

AN ACT TO REVISE THE CHARTER OF THE CITY OF MANILA, AND FOR OTHER PURPOSES

REPUBLIC ACT NO. 409, June 18, 1949

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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

PRELIMINARY ARTICLE

SECTION 1. This Act shall be known as the Revised Charter of the City of Manila.

ARTICLE I.—The City as a public corporation

SEC. 2. Corporate character.—The City of Manila constitutes a political body corporate and as such is endowed with the attribute of perpetual succession and possessed of the powers which pertain to a municipal corporation, to be exercised in conformity with the provisions of this charter.

SEC. 3. General powers.—The city may have a common seal, and alter the same at pleasure, and may take, purchase, receive, hold, lease, convey, and dispose of real and personal property for the general interests of the city, condemn private property for public use, contract and be contracted with, sue and be sued, and prosecute and defend to final judgment and execution, and exercise all the powers hereinafter conferred.

SEC. 4. Liability for damages.—The city shall not be liable or held for damages or injuries to persons or property arising from the failure of the Mayor, the Municipal Board or any other city officer, to enforce the provisions of this chapter, or any other law or ordinance, or from negligence of said Mayor, Municipal Board, or other officers while enforcing or attempting to enforce said provisions.

SEC. 5. Boundaries.—The boundaries and limits of the city are established and prescribed as follows: (1) Beginning at a point near the south bank of the Estero de Maytubig at the line of low water on the shore of Manila Bay; thence through the center of monument No. 1, at the line of high water on the shore of Manila Bay, and through the centers of monuments Nos. 2 to 6 inclusive, N. 74° 51' E., 1,197.42 meters to monument No. 7, the said monument being situated on the east bank of the Estero Tripa de Gallina; (2) thence through the centers of monuments Nos. 8 to 9 inclusive, N. 44° 12' E., 819.99 meters to monument No. 10; (3) thence N. 44° 12' E., 18.79 meters to point "A", which is at the intersection of monuments Nos. 10 and 11 and on the south side of the wagon road leading to the South Cemetery; (4) thence N. 62° 16' E., 20.97 meters to point "B"; (5) thence S. 86° 26' E., 1,370.47 meters to point "C"; (6) thence S. 20° 47' W., 24,216 meters to point "D"; (7) thence S. 69° 13' E., 500 meters to point "E"; (8) thence N. 20° 47' E., 500 meters to point "F"; (9) thence N. 69° 13' W., 500.01 meters to point "G"; (10) thence N. 20° 47' E., 295.40 meters to point "H"; (11) thence N. 78° 18' W., 15.19 meters to point "T"; (12) thence S. 20° 47' W., 539.81 meters to point "J"; (13) thence N. 86° 26' W., 1,355.19 meters to point "K"; said point being to the intersection of monuments Nos. 10 and 11 and the north line of the road to the South Cemetery; (14) thence through the centers of the monument 11 to 16, inclusive, N. 44° 12' E., 1,835.10 meters to monument No. 17; (15) thence continuing in the same direction approximately 127 meters to the center of the channel of the Pasig River; (16) thence along the center of the channel of the Pasig River to a point in the

channel of river opposite the ferry landing at Mandaluyong; (17) thence to monument No. 18, on the north bank of the Pasig River, the said monument being N. 32° 22' E., 913.99 meters from monument No. 17, above-mentioned; (18) thence from monument No. 18 diagonally through municipality of Mandaluyong, N. 34° 22' E., 756.92 meters through the centers of monuments Nos. 19 to 22, inclusive, to monument No. 23, the said monument being near the south or left bank of the San Juan River; (19) thence continuing in the same direction to the center of the channel of the San Juan River; (20) thence along the center of the channel of the San Juan River to a point approximately 350 meters southeast of the stone bridge by which Calle Santa Mesa crosses the said river; (21) thence N. 51° 37' W., to monument No. 24, said monument being approximately 64 meters northeast from the center of the bridge above described and on the west side of the road leading to the municipality of San Juan del Monte; (22) thence through the centers of monument Nos. 25 to 36, inclusive, N. 51° 37' 30" W., 4,245.53 meters to monument No. 37, the said monument being on the east side of Calle Blumen-tritt; (23) thence N. 11° 19' 40" W., 9.89 meters to monument No. 37-A; (24) thence through the center of monument No. 38, N. 17° 57' 40" E., 765.54 meters to monument No. 39; (25) thence N. 17° 57' 10" E., 404.77 meters to monument No. 40; (26) thence N. 72° 05' W., 271.56 meters to monument No. 41; (27) thence N. 73° 58' 30" W., 529.14 meters to monument No. 42; (28) thence S. 63° 27' W., 452.18 meters to point 42-a; (29) thence N. 4° 54' W., 19.74 meters to point 42-b; (30) thence N. 37° 04' W., 22 meters to point 42-c; (31) thence N. 11° 01' W., 81.32 meters to point 42-d; (32) thence N. 37° 23' W., 102.67 meters to point 42-e; (33) thence N. 47° 52' E., 30.76 meters to point 42-f; (34) thence N. 53° 49' W., 102.79 meters to point 42-g; (35) thence S. 86° 39' W., 50.87 meters to point 42-h; (36) thence to S. 60° 14' W., 91.35 meters to point 42-i; (37) thence S. 67° 20' W., 86.67 meters to point 42-j; (38) thence S. 23° 43' R, 74.45 meters to point 42-k; (39) thence S. 22° 38' E., 36.23 meters to point 42-l; (40) thence S. 22° 38' E., 87.27 meters to point 42-m; (41) thence S. 15° 34' E., 69.36 meters to point 42-n; (42) thence S. 15° 34' E., 11.68 meters to point 42-o; (43) thence S. 16° 31' E., 15.98 meters to point 42-p, said point being the intersection of the monuments Nos. 43 to 44 and the E. side of Calle Marulas; (44) thence through the centers of monuments Nos. 44 to 49, inclusive S. 89° 42' W. 2,226.80 meters to monument No. 50, the last-mentioned monument being situated at the line of high water on the shore of Manila Bay, approximately 916 meters south of Calle Pescadores of the municipality of Navotas; (45) thence in the same direction to the line of low water on the shore of Manila Bay; (46) and thence following said line of low water in generally southerly and southeasterly direction approximately 3,800 meters to the point of beginning.

SEC. 6. Municipal districts.—The City of Manila is divided into fourteen municipal districts for all administrative and other municipal purposes, including the description of property, with names and boundaries as follows:

Tondo.—Beginning at a point on the city boundary line between monuments forty-two and forty-three, where it is intersected by the center line of Avenida Rizal; thence southerly along the center line of Avenida Rizal to the center of the track of Antipolo branch of the Manila Railroad Company; thence westerly along the center line of said tract to its intersection with Estero de San Lazaro; thence southerly along the center line of Estero de San Lazaro and westerly along the center line of Calle Azcarraga, to high water line on the shore of Manila Bay; thence northerly along said high-water line to monument numbered fifty on the city boundary line; thence in an easterly direction along said city boundary line to a point at the intersection of said boundary line with the E. side at Calle Marulas; thence N. 16° 31' W., 15.98 meters to point "A"; thence N. 15° 34' W., 11.68 meters to point "B"; thence N. 15° 34' W., 69.36 meters to point "C"; thence N. 22° 38' W., 87.27 meters to point "D"; thence N. 22° 38' W., 36.23 meters to point "E"; thence N. 23° 43' W., 74.45 meters to point "F"; thence N. 67° 20' E., 86.67 meters to point "G"; thence N. 60° 14' E., 91.35 meters to point "H"; thence N. 86° 39' E., 50.87 meters to point "I"; thence S. 53° 49' E., 102.79 meters to point "J"; thence S. 47° 52' W., 30.76 meters to point "K"; thence S. 37° 23' E., 102.67 meters to point "L"; thence S. 11° 01' E., 81.32 meters to point "M"; thence S. 37° 04' W., 22 meters to point "N"; thence S. 4° 54' E., 19.74 meters to point "O"; and thence easterly along said boundary line to the point of beginning.

San Nicolas.—Beginning at a point on the higher-water line on the shore of Manila Bay; thence along the center lines of Calle Azcarraga, Esteros de la Reina and de Binondo, and the Pasig River, to a point opposite the lighthouse; and thence along the high-water line on the shore of Manila Bay to the point of beginning.

Binondo.—Beginning at a point in the center line of Calle Azcarraga where it crosses the center line of Estero de la Reina; and thence along the center lines of Calle Azcarraga, Esteros de San Lazaro and de la Reina, the Pasig River, and the Estero de Binondo, to the point of beginning.

Santa Cruz.—Beginning at a point on the city boundary line between monuments forty-two and forty-three where it is intersected by the center line of Ayenida Rizal; thence southerly along the center line of Avenida Rizal to the center of the tract of the Antipolo branch of the Manila Railroad Company; thence westerly along the center line of said tract to its intersection with Estero de San Lazaro; thence along the center lines of Esteros de San Lazaro, Norzagaray and Regidor, and Estero de Quiapo to a point about one hundred and ten meters northeast of Iris Bridge; thence Northerly along the center lines of Calles Andalucia, Laong-Laan, and Dimas-Alang to Calle Blumentritt; thence easterly along the center line of Calle Blumentritt to the city boundary; and thence along said boundary line to the point of beginning.

Quiapo.—Beginning at the intersection of the center lines of Calle Azcarraga and Estero de Quiapo; thence along the center lines of Calles Azcarraga, Legarda and E. Mendiola, Estero de San Miguel, the Pasig River, Puente Colgante, Calles Norzagaray and Regidor, and Estero de Quiapo, to the point of beginning.

San Miguel.—Beginning at the intersection of the center lines of Calles Azcarraga and Alix; thence along the center lines of Calles Alix and Nagtahan, the Pasig River (following its south channel around Isla de Canvalecencia), Estero de San Miguel, and Calles E. Mendiola and Alix to the point of beginning.

Sampaloc.—Beginning at the intersection of the center line of Calle Blumentritt and the city boundary line; thence southeasterly along said boundary line to its intersection with the center line of the San Juan River south of the stone bridge by which Calle Santa Mesa crosses the said river; thence along the center lines of the San Juan River, the Pasig River, and Calles Nagtahan, Alix, and Azcarraga, to the middle of the Iris Bridge; thence northerly along the center line of Estero de Quiapo to a point about 110 meters northeast of Iris Bridge; and thence along the center lines of Calles Andalucia, Laong-Laan, Dimas-Alang, and Blumentritt, to the point of beginning.

Intramuros.—Beginning at the intersection of the center line of the Pasig River with the prolongation of the center line of Cavite Boulevard; and thence along the center lines of the Pasig River, Paseo del P. Burgos, and Cavite Boulevard, to the point of beginning.

Port Area.—Beginning at the intersection of the center line of the Pasig River with the prolongation of the center line of Dewey Boulevard; thence along the center line of Dewey Boulevard to its intersection with the south side of Twenty-fifth Street; thence along said side of said street to the high-water line on the Muelle de San Francisco; thence along said high-water line around the piers to its end on the army wharves and continuing in the direction of the last course to the high-water on the west side of the Engineer Island; thence around said island to the center line of the Pasig River; and thence along the center line of the Pasig River to the point of beginning.

