorities with such local or tribe rulers concerning the power and privileges which under American sovereignty they are by such agreements to enjoy: Provided, That they have not by their conduct and the breach of the agreements forfeited such powers and privileges."

(b) Subsection (j) of said section thirteen is hereby amended so as to read as follows:

"(j) To enact laws amending and modifying the substantive civil and criminal law of the Philippine Islands to suit local conditions among the Moros and other non-Christian inhabitants of the province, and to cause such laws to conform, when practicable, to the local customs and usages of such inhabitants. It shall not be

necessary that such laws shall apply uniformly to all localities; but differing provisions may be made applicable to different localities as the legislative council shall determine. The substantive law as thus amended and modified shall apply in all civil actions in which each of the parties is either a Mom or a member of some other non-Christian tribe, and in all criminal actions as to such of the accused as are Moros or members of some other non-Christian tribe. In all other civil actions and in all criminal actions as to accused who are neither Moros nor members of some other non-Christian tribe, the substantive criminal and civil law of the Philippine Islands shall apply and be in force as in other provinces: Provided, That in civil actions the parties to which are in part Moros or members of some other non-Christian tribe, and in part Christian Filipinos or Americans or subjects or citizens of a foreign country, it shall be within the discretion of the court to apply the substantive law as amended in accordance with the provisions of this section, in so far as the interests of such Moros or other non-Christians are directly affected, or the substantive law of the Philippine Islands, as the circumstances of each case and the interests of justice may require."

(c) Subsection (k) of said section thirteen is hereby amended so as to read as follows:

"(k) To enact laws for the organization and procedure of local tribal ward courts to consider and decide minor civil actions in which the parties in interest, or any of them, are Moros or members of some other non-Christian tribe, and minor criminal actions in which the accused, or any of them, are Moms or members of some other non-Christian tribe. Tribal ward courts shall, within the limits defined in the preceding sentence, have and exercise the jurisdiction now or hereafter vested by law in courts of justice of the peace, but the legislative council may, in its discretion, vest in such courts jurisdiction in other actions, civil or criminal, not capital, original jurisdiction in which is at present vested in Courts of First Instance. In each district the governor and secretary of the district shall be justices of tribal ward courts and there shall be as many auxiliary justices as may be needed. The legislative council shall provide for the appointment and compensation of the auxiliary justices, and for the holding of such sessions of the court at such times and places throughout the district as the efficient administration of justice may render necessary. An appeal shall be from every judgment of a tribal ward court to the Court of First Instance of the district and on such appeal the action shall be tried de novo: Provided, That the sentences of the tribal ward courts from which no appeal is taken to the Court of First Instance may be modified or remitted by the provincial governor after a review of the case."

SEC. 7. Section fifteen of said Act is hereby amended by inserting, after the words "the office of the district governor" and before the words "may be filled by proper detail of an Army officer," the words "and district secretary."

SEC. 8. (a) Section sixteen of said Act is hereby amended by striking out the words "the district" in the fifth line and inserting in lieu thereof the word "other" after the words "Court of First Instance and" and before the words "courts having jurisdiction in his district."

(b) Said section sixteen is hereby further amended by inserting a the words he shall make recommendations to the provincial engineer, through the provincial governor, in respect to the repairs and improvements of public works, public buildings, and public highways, in the thirty-fourth line after the words "in any other part of the district" and before the words "and he shall discharge."

SEC. 9. (a) Section seventeen of said Act is hereby amended by striking out the words be shall be the president of the district court as herein above provided; be shall make recommendations to the provincial engineer in respect to the repairs and improvements upon public works, public highways, and public buildings.

(b) Said section seventeen is hereby further amended by inserting the words "or by executive order" after the words "by Act of the legislative council" and before the words "when the district governor is absent from the capital."

SEC. 10. Section eighteen of said Act is hereby amended by adding at the end thereof the words "After a register

of deeds has been appointed for the Moro Province the district treasurer shall no longer act as a register of property or discharge the duties imposed by law upon such official but may receive at the district capital and forward to the register of deeds for the province at Zamboanga, where the registry of deeds for the province shall be located, all documents relating to lands within his district, but such receipts of documents by the district treasurer shall not be deemed a filing or registration thereof."

