

AN ACT TO AMEND SECTIONS TWENTY-ONE HUNDRED AND EIGHTY-EIGHT, TWENTY-ONE HUNDRED AND EIGHTY-NINE, TWENTY-ONE HUNDRED AND NINETY, AND TWENTY-ONE HUNDRED AND NINETY-ONE OF ACT NUM...

Act No. 3167, October 02, 1924

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Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Section twenty-one hundred and eighty- eight, twenty-one hundred and eighty-nine, twenty-one hundred and ninety, and twenty-one hundred and ninety-one of Act Numbered Twenty-seven hundred and eleven, known as the. Administrative Code, are hereby amended to read as follows:

"Sec. 2188. Supervisory authority of provincial governor over municipal officers.—The provincial governor shall receive and investigate complaints made under oath against" municipal officers for neglect of duty, oppression, corruption, or other form of maladministration in office. For minor delinquency he may reprimand the offender; and if a more severe punishment seems to be desirable, he shall submit written charges touching the matter to the provincial board, furnishing a copy of such charges to the accused either personally or by registered mail, and he may in such case suspend the officer (not being the municipal treasurer) pending action by the board, if in his opinion the charge be one affecting the official integrity of the officer in question. Where suspension is thus effected, the written charges against the officer shall be filed with the board within five days.

"SEC. 2189. Trial of municipal officer by provincial board.—When written charges are preferred by a provincial b. governor against a municipal officer, the provincial board shall, at its next meeting, regular or special, set a day, hour, and place for the trial of the same and notify the respondent thereof; and at the time and place appointed, the board shall proceed to hear and investigate the truth or falsity of said charges, giving the accused official full opportunity to be heard in his defense. The hearing shall occur as soon as may be practicable, and in case suspension has been effected, not later than ten days from the date the accused is furnished or has sent to him a copy of the charges, unless the suspended official shall, on sufficient grounds, request an extension of time to prepare his defense.

"The preventive suspension of a municipal officer shall not be for more than thirty days. At the expiration of the thirty days, the suspended officer shall be reinstated in office without prejudice to the continuation of the proceedings against him until their completion, unless the delay in the decision of the case is due to the fault, neglect, or request of the accused, in which case the time of the delay shall not be counted in computing the time of the suspension: Provided, That the suspension of the accused may continue after the expiration of the thirty days above mentioned in case of conviction until the Executive Bureau shall otherwise direct or the case shall be finally decided by said Bureau.

"SEC. 2190. Action by provincial board.—If, upon due consideration, the provincial board shall adjudge that the charges are not sustained, the proceedings shall be dismissed; if it shall adjudge that the accused has been guilty of misconduct which would be sufficiently punished by reprimand, or further reprimand, it shall direct the provincial governor to deliver such reprimand in pursuance of its judgment; and in either case the official,

if suspended, shall be reinstated.

"If in the opinion of the board the case is one requiring more severe discipline, and in case of appeal, it shall without unnecessary delay forward to the Chief of the Executive Bureau, within eight days after the date of the decision of the provincial board, certified copies of the record in the case, including the charges, the evidence, and the findings of the board, to which shall be added the recommendation of the board as to whether the official ought to be suspended, further suspended, or finally dismissed from office; and in such case the board may exercise its discretion to reinstate the official, if suspended.

"The trial of a suspended municipal official and the proceedings incident thereto shall be given preference over the current and routine business of the board.

"SEC. 2191. Action by Chief of Executive Bureau.— Upon receiving the papers in any such proceedings the Chief of the Executive Bureau shall review the case without unnecessary delay and shall make such order for the reinstatement, dismissal, suspension, or further suspension of the official, as the facts shall warrant, and shall render his final decision upon the matter within thirty days after the date on which the case was received. Disciplinary suspension made upon order of the Chief of the Executive Bureau shall be without pay. No final dismissal herein-under shall take effect until recommended by the Department Head and approved by the Governor-General."

SEC. 2. All acts or parts of acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect on its approval.

Approved, October 2, 1924.

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