Ermita.—Beginning at the intersection of the high-water line on the Muelle de San Francisco with the south side of Twenty-fifth Street to its intersection with the center line of Dewey Boulevard; thence along the center lines of Dewey Boulevard, P. Burgos, the Pasig River, Ayala Bridge, Calles Marques de Comillas, Isaac Peral, San Marcelino, Gral. Luna, Herran, M. H. del Pilar and Cuarteles, to the west face of the sea wall of Dewey Boulevard; and thence northerly along the west face of the sea walls of said Boulevard and of the Luneta extension to the point of beginning.

Malate.—Beginning at the intersection of west face of the sea wall on Dewey Boulevard and the center line of

Calle Cuarteles; thence along the center line of Calles Cuarteles, M. H. del Pilar and Herran, and Esteros de Paco, and Tripa de Gallina, to the city boundary line; thence westerly along said boundary line to high-water line on Manila Bay; and thence northerly along said high-water line and the west face of said sea wall to the point of beginning.

Paco.—Beginning at a point where the center line of Ayala Bridge crosses the center line of the south channel of the Pasig River; and thence along the center lines of the Pasig River, Esteros de Pandacan, Tripa de Gallina and Paco, Calles Herran, Gral. Luna, San Marcelino, Isaac Peral and Marques de Comillas, and Ayala Bridge, to the point of beginning.

Pandacan.—Beginning at the intersection of the center lines of the Pasig River and the north end of the Estero de Pandacan; thence along the center line of the Pasig River to its intersection with the center line of the east of the Estero de Pandacan; and thence along the center of Estero de Pandacan to the point of beginning.

Santa Ana.—Beginning at the intersection of the center of the Pasig River and the San Juan River; thence along the center line of the San Juan River to the city boundary line; thence along the city boundary line to its intersection with the north line of the road leading to the South Cemetery; thence S. 86° 26' E., 1,355.19 meters to point "B"; thence S. 78° 18' E., 15.19 meters to point "C"; thence S. 20° 47' W., 295.40 meters to point "D"; thence S. 69° 13' E., 500.01 meters to point "E"; thence S. 20° 47' W., 500 meters to point "F"; thence 69° 13' W., 500 meters to point "G"; thence 20° 47' E., 242.16 meters to point "H"; thence N. 86° 26' W., 1,370.47 meters to point "I" thence S. 62° 16' W., 20.27 meters to the intersection of the south line of the road leading to the South Cemetery with the city boundary line; thence along the city boundary line to its intersection with the center lines of Esteros de Tripa de Gallina and de Pandacan, and the Pasig River, to the point of beginning.

SEC. 7. Representative districts.—The City of Manila is divided into four representative districts for purposes of national representation, each district to be represented by one member in the House of Representatives. The municipal districts and territories included in each district are as follows:

First District—Tondo;

Second District—San Nicolas, Binondo, Quiapo and Sta. Cruz;

Third District—Sampaloc and San Miguel;

Fourth District—Intramuros, Port Area, Ermita, Malate, Paco, Pandacan and Sta. Ana.

SEC. 8. Police jurisdiction.—The jurisdiction of the City of Manila for police purposes only shall extend to three miles from the shore into Manila Bay; and for the purpose of protecting and insuring the purity of the water supply of the city such police jurisdiction shall also extend over all territory within the drainage area of such water supply, or within one hundred meters of any reservoir, conduit, canal, aqueduct, or pumping station used in connection with the city water service. The Court of First Instance and the municipal court of the City of Manila shall have concurrent jurisdiction with the Courts of First Instance and the courts of justices of the peace of the province and municipalities, respectively, to try crimes and misdemeanors committed within said drainage area, or within said spaces of one hundred meters. The court first taking jurisdiction of such an offense shall thereafter retain exclusive jurisdiction thereof.

ARTICLE II.—The Mayor

SEC. 9. Nature of office.—The mayor shall be the chief executive of the city, and as such, shall have immediate control over the executive functions of the different departments, subject to the supervision of the Secretary of the Interior.

The mayor shall be elected at large by the qualified electors of the city. He shall be at least thirty years of age, a resident of the city at least five years prior to his election, and a qualified voter therein: Provided, That the first

election for mayor shall be held at the general elections for provincial and municipal officials next following the approval of this Act. He shall hold office for four years, unless sooner removed, and shall receive a salary of twelve thousand pesos a year. With the approval of the Secretary of the Interior first had, the Municipal Board may, in its discretion, provide quarters for the mayor or commute the same in addition to his salary.

SEC. 10. Vice-mayor.—There shall be a vice-mayor who shall perform the duties of the mayor, in the event of the sickness, absence or other temporary incapacity of the mayor, or in the event of a definitive vacancy in the position of mayor, until said office shall be filled, in accordance with law. If, for any reason, the vice-mayor is temporarily incapacitated for the performance of the duties of the office of the mayor, or said office of the vice-mayor is vacant the duties of the mayor, shall be performed by the city engineer. The acting mayor shall have the same powers and duties as the mayor.

The vice-mayor shall perform such other duties as may be assigned to him by the mayor or prescribed by law or ordinance. He shall be elected in the same manner as the mayor and shall at the time of his election possess the same qualifications as the mayor. He shall receive a salary of eight thousand four hundred pesos a year.

SEC. 11. General duties and powers of the mayor.—The general duties and powers of the mayor shall be:

- To comply with and enforce and give the necessary orders for the faithful enforcement and execution of the laws and ordinances in effect within the jurisdiction of the city.
- To safeguard all the lands, buildings, records moneys, credits, and other property and right of the city and, subject to the provisions of this Chapter, have control of all its property.
- To see that all taxes and other revenues of the city are collected, and applied in accordance with appropriations to the payment of the municipal expenses.
- To cause to be instituted judicial proceedings to recover property and funds of the city wherever found, and otherwise to protect the interests of the city, and to cause to be defended all suits against the city.
- To see that the executive officers and employees of the city properly discharge their respective duties. The mayor may, in the interest of the service and with the approval of the Secretary of the Interior first had, transfer officers and employees not appointed by the President of the Philippines from one section, division or service to another section, division or service with the same department, without changing the compensation they receive.
- To examine and inspect the books, records, and papers of all officers, agents, and employees of the city whenever occasion arises, and at least once in each year.
- To give such information and recommend such measures to the Board as he shall deem advantageous to the city.
- To attend, if he wishes to do so, the sessions of the Board and participate in its discussions, but not to vote.
- To represent the city in all its business matters and sign on its behalf all its bonds, contracts, and obligations made in accordance with laws or ordinances.
- To submit to the Municipal Board before the fifteenth day of April of each year a budget of receipts and expenditures of the city.
- To receive, hear, and decide as he may deem proper petitions, complaints, and claims of the residents concerning all classes of municipal matters of an administrative and executive character.
- To grant and refuse municipal license or permits of all classes and to revoke the same for violation of the conditions upon which they were granted, or if acts prohibited by law or municipal ordinance are being

committed under the protection of such licenses or in the premises in which the business for which the same have been granted is carried on, or for any other good reason of general interest.

- To determine the time, manner, and place of payment of salaries and wages of the officers and employees of the city.
- To excuse, with the concurrence of the Director of Public Schools, deserving poor pupils from the payment of school fees or any part thereof.
- To take such emergency measures as may be necessary to avoid fires, floods, and the effects of storms and other public calamities.
- To perform such other duties and exercise such executive powers as may be prescribed by law or ordinance.
- Subject to the provisions of the Civil Service Law, to appoint all officers and employees of the City of Manila, any existing law to the contrary notwithstanding, except those whose appointments are vested in the President. All appointments of the mayor shall be with the consent of the Majority of all the members of the Municipal Board.

SEC. 12. Secretary to the Mayor.—The mayor shall appoint one secretary who shall have charge and custody of all records and documents of the city and of any office or department thereof for which provision is not otherwise made; shall keep the corporate seal and affix the same with his signature to all ordinances and resolutions signed by the mayor and all other official documents and papers of the government of the city as may be required by custom, in the discretion of the mayor; shall attest all executive orders, proclamations, ordinances and resolutions signed by the mayor and shall perform such other duties as the mayor may require of him; shall, on demand, furnish certified copies of all city records and documents in his charge which are not of a confidential character, and collect and receive such fees as may be prescribed by resolution of the Board. He shall also perform such duties as are required of the heads of departments of the city government by section twenty-one, and for the purposes of said section, the secretary will be considered the head of a department. The position of the secretary shall be regarded as within the unclassified civil service but may be filled in the manner in which classified positions are filled, and if so filled, the appointee shall be entitled to all the benefits and privileges of classified employees, except that he hold office only during the term of office of the appointing mayor and until a successor in the office of the secretary is appointed and qualified, unless sooner separated.

ARTICLE III.—The Municipal Board

SEC. 13. Organization.—The Municipal Board shall be the legislative body of the city, and shall consist of three elective members from each representative district, who shall hold office for four years. The members of the Board shall elect each year from among themselves a president, who for one year shall preside at all meetings of the Board at which he is present. In his absence, the Board shall elect one of its members as temporary presiding officer. The president shall sign all ordinances, and all resolutions and motions directing the payment of money or creating liability, enacted or adopted by the Board. In case of sickness of any member of the Board, or if for any reason it becomes necessary to maintain a quorum, the President of the Philippines may make a temporary appointment until the return to duty of the sick or absent member. During the period of such temporary appointment the person receiving the same shall possess all the rights and perform all the duties of a member of the Board.

The President of the Board shall receive a salary of eight thousand four hundred pesos per annum and the other members shall receive a salary of seven thousand two hundred pesos per annum.

SEC. 14. Election, suspension and removal of members.— The members of the Municipal Board shall be elected at

large within each representative district, and each of them at the time of election shall be a resident of the City for at least four years; must be a qualified elector and must have actually resided at least one year in the representative district from which elected prior to his election; and not less than twenty-three years of age. Such members may be suspended or removed from office under the same circumstances, in the same manner, and with the same effect, as elective provincial officers.

Elections for members of the Board shall be held on the date of the regular election for provincial and municipal offices, and elected members shall take office on the first day of January next following their election, upon qualifying, and shall hold office until their successors are elected and qualified. The three candidates receiving the greatest number of votes within a representative district at any election shall be declared elected.

SEC. 15. Secretary of Board.—The Board shall have a secretary, who shall be elected by it to serve during the term of office of the members. A vacancy in the office of secretary shall be filled temporarily or for the unexpired term in like manner. The secretary shall be in charge of the records of the Municipal Board. He shall keep a full record of the proceedings of the Board, and file all documents relating thereto; shall record, in a book kept for that Purpose, all ordinances, and all resolutions and motions directing the payment of money or creating liability, enacted or adopted by the Board, with the dates of passage of the same, and of the publication of ordinances; shall keep a seal, circular in form, with the inscription 'Municipal Board City of Manila,' in the center of which shall be placed the arms of the city, and affix the same, with his signature, to all ordinances and other official acts of the Board, and shall present the same for signature to the president; shall cause each ordinance passed to be published as herein provided; shall, on demand, furnish certified copies of all records of public character in his charge under the seal of his office; and collect and receive therefor such fees as may be prescribed by resolution of the Board; and shall keep his office and all records therein which are not of a confidential character open to public inspection during usual business hours. His compensation as secretary shall be fixed by the Board at not exceeding six thousand pesos a year.