SEC. 11. (a) Section twenty of said Act is hereby amended by t inserting the words "in his opinion" after the words "disturbances of the peace which" and before the words "the Constabulary and municipal police are unable."

(b) Said section twenty is also further amended by striking out the words "the military commander of any district or the commander of the department of Mindanao in any form and under any conditions prescribed in the general orders of the Commanding General of the Division of the Philippines" and by inserting in lieu thereof the words "any military officer in command of United States troops."

SEC. 12. Section twenty-one of said Act is hereby amended by inserting the words "whenever requested by the provincial or district governor" after the words "it shall be the duty of the assistant chief of Constabulary, and of the inspectors and sub-inspectors, to inspect" and before the words "the local police of municipalities."

SEC. 13. Section twenty-seven of said Act, as amended by Act Numbered Eleven, hundred and sixty-four, is hereby amended so as to read as follows:

"SEC. 27. Justices of the peace in the Moro Province shall not have jurisdiction to try civil actions in which the parties, or any of them, are Moros or members of some other non-Christian tribe, or criminal actions in which the accused or any of them are Moros or members of some other non-Christian tribe, nor shall Courts of First instance have original jurisdiction in any action in which original jurisdiction shall have been vested in the tribal ward courts by the legislative council in accordance with the provisions of subsection (k) of section, thirteen, and the existing laws of the Philippine Islands are hereby amended accordingly: Provided, That the Court of First Instance shall have jurisdiction in all habeas corpus cases, no matter between whom arising, to take cognizance of the petition for the release of any person within its territorial jurisdiction, to issue process, to hear the evidence, and to discharge the prisoner or to remand him to custody in accordance with the provisions of the chapter on habeas corpus in the Code of Civil Procedure: And provided further, That justices of the peace may be appointed by the Civil Governor, with the advice and approval of the Philippine Commission, for towns or places in the Moro Province which have not been organized into municipalities, or which, although included within the limits of an organized municipality, are distant from or have no convenient means of access to the center of population. The jurisdiction of the justices of the peace for the municipality in which such town or place is situated and of the justice of the peace appointed in pursuance of this proviso, shall be concurrent over cases arising within the municipality. The several justices of the peace in any district of the Moro Province shall exercise concurrent jurisdiction over cases arising within the district but without the limits of an organized municipality. Actions, civil and criminal, shall be brought before the justice of the peace who is most convenient of access to the parties, but the justice of the peace first acquiring jurisdiction over any such case shall have exclusive jurisdiction over it. It shall be the duty of the justice of the peace to refuse jurisdiction of any case where the convenience of the parties manifestly requires it to be brought before another justice of the peace having concurrent jurisdiction. In criminal prosecutions and preliminary investigations before justices of the peace, the costs of the proceeding, including the fees of the justice, shall be paid from such treasury provincial, district, or municipal as the legislative council of the Moro Province may by law provide. Such provisions shall be as nearly analogous to the provisions of law governing that subject in other provinces as the circumstances and conditions existing in the Moro Province may warrant."

SEC. 14. Section thirty-one of said Act is hereby repealed.

SEC. 15. Nothing contained in section one hundred and twenty of Act Numbered Eleven hundred and eighty-nine, the Internal Revenue Law of Nineteen hundred and four, shall be deemed to have repealed Act Numbered Five of the legislative council of the Moro Province which provides for the collection, under certain circumstances, of a cedula tax among the Moros and non-Christian tribes in the Moro Province.

SEC. 16. Section one hundred and fifty of the Internal Revenue Law of Nineteen hundred and four is hereby amended by adding at the end thereof the following words: "And provided further, That the amount to be apportioned for the Moro Province and the municipalities therein shall accrue to the treasury of the Moro Province without division and shall constitute a part of the general funds of the Moro Province to be expended in the discretion of the legislative council for provincial, district, and municipal purposes."

SEC. 17. The public good requiring the speedy enactment of this bill, this 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. 18. This Act shall take effect upon the first day of February, nineteen hundred and five.

Enacted, January 13, 1905.

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