SEC. 16. Appropriation ordinance.—The Board shall make all appropriations for the expenses of the government of the city. Whenever the Board fails to pass an appropriation ordinance for any year before the end of the previous year, the appropriation ordinance for such previous year shall be deemed reenacted, and shall go into effect on the first day of July of the new year as the appropriation ordinance for that year, and such appropriation ordinance shall be deemed into effect on the first day of July of each year, as the appropriation ordinance for that year, until a new appropriation ordinance is duly enacted.

SEC. 17. Legislative procedure.—The Board shall hold two ordinary sessions for the transaction of business during each week on days which it shall fix by resolution, and such extraordinary sessions, as may be called by the Mayor. It shall sit with open doors unless otherwise ordered by an affirmative vote of the majority of all the members. It shall keep a record of its proceedings and determine its rules of procedure not herein set forth. A majority of all the members of the Board shall constitute a quorum for the transaction of business, and the affirmative votes of a majority of all the members shall be necessary for the passage of any ordinance or resolution. Ordinary motions may be approved by a majority of those present. The ayes and nays shall be taken and recorded upon the passage of all ordinances, upon all resolution or motions directing the payment of money or creating liability, and, at the request of any member, upon any other resolution or motion. Each proposed ordinance shall be published in two daily newspapers of general circulation in the city, and shall not be discussed or enacted by the Board until after the third day following such publication. Each ordinance enacted by the Board, and each resolution or motion directing the payment of money or creating liability, shall be forwarded to the mayor for his approval. Within ten days after the receipt of the ordinance, resolution or motion, the mayor shall return it with his approval or veto. If he does not return it within that time, it shall be deemed to be approved. If he returns it with

his veto, his reasons therefor in writing shall accompany it. It may then be again enacted by the affirmative votes of two-thirds of all members of the Board, and again forwarded to the mayor for his approval, and if within ten days after its receipt he does not again return it with his veto, it shall be deemed to be approved. If within said time he again returns it with his veto, it shall be forwarded forthwith to the President for his approval or disapproval, which shall be final. No partial veto of any ordinance, resolution or motion shall be allowed. Each approved ordinance shall be sealed with the city seal, signed by the book kept for the purpose; shall be published in two daily newspapers of general circulation in the city, within ten days after its approval; and shall take effect and be in force on and after the twentieth day following its publication, if no date is fixed in the ordinance.

SEC. 18. Legislative powers.—The Municipal Board shall have the following legislative powers:

(a)

To provide for the levy and collection of taxes for general and special purposes in accordance with law.

(b)

To fix the tariff of fees and charges for all services rendered by the city or any of its departments, branches, or officials.

(c)

To provide for the erection and maintenance or the rental, in case of need, of the necessary buildings for the of the city.

(d)

To provide for the establishment and maintenance of free public schools for intermediate instruction and to acquire sites for school houses for primary and intermediate classes through purchases or conditional or absolute donation.

(e)

To establish secondary, and professional schools; and with the approval of the Director of Public Schools, to fix reasonable tuition fees for instruction therein.

(f)

To provide for the establishment and maintenance of an efficient police force for the maintenance of law and order in the city, and make all necessary police ordinances, with a view to the confinement and reformation of vagrants, disorderly persons, mendicants, and prostitutes, and persons convicted of violating any of the ordinances of the city.

(g)

To maintain the municipal courts established by law which shall have jurisdiction of all criminal cases under the ordinances of the city, and such further jurisdiction as may be herein or hereafter conferred.

(h)

To establish fire limits, determine the kinds of buildings or structures that may be erected within said limits, regulate the manner of constructing and repairing the same, and fix the fees for permits for the construction, repair, or demolition of buildings and structures.

(i)

To establish and maintain engine houses, fire engines, hose carts, hooks and ladders, and other equipment for

the prevention and extinguishment of fires, and to regulate the management and use of the same.

(j)

To regulate the use of lights in stables, shops, and other buildings and places, and to regulate and restrict the issuance of permits for the building of bonfires and the use of firecrackers, fireworks, torpedoes, candles, skyrockets, and other pyrotechnic displays, and to fix the fees for s permits.

(k)

To make regulations to protect the public from conflagrations and to prevent and mitigate the effects of famine, flood, storms, and other public calamities, and provide relief for persons suffering from the same.

(l)

To regulate and fix the amount of the license fees for the following: hawkers, peddlers, hucksters, not including hucksters or peddlers who sell only native vegetables, fruits, or foods, personally carried by the hucksters or peddlers; barbers, collecting agencies, manicurists, hair dressers, tattooers, jugglers, acrobats, wrestlers, boxers, pelotaris and jockeys; shooting galleries, slot machines, merry-go-rounds and other similar riding devices, and the keeping, preparation, and sale of meat, poultry, fish, game, butter, cheese, lard, vegetable, bread, and other provisions; and to impose a municipal occupation tax, not to exceed fifty pesos per annum, on lawyers, medical practitioners, land surveyors, architects, public accountants, civil, electrical, chemical, mechanical, or mining engineers, radio engineers or technicians, veterinarians, dental surgeons, opticians and optometrists, insurance agents and sub-agents, business agents and business consultants, professional appraisers or connoisseur of tobacco or other domestic or foreign products, music teachers, piano tuners, nurses and midwives, auctioneers, plumbers, electrical contractors, building contractors, massagists, physical culture instructors, chiropodists, money changers, real estate, commercial and other brokers, and persons engaged in the transportation of passengers or freight by hire, including common carriers and transportation contractors: Provided, That persons exercising their profession or occupation only as salaried employees and not as independent practitioners shall be exempt from the municipal occupation tax herein prescribed.

(m)

To tax, fix the license fee and regulate the business of hotels, restaurants, refreshment places, cafes, lodging houses, boarding houses, brewers, distillers, rectifiers, laundries, dyeing and cleaning establishment, beauty parlors, physical or beauty culture and fashion schools, clubs, livery garages, public warehouses, pawnshops, theaters, cinematographs, and the letting or subletting of lands and buildings, whether used for commercial, industrial or residential purposes; and further to fix the location of, and to tax, fix the license fee on, and regulate the business of, livery stables, boarding stables, embalmers, public billiard tables, public pool tables, bowling alleys, dance halls, public dancing halls cabarets, circus and other similar parades, public vehicles, public ferries, race tracks, horse races, dog races, cockpits, dealers in second-hand merchandise, junk dealers, theatrical performances, boxing contests, public exhibitions, blacksmith shops, foundries, steam boilers, lumber yards, ship. yards, 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, and other establishments likely to endanger the public safety or give rise to conflagrations or explosions, and, subject to the provisions of ordinances issued by the Bureau of Health in accordance with law, tanneries, renderies, tallow chandleries, bone factories, and soap factories: Provided, That no license shall be granted to any theater or cinematograph unless the applicant for said license agrees to exhibit pictures made in the Philippines to the extent of ten per centum of their annual exhibitions: And provided, further, That any violation of this condition shall cause the revocation of said license.

(n)

To tax and fix the license fees on printers or bookbinders or both, tailor shops, milliners, manufactures of jewelry, embroideries, sail or awnings or both, rope, paper, leather goods including shoes, slippers, sandals, harnesses and valises or bags, sporting goods, rubber goods, plastics and celluloid products, hardware including tinware, ceramic, and cement product, hardware including glasswares, cooking utensils, electrical goods and construction materials, chemical products including drugs, perfumes, toilet articles, paints, dyes and inks, textiles, shell lamps or lamp shades or both, statuettes or tombstone or both, sacks, furniture of all kinds, including rattan goods, wire brass beds or both, clothing, hats, eyeglasses or optical goods or both, fertilizers and buttons.

Manufacturers above mentioned shall not be subject to the payment of any municipal tax or license fee as retail dealers of their own products: Provided, That any manufacturing conducted solely by the immediate members of a family at their own home shall not be subject to any tax or license fee.

(o)

To tax and fix the license fee on dealers in general merchandise, including importers and indentors, except those dealers who may be expressly subject to the payment of some other municipal tax under the provisions of this section.

Dealers in general merchandise shall be classified as (a) wholesale dealers and (b) retail dealers. For purposes of the tax on retail dealers, general merchandise shall be classified into four main classes; namely, (1) luxury articles, (2) semi-luxury articles, (3) essential commodities, and (4) miscellaneous articles. A separate license shall be prescribed for each class but where commodities of different classes are sold in the same establishment, it shall not be compulsory for the owner to secure more than one license if he pays the higher or highest rate of tax prescribed by ordinance. Wholesale dealers shall pay the license tax as such, as may be provided by ordinance.

For purposes of this section, the term "General merchandise" shall include poultry and livestock, agricultural products, fish and other allied products.

(p)

To tax, fix the license fees on, and regulate, the sale of intoxicating liquors, whether imported or locally manufactured. To tax motor and other vehicles operating within the City of Manila the provisions of any existing law to the contrary notwithstanding, and draft animals not paying any national tax: Provided, That all automobiles and trucks belonging to the National Government or to any provincial or municipal government shall be exempt from such tax.

(q)

To regulate the method of using steam engines and boilers, other than marine or belonging to the National Government; to provide for the inspection thereof, and for a reasonable fee for such inspection, and to regulate and fix the fees for the licenses of the engineers engaged in operating the same.

(r)

To provide for the prohibition and suppression of riots, affrays, disturbances, and disorderly assemblies; houses of ill fame and other disorderly houses; gaming houses, gambling and all fraudulent devices for the purposes of obtaining money or property; prostitution, vagrancy, intoxication, fighting, quarrelling, and all disorderly conduct; the printing, circulation, exhibition or sale of obscene pictures, books, or publications, and for the maintenance and preservation of peace and good morals.

(s)

To prohibit, or regulate and fix the license fees for the keeping of dogs, and to authorize their impounding and destruction when running at large contrary to ordinances and to tax and regulate the keeping or training of fighting cocks.

(t)

To establish and maintain municipal pounds; to regulate, restrain, and prohibit the running at large of domestic animals, and provide for the distraining, impounding, and sale of the same for the penalty incurred, and the cost of the proceedings; and to impose penalties upon the owners of said animals for the violation of any ordinance in relation thereto.

(u)

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

(v)

To require property owners by ordinance to construct or repair, at their expense, sidewalks along the street or streets adjacent to their lots in accordance with the specifications of the city engineer as to quality, width and grade, and subject to his supervision and approval, providing that, in case of failure or inability of the property owners to comply with the requirement within a specified period of time after demand, the city engineer shall cause the work to be done and the cost thereof collected as a special assessment from such owners, who may choose to pay the same in full, or in ten equal yearly installments which shall be due and payable to the city of Manila in the same manner as the annual tax levied on real estate, and shall be made subject to the same penalties for delinquency, and enforceable by the same remedies, as such annual tax; and all said sums and amounts, shall from day in which they were assessed constitute liens on the property against which the same were assessed and shall take precedence over any and all other liens which may exist upon such property excepting only such as may have been attached as a result of the non-payment of said annual tax.

(w)

To regulate the inspection, weighing, and measuring of brick, lumber, coal and other articles of merchandise.

(x)

Subject to the provisions of existing law to provide for the laying out, construction and improvement, and to regulate the use of streets, avenues, alleys, sidewalks, wharves, piers, parks, cemeteries, and other public places; to provide for lighting, cleaning, and sprinkling of streets and public places; to regulate, fix license fees for and prohibit the use of the same for processions, signs, signposts, awnings, awning posts, and the carrying or displaying of banners, placards, advertisements, or hand bills, or the flying of signs, flags or banners whether along, across, over or from buildings along the same; to prohibit the placing, throwing, depositing, or leaving of obstacles of any kind, garbage, refuse, or other offensive matter or matter liable to cause damage, in the street and other public places and to provide for the collection and disposition thereof; to provide for the inspection of, fix the license fees for and regulate the openings in the same for the laying of gas, water, sewer and other pipes, the building and repair of tunnels, sewers, and drains, and all structures in and under the same and the erecting of poles and the stringing of wires therein; to provide for and regulate cross-walks, curbs, and gutters therein; to name streets without a name and provide for and regulate the numbering of houses and lots fronting thereon or in the interior of the blocks; to regulate traffic and sales upon the streets and other public places; to provide for the abatement of nuisances in the and punish the authors or owners thereof; to provide for the construction and maintenance, and regulate the use, bridges, viaducts, and culverts; to prohibit and regulate ball playing, kite-flying, hoop rolling, and other amusements may annoy persons using the streets and public places, or frighten horses or other animals; to regulate the speed of horses and other animals, motor and other vehicles cars, and locomotives within the limits of the city; to regulate the lights used on all such vehicles, cars, and locomotives; to regulate the locating, constructing, and laying of the track of horse, electric, and other forms of railroad in the streets or other public places of the city authorized by law; to provide for and change the location, grade and, crossings of railroads, and compel any such railroad to raise or lower its tracks to conform to such provisions or changes; and to require railroad companies to fence their property, or any part

thereof, to provide suitable protection against injury to persons or property, and to construct and repair ditches, drains, sewers, and culverts along and under their tracks, so that the natural drainage of the streets and adjacent property shall not be obstructed.

(y)

To provide for the construction and maintenance of, and regulate, the navigation on canals and water courses within the city and provide for the cleansing and purification of the same; to provide for the construction and maintenance, and regulate the use of public landing places, wharves, piers, docks, and levees, and of those of private ownership; and to provide for or regulate the drainage and filling of private premises when necessary in the enforcement of sanitary ordinances issued in accordance with law.

(z)

To fix the charges to be paid by all water craft landing at or using public wharves, docks, levees, or landing places: Provided, That the provisions of this subsection shall not apply to the public wharves, docks, levees, or landing places constructed within the breakwater, on the banks of the canal connecting the Pasig River with the inner basin, and on both sides of said river below the Jones Bridge.

(aa)

To provide for the maintenance of waterworks for the purpose of supplying water to the inhabitants of the city, and for the purifications of the source of supply the places through which the same passes, and to regulate the consumption and use of the water; to fix and provide for the collection of rents therefor; and to regulate the construction, repair, and use of hydrants, pumps, cisterns, and reservoirs.

(bb)

To provide for the establishment and maintenance and regulate the use, of public drains, sewers, latrines, and cesspools.

(cc)

Subject to the provisions of ordinances issued by the Department of Health in accordance with law, to provide for the establishment and maintenance and fix the fees for the use of, and regulate public stables, laundries, and baths, and public markets and slaughterhouses, and prohibit or permit the establishment or operation within the city limits of public markets and slaughterhouses by any person, entity, association, or corporation other than the city.

(dd)

To regulate, inspect and provide measures preventing any discrimination or the exclusion of any race or races in or from any institution, establishments, or service open to the public within the city limits, or in the sale and supply of gas or electricity, or in the telephone and street-railway service; to fix and regulate charges therefor where the same have not been fixed by national law; to regulate and provide for the inspection of all gas, electric, telephone, and street-railway conduits, mains, meters, and other apparatus, and provide for the condemnation, substitution or removal of the same when defective or dangerous.

(ee)

To declare, prevent, and provide for the abatement of nuisances; to regulate the ringing of bells and the making of loud or unusual noises; to provide that owners, agents, or tenants of buildings or premises keep and maintain the same in sanitary condition, and that in case of failure to do so, after sixty days from the date of serving a written notice, the cost thereof be assessed to the owner to the extent of not to exceed sixty per centum of the assessed value, which cost shall constitute a lien against the property, and to regulate or prohibit or fix the

license fees for the use of property on or near public ways, grounds, or places, or elsewhere within the city, for a display of electric signs or the erection or maintenance of billboards or structures of whatever material, erected, maintained, or used for the display of posters, signs, or other pictorial or reading matter except signs displayed at the place or places where the profession or business advertised thereby is in whole or part conducted.

(ff)

To authorize the free distribution of medicine by the city physician to the employees and laborers of the city, and of fresh native milk, if available, to indigent mothers residing in the city.

(gg)

To extend its ordinances over all waters within the city, over the Bay of Manila three miles beyond the city limits and over any boat or other floating structures thereon; and for the purpose of protecting and insuring the purity of water supply of the city, over all territory within the drainage area of such water supply, and within one hundred meters of any reservoir, conduit, canal, aqueduct, or pumping station used in connection with the city water service.

(hh)

To establish and regulate the size, speed, and operation of motor and other public vehicles within the City; to establish bus stops and terminals; and prohibit and regulate the entrance of provincial public utility vehicles into the city, except those passing through the City.

(ii)

To tax, license and regulate in any business, trade or occupation being conducted within the City of Manila, not otherwise enumerated in the preceding subsections, including percentage taxes based on gross sales or receipts, subject to the approval of the President except amusement taxes.

(jj)

To tax, license, permit and regulate wagers or betting by the public on boxing, sipa, bowling, billiards, pools, horse or dog races, cockpits, jai-alai, roller or ice-skating or any sporting or athletic contests, as well as grant exclusive rights to establishments for this purpose notwithstanding any existing law to the contrary.

(kk)

To enact all ordinances it may deem necessary and proper for the sanitation and safety, the furtherance of the prosperity, and the promotion of the morality, peace, good order, comfort, convenience, and general welfare of the city and its inhabitants, and such others as may be necessary to carry into effect and discharge the powers and duties conferred by this chapter; and to fix penalties for the violation of ordinances which shall not exceed to two hundred pesos fine or six months' imprisonment, or both such fine and imprisonment, for a single offense.

SEC. 19. Removal of signs and billboards.—No commercial sign, signboard, billboard shall be erected or displayed on public lands, premises, or buildings. If after due investigation, and having given the owners an opportunity to be heard, the Mayor of the city shall decide that any sign, signboard, or billboard displayed or exposed to public view is offensive to the sight or is otherwise a nuisance, he may order the removal of such sign, signboard, or billboard, and if same is not removed within ten days after he has issued such order he may himself cause its removal, and the sign, signboard, or billboard shall thereupon be forfeited to the City, and the expenses incident to the removal of the same shall become a lawful charge against any person or property liable for the erection of display thereof.

ARTICLE IV.—Departments and Officers

SEC. 20. City Departments.—There shall be the following city departments over which the Mayor shall have direct supervision and control, any existing law to the contrary notwithstanding:

- Department of Engineering and Public Works
- Police Department
- Law Department
- Fire Department
- Department of Finance
- Department of Assessment
- Department of Health
- Department of Public Services

The Board may from time to time make such readjustment of the duties of the several departments as the public interest may demand.

SEC. 21. Powers and duties of heads of departments.—Any existing law to the contrary notwithstanding, each head of department of the city government shall be in control of such department, under the direct supervision and control of the Mayor, and shall possess such powers as may be prescribed herein or by ordinance. He shall certify to the correctness of all pay rolls and vouchers of his department covering the payment of money before payment, except as herein otherwise expressly provided. On or before the first day of March of each year, he shall prepare and present to the Mayor for submission to the Board an estimate of the receipts and appropriation necessary for the operation of his department during the ensuing year, and shall submit therewith such information for the purposes of comparison as the Mayor may desire. He shall make to the Mayor as often as required reports covering the operations of his department.

In case of absence or sickness, or inability to act for any other reason, of the head of one of the municipal departments, or in case of a temporary vacancy, the officer next in charge of that department shall perform the duties of the head of the department concerned. In case of a temporary vacancy, the officer next in charge performing the duties of the head of such department shall during his incumbency in an acting capacity receive the salary and other emoluments of the latter.

SEC. 22. Appointment and removal of officials and employees.—With the consent of the Commission on Appointments of Congress, the President of the Philippines shall appoint the City Fiscal and his assistants, the judges and the clerk of the municipal court and, in case of a temporary vacancy on such court, an acting judge therefor, the city engineer and his assistant, the chief of police and his deputy and the chief of detectives, the chief of the fire department and his deputy, the city treasurer and his assistant, the city assessor and his assistant, the city health officer and his assistant, the city public service officer and his assistant and the city superintendent of schools and his assistants. The Mayor shall appoint all other officers and employees of the city whose appointment is not vested in the President subject to the provisions of Section 11(r). Appointive city officers or employees not appointed by the president of the Philippines shall be suspended and removed by the Mayor, subject to appeal to the Secretary of the Interior, whose decision shall be final. The Mayor may recommend to the President the suspension or removal of any city officer or employee appointed by him.

SEC. 23. Full time duty.—Each city officer, except members of the Municipal Board, shall devote his time and

attention exclusively during the usual office hours to the duties of his office, and such members shall attend the regular sessions of the Board. No city officer shall hold more than one office unless expressly so provided by law. But this section shall not apply to other persons discharging public duties in the city under the National Government who receive no compensation for their services.

SEC. 24. Prohibited transactions.—It shall be unlawful for any city officer, directly or indirectly, individually or as a member of a firm, to engage in any business transaction with the city, or with any of its authorized officials, board, agents or attorneys, whereby money is to be paid, directly or indirectly out of the resources of the city to such person or firm; to purchase any real estate or other property belonging to the city or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of the city; or to be surety for any person having a contract or doing business with the city for the performance of which security may be required; or to be surety on the official bond of any officer of the city.

ARTICLE V.—Relation to Bureaus and Offices

SEC. 25. The General Auditing Office.—The Auditor General shall receive and audit all accounts of the city, in accordance with the provisions of law relating Government accounts and accounting. The City Auditor shall be paid from the funds of the city at the rate of eight thousand pesos per annum.

SEC. 26. The Bureau of the Treasury.—The Treasurer of the Philippines shall receive and safely keep all moneys arising from the revenues of the city, and shall expend the same upon warrants drawn in accordance with the provisions of law.

SEC. 27. The Procurement Office.—The Purchasing Agent shall purchase and supply in accordance with law all supplies, equipment, material, and property of every kind, except real estate, for the use of the city and its departments and offices. But contracts for completed work of any kind for the use of the city, or any of its departments or offices involving both labor and materials, where the materials are furnished by the contractor, not by the city, shall not be deemed to be within the provisions of this section.

SEC. 28. The Bureau of Public Schools.—The Director of Public Schools shall exercise the same jurisdiction and powers in the city as elsewhere in the Philippines, and the city superintendent of schools shall have all the powers and duties in respect to the schools of the city as are vested in division superintendents in respect to the schools of their divisions.

The Municipal Board shall have the same powers in respect to the establishment of schools in Manila as are conferred by law on municipal councils.

The clerical force and assistants and laborers in the office of the city superintendent of schools shall be paid by the city, as well as the office expenses for supplies and materials incident to carrying on said office. The Municipal Board may provide for additional compensation for the Superintendent of City Schools, so that the latter may have a total salary equal to that of a city department head of the same importance.

SEC. 29. Maintenance of schools and school buildings.—The City Superintendent of schools shall make a quarterly report of the condition of the schools and school buildings of Manila to the Mayor, and such recommendations as seem to him wise in respect to the number of teachers, their salaries, new buildings to be erected, all other similar matters, together with the amount of city revenues which should be expended in paying teachers, and improving the schools or school buildings of the city.

The care and custody of school buildings by the department of engineering and public works, and its supervision of the construction and repair of schoolhouses ordered by the Board, shall be subject to the provisions of law

governing public schools.

SEC. 30. The Bureau of Prisons.—The Director of Prison shall set apart a suitable portion of The New Bilibid Prison for city prisoners, and shall receive for confinement and detention all persons who have been sentenced to imprisonment by the municipal court of the city. The expense of maintaining such portion of the prison shall be paid out of city funds.

ARTICLE VI.—The Department of Engineering and Public Works

SEC. 31. Powers and duties of the city engineer.—There shall be a city engineer, with a salary of nine thousand pesos per annum, who shall be in charge of the department of engineering and public works. He shall have charge of all the surveying and engineering work of the city; care, cleaning and sprinkling of streets, canals and esteros, parks and public grounds, bridges, playgrounds and recreation, and shall perform such services in connection with public improvements, or any work entered upon or projected by the city, or any department thereof, as may require the skill and experience of a civil engineer. He shall ascertain, record and establish monuments of the city Survey and from thence extend the surveys of the city, and locate, establish and survey all city property, and also private property abutting on the same, whenever directed by the Mayor; shall prepare and submit plans, maps, specifications, and estimates for buildings, streets, bridges, docks, and other public works and supervise the construction and repair of the same; shall make such tests and inspection of engineering materials used in construction repair as may be necessary to protect the city from the use of materials of poor or dangerous quality; shall inspect and report upon the condition of public property and public works whenever required by the Mayor, and of any system now or hereafter established for lighting the streets, public places, and public buildings of the city; 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 and regulate and enforce the numbering of houses, in accordance with the ordinances of the city; shall have the care and custody of all public docks, wharves, piers, levees, and landing places, when erected; shall have general supervision and inspection of all private docks, wharves, piers, levees, and landing places, and other property bordering on the harbor, river, esteros, and waterways of the city, and shall issue permits for the construction, repair, and removal of the same, and enforce all ordinances relating to the same; shall have the care and custody of all sources of water supply other than those under the Metropolitan Water District, and shall control, maintain, and regulate the use of the same, in accordance with the ordinances relating thereto. He shall file and preserve all maps, plans, notes, surveys, and other papers and documents pertaining to his office. He shall supervise the laying of mains and connections for the purposes of supplying gas to the inhabitants of the city. 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 location and use of engines, boilers, forges, and other manufacturing and heating appliances in accordance with law and ordinance relating thereto. He is authorized to charge, at rates to be fixed by the Board with the approval of the Department Head, for sanitation and transportation services and supplies furnished by his department.

With the previous approval of the Mayor in each case, he may order the removal of buildings and structures erected in violation of the ordinances, or the removal of the materials employed in the construction or repair of any building or structure made in violation of said ordinances.

SEC. 32. Execution of public works and improvements.— All repair or construction of any work or public improvement except parks, boulevards, streets or alleys involving an estimated cost of three thousand pesos or more shall be awarded to the lowest responsible bidder after public advertisement in the Official Gazette for not less than ten days, by the Mayor upon the recommendation of the city engineer: Provided, however, That the city engineer may, with the approval of the President of the Philippines upon the recommendation of the Secretary of

Public Works and Communications, execute by administration any such public work costing three thousand pesos or more.

In case of public works involving an expenditure of less than three thousand pesos, it shall be discretionary with the city engineer either to proceed with the work himself or to let the contract to the lowest bidder after such publication and notice as shall be deemed appropriate or as may be, by regulation, prescribed.

SEC. 33. Assistants and employees.—To assist the city engineer in the discharge of his official duties, there shall be such assistant engineers, superintendents, and other employees as are from time to time provided for in appropriation ordinances.

ARTICLE VII.—The Police Department

SEC. 34. Chief of police.—There shall be a chief of police with a salary of nine thousand pesos per annum, who shall have charge of the police department and everything pertaining thereto, including the organization and disposition of the city police and detective bureau; shall quell riots, disorders, disturbances of the peace, and shall arrest and prosecute violators of any law or ordinance; shall exercise exclusive 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 where ever 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 exercise supervision, administration, and control over the city jail and municipal prisoners; shall be responsible for the safekeeping of all prisoners in the city jail until they shall be released from custody, in accordance with law, or delivered to the warden of the proper prison upon order from a court of competent jurisdiction; may take good and sufficient bail for the appearance before the city court of any person arrested for violation of any city ordinance: Provided, however, That he shall not exercise this power in cases of violations of any penal law, except when the fiscal of the city shall so recommend and fix the bail to be required of the person arrested; shall have authority, within the police jurisdiction of the city, to serve and execute criminal processes of any court; shall, either in person or by deputy, attend all sessions of the city courts, and shall promptly and faithfully execute all orders of the Mayor, and all writs and processes of the city courts and all criminal processes of the Court of First Instance of the city, when placed in his hands for that purpose; shall exercise supervision over the police training school established in accordance with the rules and regulations of the police department. He shall have such powers and perform such further duties as may be prescribed by law or ordinance.

SEC. 35. Deputy chief of police.—There shall be a deputy chief of police whose duties shall be to act as chief of police in the absence or inability to act of the chief of police, and under the direction of such chief to look after the discipline of the police force and perform such other duties as may be imposed upon him by the chief or prescribed by law or ordinance.

SEC. 36. Chief of detectives.—There shall be a chief of detectives who shall, under the chief of police, have charge of the detective work of the department and of the detective force of the city, and shall perform such other as may be assigned to him by the chief of police or prescribed by law or ordinance.

SEC. 37. Peace officers.—The Mayor, the chief and deputy chief of police, the chief of detectives, and all officers and members of the city police and detective force shall be peace officers. Such peace officers are authorized to serve and execute all processes of the municipal court and criminal processes of all other courts to whomsoever directed, within the jurisdictional limits of the city or within the police limits as hereinbefore defined; within the same territory, to pursue and arrest, without warrant, any person found in suspicious places or under suspicious circumstances reasonably tending to show such person has committed, or is about to commit, any crime or breach

of the peace; to 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; in such pursuit or arrest to enter any building, ship, boat, or vessel, or take into custody any person therein suspected of being concerned in such crime or breach of the peace, and any property suspected of having been stolen; and to exercise such other powers and perform such other duties as may be prescribed by law or ordinance. They shall detain an arrested person only until he can be brought before the proper magistrate. Whenever the Mayor shall deem it necessary to avert danger or to protect life and property, in case of riot, disturbance, or public calamity, or when he has reason to fear any serious 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.

ARTICLE VIII.—The Law Department

SEC. 38. The fiscal of the city—His assistants—His duties.—The law department shall consist of the city fiscal as head of the department with the rank of a district judge, an assistant city fiscal as assistant head, and thirty-six assistant fiscals, who shall discharge their duties under the general supervision of the Secretary of Justice. The fiscal of the city shall be the chief legal adviser of the city and all offices and departments thereof; shall represent the city in all civil cases wherein the city or any officer thereof in his official capacity is a party; shall attend, when required, meetings of the Board, draw ordinances contracts, bonds, leases, and other documents involving any interests of the city and inspect and pass upon all such documents already drawn; shall give his opinion in writing when requested by the Mayor or Board upon any question relating to the city, or the rights or duties of any city officer; shall, whenever it is brought to his knowledge that any city officer or employee 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 the same and report to the Mayor; 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; and shall prosecute and defend all civil actions related to or connected with any city office or interest. He shall also have charge of the prosecution of all crimes, misdemeanors, and violations of the city ordinances, in the Court of First Instance and the municipal courts of the city, and shall discharge all the duties in respect to the criminal prosecutions enjoined by law upon provincial fiscals.

The fiscal of the city shall cause to be investigated all charges of crimes, misdemeanors, and violations of ordinances and have the necessary informations or complaints prepared or made against the persons accused. He or any of his assistants may conduct such investigations by taking oral evidence of reputed witnesses, and for this purpose may issue subpoena, summon witnesses, to appear and testify under oath before him, and the attendance or evidence of an absent or recalcitrant witness may be enforced by application to the municipal court or the Court of First Instance. No witness summoned to testify under this section shall be under obligation to give any testimony tending to incriminate himself.

The fiscal of the city shall also cause to be investigated the cause of sudden deaths which have not been satisfactorily explained and when there is suspicion that the cause arose from the unlawful acts or omissions of other persons, or from foul play. For that purpose, he may cause autopsies to be made, and shall be entitled to demand and receive for purposes of such investigations or autopsies, subject to the rules and conditions previously established by the Secretary of Justice, the aid of the medico-legal section of the National Bureau of Investigation. In case the fiscal of the city deems it necessary to have further expert assistance for the satisfactory performance of his duties in relation with medico-legal matters or knowledge, including the giving of medical testimony in the courts of justice, he shall request the same, in the same manner and subject to the same rules and conditions as above specified from the medico-legal officer of the said Bureau who shall thereupon furnish the

assistance required, in accordance with his powers and facilities. He shall at times render such professional services as the Mayor or Board may require, and shall have such powers and perform such other duties as may be prescribed by law or ordinance.

The city fiscal and his assistants shall receive the salaries hereinafter set forth, which shall be paid by the City of Manila.

- City Fiscal, ten thousand pesos per annum.
- Assistant city fiscal, nine thousand pesos per annum.
- Three assistant fiscals, seven thousand five hundred pesos per annum each.
- Three assistant fiscals, six thousand six hundred pesos per annum each.
- Three assistant fiscals, six thousand pesos per annum each.
- Three assistant fiscals, five thousand seven hundred pesos per annum each.
- Three assistant fiscals, five thousand four hundred pesos per annum, each.
- Three assistant fiscals, five thousand one hundred pesos per annum each.
- Three assistant fiscals, four thousand eight hundred pesos per annum each.
- Three assistant fiscals, four thousand five hundred pesos per annum each.
- Three assistant fiscals, four thousand two hundred pesos per annum each.
- Three assistant fiscals, three thousand nine hundred pesos per annum each.
- Six assistant fiscals, three thousand six hundred pesos per annum each.

ARTICLE IX.—The Municipal Court

SEC. 39. The municipal court.—There shall be a municipal court for the City of Manila, for which a presiding judge and five other judges shall be appointed. One judge shall be designated by the Secretary of Justice to try traffic cases exclusively. Whenever the public interest so requires, the Secretary of Justice may designate any of the judges to hold session at night.

The municipal court shall have the same jurisdiction in civil and criminal cases and the same incidental powers as at present conferred by law upon the justice of the peace courts except those in conflict with the provisions of this Charter and such additional jurisdiction and powers as may be conferred upon it by this Charter or by special law. The cases pertaining to the municipal court shall be distributed in accordance with rules to be prescribed by the Secretary of Justice.

In case of absence, sickness or incapacity of any of the judges of the municipal court and in case of any vacancy in said offices, the Secretary of Justice may designate any assistant attorney of the Solicitor General's office or provincial fiscal to act as judge of the municipal court of City of Manila, with all the powers of a regular judge of said court; but such acting judge shall not receive any additional compensation during the time he is acting as judge.

The presiding judge shall have a compensation of nine thousand pesos per annum and the judges shall have a compensation of eight thousand four hundred pesos per annum each.

SEC. 40. Duties of clerk.—The clerk of the municipal court shall keep its seal and affix it to all orders, judgments,

certificates, records, and other documents issued by the court. He shall keep a docket of the trials in the court, in which he shall record in a summary manner the name of the defendant, the charges against him, the name of the prosecuting witness, the date of the arrest, the appearance of the defendant, the date of the trial, and the nature of the judgment, together with the fines and costs adjudged or collected in accordance with the judgment. He shall have power to administer oaths.

SEC. 41. Criminal jurisdiction.—The municipal court shall have territorial jurisdiction embracing the entire police jurisdiction of the city, and shall hold a daily session, Sundays and legal holidays alone excepted: Provided, however, That when a legal holiday occurs in two or more successive days or when a Sunday is immediately preceded and/or followed by a holiday, the municipal court may hold night session during said holidays. Said court shall have jurisdiction exclusive of the other courts sitting in the city over all criminal cases arising under the penal laws of the Philippines, where the offense is committed within the police jurisdiction of the city and the maximum punishment is by imprisonment for not more than six months, or a fine of not more than two hundred pesos, or both. It shall also have concurrent jurisdiction with the Courts of First Instance over all criminal cases arising under the laws relating to gambling and management of lotteries, to assaults where the intent to kill is not charged or evident upon the trial, to larceny, embezzlement and estafa where the amount of money or property stolen, embezzled or otherwise involved does not exceed the sum or value of two hundred pesos, to the sale of intoxicating liquors, to falsely impersonating an officer, to malicious mischief, to trespass on Government or private property and to threatening to take human life. It may also conduct preliminary examinations for any offense, without regard to the limits of punishment, and may release, or commit and bind over any person charged with such offense to secure his appearance before the proper court.

SEC. 42. Incidental powers of municipal court.—The municipal court shall have power to administer oaths and to give certificates thereof; to issue summonses, writs, warrants, executions, and all other processes necessary to enforce its orders and judgments; to compel the attendance of witnesses; to punish contempts of court by fine or imprisonment, or both, within the limitations imposed by the Rules of Court; and to require of any person arrested a bond for good behaviour or to keep the peace, or for the further appearance of such person before a court of competent jurisdiction. But no such bond shall be accepted unless it be executed by the person in whose behalf it is made, with sufficient surety or sureties, to be approved by said court.

SEC. 43. Procedure in municipal court in prosecutions for violation of laws and ordinances.—In a prosecution for the violation of any ordinance, the first process shall be a summons; except that a warrant for the arrest of the offender may be issued in the first instance upon the affidavit of any person that such ordinance has been violated, and that the person making the complaint has reasonable grounds to believe that the party charged is guilty thereof, which warrant shall conclude: "Against the ordinances of the city in such case made and provided." All proceedings and prosecutions for offense against the laws of the Philippines shall conform to the rules relating to process, pleading, practice, and procedure for the judiciary of the Philippines and such rules shall govern the municipal court and its officers in all cases in so far as the same may be applicable.

SEC. 44. Costs, fees, fines and forfeitures.—There shall be taxed against and collected from the defendant, in case of his conviction in the municipal court, such costs and fees as may be prescribed by the Board not exceeding those charged in criminal cases in justices' courts. All costs, fees, fines, and forfeitures shall be collected by the clerk of the court, who shall keep a docket of those imposed and of those collected, and shall pay collections of the same to the city treasurer for the benefit of the city, on the next business day after the same are collected, and take receipts therefor. The presiding judge shall examine said docket each day, compare the same with the amount receipted for by the city treasurer, and satisfy himself that all such costs, fees, fines, and forfeitures have been duly accounted for.

SEC. 45. Commitment to prison.—No person shall be confined in the city prison by sentence of the municipal court until the warden or officer in charge of the prison shall receive a written commitment showing the offense for which the prisoner was tried, the date of the trial, the exact terms of the judgment or sentence, and the date of the order of commitment. The clerk shall, under seal of the court issue such a commitment in each case of sentence to imprisonment.

SEC. 46. Procedure on appeal from municipal court to Court of First Instance.—An appeal shall lie to the Court of First Instance next to be held within the city, in all cases where fine or imprisonment, or both, is imposed by the municipal court. The party desiring to appeal shall before six o'clock postmeridian of the day after the rendition and entry of the judgment by the municipal court, file with the clerk of the court a written statement that he appeals to the Court of First Instance. The filing of such statement shall perfect the appeal. The judge of the court from whose decision appeal is taken shall within five days after the appeal is taken, transmit to the clerk of the Court of First Instance a certified copy of the record of proceedings and all the original papers and process in the case, and the clerk of the Court of First Instance shall docket the appeal in that court. A perfected appeal shall operate to vacate the judgment of the municipal court, and the action, when duly entered in the Court of First Instance, shall stand for trial to move upon its merits in accordance with the regular procedure in that court, as though the same had never been tried and had been originally there commenced. Pending an appeal, the defendant shall remain in custody unless released in the discretion of the judge of the municipal court or of the Judge of the Court of First Instance, upon sufficient bail, in accordance with the rules and regulations now or hereafter in force, to await the judgment of the appellate court.

SEC. 47. Persons arrested to be promptly brought before a court—Preliminary examinations in city fiscals' office, municipal court and Court of First Instance.—Every person arrested shall, without unnecessary delay, be brought before the city fiscal, the municipal court, or the Court of First Instance for preliminary hearing, release on bail, or trial. In case triable in the municipal court the defendant shall not be entitled as of right to a preliminary examination, except to summary one to enable the court to fix the bail, in any case where the prosecution announces itself ready and is ready for trial within three days, not including Sundays, after the request for an examination is presented. In case triable only in the Court of First Instance the defendant shall not be entitled as of right to preliminary examination in any case where the fiscal of the city, after a due investigation of the facts, shall have presented an information against him in proper form. But the Court of First Instance may make such summary investigation into the case as it may deem necessary to enable it to fix the bail or to determine whether the offense is bailable.

SEC. 48. Compensation of certain expert witnesses in criminal cases.—Out of any sum appropriated for contingent expenses of the law department, the judge of the municipal court, or a judge of the Court of First Instance in the city, as the case may be, may allow compensate to physicians and surgeons, other than officers or employees of the National Government or the city, summoned by the Government as expert witnesses in criminal prosecutions when the attendance of such physicians and surgeons is necessary in the interest of justice. Such compensation shall not in any one case exceed five pesos for the testimony of the physician or surgeon so summoned, and the payment shall be made upon the certificate of the judge presiding at the trial that the witness attended and testified, that the case is an exceptional and meritorious one, and that compensation ought to be allowed. The total expenditure under the provisions of this section shall not exceed five hundred pesos a year.

SEC. 49. Assessors in the courts in the city.—The aid of assessors in the trial of any civil or criminal action in the municipal court, or the Court of First Instance, within the city, may be invoked in the manner provided in the Code of Civil Procedure. It shall be the duty of the Municipal Board to prepare one list of the names of twenty-five residents of the city best fitted by education, natural ability, and reputation for probity to sit as

assessors in the trial of actions in the municipal court and a like list of persons to sit as assessors in the trial of action in the Court of First Instance. The Board may at any time strike any name from the list so prepared, by reason of the death, permanent disability, or unfitness of the person named; and in case names are so stricken out, other names shall be added in their place, to be selected as in this section provided. Parties desiring to avail themselves of the use of assessors in the municipal court or Court of First Instance shall proceed as provided for by law or rules of court; and the method of summoning assessors, enforcing their attendance, excusing them from attendance, their compensation, oath, duties and effect of dissent from the opinion of the judge shall be as provided in those laws or rules.

SEC. 50. Judicial notice of ordinances.—All courts sitting in the city shall take judicial notice of the ordinances Passed by the Municipal Board.

ARTICLE X.—The Fire Department

SEC. 51. Powers and duties of chief.—There shall be chief of the fire department, with a salary of eight thousand four hundred pesos per annum, who shall have the management and control of all matters relating to the administration of said department, and the organization government, discipline, and disposition of the fire forces; shall have charge of fire-engine houses, fire engines, hose carts, hooks and ladders, trucks, and all other fire apparatus; shall have full police powers in the vicinity of fires; shall have authority to remove any building or other property whenever it shall become necessary to prevent the spreading of fire or to protect adjacent property; shall investigate and report to the mayor upon the origin and cause of all fire occurring within the city; shall inspect all buildings erected or under construction or repair within the city and determine whether they provide sufficient protection against fire and comply with the ordinance relating thereto; shall have charge of the city telegraph, telephone, and fire-alarm service; notwithstanding existing law to the contrary, shall have exclusive power to supervise and regulate the stringing, grounding and installation of wires for all electrical connections with a view to avoiding conflagrations, interference with public traffic or safety, or the necessary operations of the fire department; shall supervise and regulate the manufacture, storage, and use of petroleum, gas, acetylene, gun-powder, and other highly combustible matter and explosives; and shall see that all ordinances relating to these subjects, or any of them are enforced.

ARTICLE XI.—Department of Finance

SEC. 52. Powers and duties of the city treasurer.— There shall be a city treasurer with a salary of nine thousand pesos per annum, who shall have charge of the department of finance and shall act as chief fiscal officer and financial adviser of the city and custodian of its funds. The city treasurer shall exercise the functions of municipal collector of taxes; shall collect all taxes and assessments due the city, all licenses authorized by law or ordinance, and all rents due for lands, markets, and other property owned by the city; shall administer markets and slaughterhouses and shall receive and receipt for all costs, fees, fines, and forfeitures imposed by the municipal court, from the clerks thereof, and the fees collected by the sheriff or his deputies, or by the justice of the peace.

He shall collect all miscellaneous charges made by the department of engineering and public works and by other departments of the city government, and all charges made by the city engineer for inspections, permits, licenses, and the installation, maintenance, and services rendered in the operation of the private privy system.

He shall collect, as deputy of the Collector of Internal Revenue, by himself or deputies, all taxes and charges imposed by the National Government, upon property or persons in the City of Manila, depositing daily such collections in the National Treasury.

Unless otherwise specifically provided by law or regulations, he shall perform in and for the city the duties

imposed by law or regulation upon provincial treasurers generally, as well as the other duties imposed upon him by the succeeding sections of this chapter.

He shall purchase and issue all supplies, equipment or other property required by the city through the Purchasing Agent, or otherwise, as may be authorized, subject to the general provisions of law relating thereto.

He shall be accountable for all funds and property of the city and shall render such accounts in connection therewith as may be prescribed by the Auditor General.

He shall deposit daily all municipal funds and collections in the National Treasury or in a Government depository.

On or before the first day of April of each year, the city treasurer shall present to the mayor a certified detailed statement by departments of all receipts and expenditures of the city pertaining to the preceding fiscal year, and to the current fiscal year to and including March thirty-first, together with an estimate of the receipts and expenditures for the remainder of the current fiscal year; and he shall submit with this statement a detailed estimate of the revenues and receipts of the city from all sources for the ensuing fiscal year. Upon receipt of this statement and estimate and the estimates of department heads as required by section twenty-one, the Mayor shall formulate and submit to the Municipal Board before the fifteenth day of April next following, a detailed budget covering the estimated necessary expenditures for the ensuing fiscal year; and the Municipal Board shall thereupon make detailed appropriations covering such estimated expenditures: Provided, however, That in no case shall the aggregate amount of such appropriations exceed the estimate of revenues and receipts submitted by the city treasurer as provided above. Supplemental budgets, formulated in the same manner, may be adopted when special or unforeseen circumstances make such action necessary. Without further action by the Municipal Board, disbursements of municipal funds may be made by the city treasurer, out of the authorized appropriations, upon properly executed vouchers bearing the approval of the chiefs of the departments concerned, and on or before the twenty-fifth day of each month said city treasurer shall furnish the mayor and the Municipal Board for their administrative information a statement of the appropriations, expenditures and balances of all funds and accounts as of the last day of the month preceding.

ARTICLE XII.—Department of Assessment

SEC. 53. Powers and duties of the city assessor.—There shall be a city assessor, with a salary of eight thousand four hundred pesos per annum who shall have charge of the department of assessment. The city assessor and his authorized deputies, who are empowered to administer any oath authorized to be administered in connection with the valuation of real estate for the assessment or collection of taxes, shall appraise and value all the real estate not expressly exempt, except machines, mechanical contrivances, instruments, tools, implements, appliances apparatus, and paraphernalia used for industrial, agricultural, or manufacturing purposes which shall be excluded from such valuation and assessment whether or not attached to lands or buildings. He shall prepare and file with the city treasurer before April first of every year a list of the real estate so valued which is exempt from taxation and a separate list of the taxable real estate: Provided, nevertheless, That if any taxpayer desires to pay his tax before April first the city assessor must furnish the city treasurer upon request a certified list of the assessed value of the real estates of such taxpayer pertaining to the year for which the tax is offered to be paid.

Whenever the words "city assessor and collector" occur in this Article in relation to any matter pertaining to assessment, or property falling under such department, the same shall be deemed to mean the city assessor, and all the duties and powers heretofore devolving upon such officer shall hereafter be performed and exercised by the city assessor.

SEC. 54. Real property exempt from taxation.—The following shall be exempt from taxation:

- Lands or buildings owned by the Government of the Philippines or the City of Manila, and burying grounds, churches and their adjacent parsonages, and convents, and lands or buildings used exclusively for religious, charitable, scientific, or educational purposes, and not for profit; but such exemption shall not extend to lands or buildings held for investment, though the income therefrom be devoted to religious, charitable, scientific, or educational purposes.

- Lands or buildings which are the only real property of the owner, and the value of which does not exceed five hundred pesos.

SEC. 55. List of taxable real estate.—The city assessor and collector shall make the list of the taxable real estate in the city by districts, and the names of the owners in each district shall be arranged in the order of the lot and block numbers with a brief description opposite each such name of the property owned by such owners and the cash value thereof. In making this list, the city assessor and collector 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 and his authorized representatives are empowered to enter upon the real estate for the purpose of examining and measuring the same, and to summon witnesses, administer oaths to them, and subject them to examination concerning the ownership and the amount of real estate in each district and its cash value. It shall be the duty of the city assessor and collector, so far as is necessary to examine the records of the office of the register of deeds showing the ownership of real estate in the city.

SEC. 56. Declaration by real estate owner.—It shall be the duty of each person who at any time acquires real estate in the city, and of each person who constructs or adds to any improvement on real estate owned by him within the city, to prepare and present to the city assessor and collector, within a period of sixty days next succeeding the completion of such acquisition, construction or addition, a sworn declaration setting forth the value of the real estate acquired or the improvement constructed or addition made by him and containing a description of such property sufficient to enable the city assessor and collector readily to identify the same. Any person who fails to make and present such declaration of real estate newly acquired by him within the said period of sixty days shall be deemed to have waived his right to notice of the assessment of such property, and the assessment of the same in the name of its former owner shall, in all such cases, be valid and binding on all persons interested, and for all purposes, as though the same had been assessed in the name of its actual owner.

SEC. 57. Failure to make return.—If the owner of any parcel of real estate shall fail to make a return thereof, or if the city assessor and collector is unable to discover the owner of any real estate, he shall nevertheless list the same for taxation, and charge the tax against the true owner, if known, and if unknown then as 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 improvement thereon, a separate assessment of the property of each shall be made.

SEC. 58. Unlisted real estate.—If it shall come to the knowledge of the city assessor and collector that any taxable real estate in the city has escaped listing, it shall be his duty to list and value the same at the time and in the manner provided in the next succeeding section and to charge against the owner thereof the taxes due for the current year and for all other years since the original assessment under the city charter was made, and the taxes thus assessed shall be legal and collectible by all the remedies herein provided, and if the failure of the city assessor and collector to assess such taxes at the time when they should have been assessed was due to any fault or negligence on the part of the owner of such property, then penalties shall be added to such back taxes as though they had been assessed at the time when they should have been assessed.

SEC. 59. Revision of assessment.—The city assessor and collector shall, during the first fifteen days of December

of each year, add to his list of taxable real estate in the city the value of the improvements placed upon such property during the preceding year, and any property which is taxable and which has theretofore escaped taxation. He may during the same period revise and correct the assessed value of any or all parcels of real estate in the which are not assessed at their true money value, by or increasing the existing assessments as the may be. He shall give notice by publication for ten prior to December first in two newspapers of general circulation published in the city, that he will be present in his office for that purpose on said days, and he shall further notify in writing each person the amount of whose tax will be changed by such action or such proposed change by delivering or mailing such notification to such person or his authorized agent at the last known address of such owner or agent in the Philippines sometime in the month of November.

SEC. 60. Certificate of listed real estate.—The city assessor and collector shall authenticate each list of real estate valued and assessed by him as soon as the same is completed by signing the following certificate at the foot thereof:

"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 taxed by law in the City of Manila has been omitted from the list, according to the best of my knowledge and belief.

"-----"

(Signature)

SEC. 61. Board of Tax Appeals.—The Board of Tax Appeals shall be composed of seven members who shall be appointed by the President of the Philippines on the first day of January every four years, four of whom shall be owners of real estate in the city.

The members of the Board of Tax Appeals, except the chairman, shall receive a compensation of twenty pesos for each day on which they attend the sessions and serve as members of the Board.

The chairman of the Board of Tax Appeals shall be designated in the appointment of the President and shall receive forty pesos for each day on which he attends the sessions. The secretary of the Board shall be appointed by the chairman thereof with the concurrence of a majority of its members and shall keep the records of proceedings of the Board. The secretary shall receive such salary as the Board may fix.

SEC. 62. Oath of members.—Before organizing as such, the members of the board of tax appeals shall take the following oath before an officer authorized to administer an oath in the City.

"I do solemnly swear (or affirm) that I will well and truly hear and determine all matters and issues between taxpayers and the city assessor and collector 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)

The oath of each member shall be recorded by the secretary of the board in the minutes of its proceedings.

SEC. 63. Proceedings before Board of Tax Appeals.—The board of tax appeals shall meet on the second Monday in January of each year, shall hear all appeals duly transmitted to it, shall decide the same forthwith, and shall

complete its work and adjourn on or before the thirty-first day of March of each year unless its sessions for any given year are extended to a later date by direction of the Secretary of the Interior. It shall have authority to cause to be amended the listing and valuation of the property in respect to which any appeal has been perfected by order signed by the board or majority thereof, and transmit it to the city assessor and collector, who shall amend the tax list in conformity with said order. It shall also have power to revise and correct, with the approval of the Department Head first had, any and all erroneous or unjust assessments and valuations for taxation, and make a correct and just assessment, and state the true valuation, in each case where it decides that the assessments previously made are erroneous or unjust. The list when so corrected shall be as lawful and valid for all purposes as though the assessments had been made within the time herein prescribed. Such reassessments and revaluation shall be made on due notice to the individual concerned and he shall be entitled to be heard by the board of tax appeals before any reassessment or revaluation is made. The decision of the board of tax appeals shall be final unless the Secretary of Finance forthwith declares the decision reopened for a review by him, in which case he may, with the approval of the Department Head, make such revision or revaluation as in his opinion the circumstances justify. Such decision, approved by the President of the Philippines, shall be final.

SEC. 64. Annual real estate tax.—An annual tax of one and one-half per centum on the assessed value of all real estate in the city subject to taxation as hereinbefore provided is hereby levied. The tax for any year shall be due on the first day of January and becomes payable on or before the thirtieth day of June of each year, and if any taxpayer shall fail to pay taxes assessed against him on or before the thirtieth day of June of the year for which such taxes are due, he shall be delinquent in such payment and shall be subject to a penalty of ten per centum of the amount of the original tax due, if payment is made during the first and second months of delinquency, and thereafter, to an additional penalty of two per centum for each month or fraction thereof of delinquency but in no case shall the total penalty on each annual tax exceed twenty-four per centum of the original tax, the penalty to be collected at the same time and in the same manner as the original tax.

At the option of the taxpayer, the tax due for any year may be paid in two installments, the first of such installments to consist of one per centum of the assessed valuation of the property and second to consist of the remainder of the tax for the year. In such cases the first installment must be paid on or before the thirtieth day of June of the year for which the tax is due, and the second may be paid at any time prior to the first day of January of the following year, but if the first installment of the tax for any year is not paid on or before the thirtieth day of June of such year, then the whole of the year's tax shall be delinquent and the penalty due thereon as hereinbefore provided. If any taxpayer, having paid the first installment of his tax for any year, shall fail to pay the second installment thereof before the first day of January of the following year, he shall be subject to a penalty of ten per centum of such delinquent installment, if payment is made during the first and second months of delinquency and thereafter to an additional penalty of two per centum for each month or fraction thereof of delinquency; but in no case shall the total penalty on such unpaid tax exceed twenty-four per centum, of the amount due.

The penalties thus imposed shall be accounted for by the city treasurer in the same manner as the tax. In the event that such tax and penalty shall remain unpaid for fifteen days after the tax becomes delinquent the city treasurer shall proceed to make collection thereof in the manner hereinafter prescribed.

The Municipal Board may extend the time for the collection of the tax on real estate in the City of Manila for a period not to exceed three months. It may also remit all or part of the tax on real estate or the penalties thereon during the ensuing year in case there are good and sufficient reasons for it. The resolution in any such case shall not take effect until it has been approved by the President of the Philippines.

The President may, in his discretion, extend the time for the collection of the tax on real estate in Manila until a date within the same calendar year and may also remit or reduce the tax on real estate during any year if he deems

it to be in the public interest.

SEC. 65. Distraint of personal property.—Fifteen days after the tax shall become delinquent the city assessor and collector shall prepare and sign a certified copy of the records of his office showing the persons delinquent in payment of their taxes and the amount of tax and penalty respectively due from them. He may thereupon proceed to seize the personal property of each delinquent not exempt under the provisions of the next succeeding section, and, unless redeemed as hereinafter provided, to sell at public auction, either at the main entrance of the City Hall 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 for ten days at the main entrance of the City Hall and at a public and conspicuous place in the district where the property was seized, stating the time, place, and cause of sale. The certified copy of the city assessor and collector's record of delinquents shall be his 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 assessor and collector shall make return of his proceedings and spread it upon his record. 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.

SEC. 66. Exempt personal property.—The following personal property shall be exempt from seizure and sale for delinquency in the payment of the real estate tax:

- Tools and implements necessarily used by the delinquent in his trade or employment.
- One horse or cow, or carabao, or other beast of burden, such as the delinquent may select, and necessarily used by him in his ordinary occupation.
- His necessary clothing, and that of all his family.
- Household furniture and utensils necessary for housekeeping, and used for that purpose by the delinquent, such as he may select, of a value not exceeding two hundred pesos.
- Provisions actually provided for individual or family use sufficient for three months.
- The professional libraries of lawyers, judges, clergymen, doctors, schoolteachers, and music teachers, not exceeding five hundred pesos in value.
- One fishing boat and net, not exceeding the total value of one hundred pesos, the property of any fisherman, by the lawful use of which he earns a livelihood.

SEC. 67. Redemption of property seized.—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 the 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. 68. Tax lien.—Taxes and penalties assessed against realty shall constitute a lien thereon, which 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 of the tax and penalty. A lien upon real estate for taxes levied for each year shall attach on the first day of January of such year.

SEC. 69. Tax sale.—In addition to the procedure prescribed in section sixty five hereof the city assessor and collector may, upon the warrant of the certified record required in said section, not less than twenty days after 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 with penalties and costs of sale, for a period of thirty days.

The advertisement shall be by posting a notice at the main entrance of the City Hall and in a public and conspicuous place in the district in which the real estate lies, and by publication once a week for three weeks, in a newspaper of general circulation published in the city if any there be. Publication in the Official Gazette shall not be required for such notice. The advertisement shall state the amount of the taxes and penalties so due, the time and place of sale, the name of the taxpayers against whom the taxes are levied, and the approximate area, the lot and block number, the location by district and street, and the street number, if the property has a street number, of the real estate 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 assessor and collector. If he does not do so the sale shall proceed and shall be held either at the main entrance of the City Hall or on the premises to be sold, as the city assessor and collector may determine. Within five days after the sale the city assessor and collector shall make return of the proceedings and spread it in his records. The purchaser at the sale shall receive a certificate from the city assessor and collector from his records showing the proceedings of the sale, describing the property sold, stating the name of the purchaser, and setting out the exact amount of all public taxes, penalties and costs.

It shall not be essential to the validity of a sale of real estate for delinquent taxes hereunder that the city assessor and collector shall have attempted to make the amount due out of the personal property of the delinquent taxpayer, and the remedy provided in section sixty-five hereof shall be deemed cumulative only.

SEC. 70. Redemption of real estate.—Within one year from the date of sale the delinquent taxpayer, or anyone for him, shall have the right of paying to the city assessor and collector the amount of the public taxes, penalties, and costs together with interest on the purchase price at the rate of fifteen per centum per annum from the date of purchase to the date of the redemption; and such payment shall entitle the person paying to the delivery of the certificate issued to the purchaser and a certificate from the city assessor and collector that he has thus redeemed the real estate and the city assessor and collector shall forthwith pay over to the purchaser the amount by which such real estate has thus been redeemed and the same shall thereafter be free from the lien of such taxes and penalties.

SEC. 71. Tax deed.—In case the taxpayer shall not redeem the realty sold as above provided within one year from the date of sale, the city assessor and collector shall, as grantor, execute a deed in form and effect sufficient 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 deed shall succinctly recite all the proceedings upon which the validity of the sale depends.

SEC. 72. Forfeiture of real estate.—In case there is no bidder at the public sale of such realty who offers a sum sufficient to pay the taxes, penalties, and costs, the city assessor and collector shall declare the real estate 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.

SEC. 73. Conveyance to city.—Within one year from the date of such forfeiture thus declared the taxpayer, or anyone for him, may redeem said realty as above provided in cases where the same is sold. But, if the realty is not thus redeemed within the year, the forfeiture shall become absolute and the city treasurer shall execute a deed, similar in form as having the same effect as the deed required to be made by him in case of a sale, conveying the real estate to the city. The deed shall be recorded as required by law for other real estate titles and shall then be forwarded to the mayor for notation and return to the city treasurer who shall file the same and enter it in his records of city property.

SEC. 74. Repurchase by owner after absolute forfeiture.—After the title to the property shall have become

absolutely vested in the Government of the City of Manila in the manner above provided, and at any time before a sale or contract of sale has been made by the city treasurer to a third party in the manner provided for by law, the original owner or his legal representative shall have a further right to repurchase the entire amount of the property in question by paying therefor the full amount then due for taxes, penalties, and costs, together with an additional penalty of fifteen per centum upon the whole, and if the City Mayor has made a contract for the lease of the property the repurchase may be made subject to such contract.

SEC. 75. Civil action to collect tax debt.—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 the other remedies provided by law.

SEC. 76. Suits assailing validity of tax.—No court shall entertain any suit assailing the validity of a tax assessed under this article 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 times herein 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 article invalid except upon condition that the taxpayer shall pay the just amount of his tax as determined by the court in the pending proceeding.

SEC. 77. Suits assailing validity of tax sale.—No court shall entertain any suit assailing the validity of a tax sale of real estate under this article until the taxpayer shall have paid into the court the amount for which the real estate 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 depositor should he fail in his action. Nor shall any court 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 failures shall have impaired the substantial rights of the taxpayer.

SEC. 78. Funds allocated for schools.— One fourth of all moneys realized from the real estate tax herein provided for shall be devoted exclusively to the support or free public primary schools of the city, and to the erection and maintenance of suitable school buildings. The Municipal Board may, however, appropriate from the general resources of the city additional funds for the support of these and other duly authorized public schools and the maintenance of school buildings.

ARTICLE XIII.—Health Department

SEC. 79. Powers and duties of the city health officer.— There shall be a city health officer, with a salary of nine thousand pesos per annum, who shall have charge of the Health Department. He shall have the following general powers and duties:

- He shall have general supervision and control over the health and sanitary condition of the city, including the cleaning of crematories, cemeteries, stockyards, slaughterhouses, and markets
- He shall have control and supervision over puericulture centers and social services of the city.
- He shall execute and enforce all laws, ordinances, and regulations relating to public health.
- He shall, upon the approval of the Director of Health, recommend to the Municipal Board the passage of ordinances as he may deem necessary for the preservation of public health.

- He shall cause to be prosecuted all violations of sanitary laws, ordinances, or regulations.
- He shall make sanitary inspections and may be aided therein by such members of the police force of the city as shall be designated as sanitary police by the chief of police and by such sanitary inspectors as may be authorized by law.
- He shall perform such other duties with reference to the health and sanitation of the city as the Director of Health shall direct: Provided, That the appointment of technical persons shall be made only with consultation of the Director of Health, and nothing in this law shall be interpreted as to curtail the power and duties conferred by existing laws to the Director of Health over the City of Manila as a part of the Philippines, and that the Director of Health shall continue to have technical supervision and control over the health work of the city.
- In case of epidemic or when the inhabitants of the City of Manila are menaced by any other infectious or contagious disease, the Director of Health shall assume full control of the health and sanitation services of the city until such condition shall have ceased to exist.

ARTICLE XIV.—Department of Public Services

SEC. 80. City Public Service Officer.—There shall be a city public service officer, with a salary of eight thousand four hundred pesos per annum who shall have charge of the Department of Public Services. He shall have the following general powers and duties:

- He shall have general supervision and control over the sanitary building and plumbing inspection service; care, custody and cleaning of all public buildings including markets and slaughterhouses and buildings rented for city purposes; public toilets; collection and disposal of garbage, refuse, contents of toilets and cesspools, and all other offensive and dangerous substances within the city.
- He shall have authority to charge, at rates to be fixed by the Municipal Board with the approval of the Secretary of the Interior, fees for public services and supplies furnished by his department to private parties.
- He shall have authority to declare that any lot or ground within the City of Manila belonging to any person or corporation or to the National Government, or any branch or political subdivision thereof, is so low, excavated or walled, diked or dammed as to admit or cause the formation
- on the surface thereof of stagnant or foul water, or that it is a nuisance or a menace to public health, unless filled in or its sanitary condition otherwise improved, and shall communicate same to the Mayor.
- He shall execute and enforce all laws, ordinances, and regulations relating to public services.
- He shall recommend to the Municipal Board the passage of ordinances as he may deem necessary for the better and more adequate extension of public services.
- He shall cause to be prosecuted all violations of laws, ordinances or regulations relating to public services.

ARTICLE XV.—Special Assessments for Public Improvements

SEC. 81. Power to levy.—The Municipal Board may, by ordinance duly approved, provide for the levying and collection, by special assessments of the real estate comprised within the district or section of the city especially benefited, of the cost, or a part thereof not less than sixty per centum, of laying out, opening, constructing, straightening, widening, extending, grading, paving, curbing, walling, deepening, or otherwise establishing, repairing, enlarging, or improving public avenues, roads, streets, alleys, sidewalks, parks, plazas, bridges, landing places, wharves, piers, docks, levees, reservoirs, waterworks, water mains, water courses, esteros, canals, drains, and sewers, including the cost of acquiring the necessary land. Within the meaning of this article, all real estate

comprised within the district benefited, except lands or buildings owned by the Government of the Philippines, or the City of Manila, shall be subject to the payment of the special assessment, based upon the valuation of such real estate as shown by the books of the city assessor, or its present value as fixed by said officer in the first instance if the property does not appear of record in his books according to the valuation whereof the special tax has to be made, computed and assessed.

SEC. 82. Contents of ordinance.—The ordinance providing for the levying and collection of a special assessment shall describe in terms of reasonable accuracy the nature, extent, and the location of the proposed improvement; the probable cost of the improvement; the rate per centum of the cost to be defrayed by special assessment; the district which shall be subject to the payment of the said rate per centum of the proposed improvement, delimiting the same by metes and bounds, and the number of annual installments, which shall not be less than five, in which such special assessment shall be paid without any interest. The Municipal Board shall not be required to fix one uniform rate per centum for all the taxable real estate in the entire district, but may fix different rates for real estate in different parts or sections of the same, according as said property will derive greater or less benefit from the contemplated improvement.

SEC. 83. Publication and hearing.—The proposed special assessment ordinance shall be published for the period of one week in two daily newspapers published in the city, one in English and one in the Spanish language, before its adoption by the Board. The secretary of the Municipal Board, shall, upon request, furnish a copy of the proposed ordinance free of charge to each owner affected or his agent, and shall in so far as possible send each of them a copy of said proposed ordinance, by ordinary mail or otherwise. At the request of any owner, made within three days from the last publication of the proposed ordinance, or at its own motion, the Board or the committee thereof in charge of the project shall hold a public hearing on the same and hear all pertinent arguments and evidence offered by the persons interested or their attorneys, and such arguments and evidence shall be attached to the records of the project.

SEC. 84. Transmittal to the Mayor.—The special assessment ordinance shall be sent to the Mayor for approval as in the other cases, but upon forwarding the proposed ordinance passed by the Board, all papers pertaining to the same shall also be transmitted to the mayor, and the time for the approval or vetoing thereof shall run only from the date of the receipt of the last paper lacking. The Mayor may consider the protest of the persons claiming to be affected if signed by a majority of said persons representing more than one-half of the total assessed value of the property which, according to the proposed ordinance would be subject to the special assessment, and before approving or vetoing said ordinance, he may propose to the Municipal Board such amendment or amendments to the same as he may see fit.

SEC. 85. Assessment of tax.—Upon the approval of the special assessment ordinance, the city assessor and collector shall forthwith proceed to determine the special tax payable by each realty each year during the period fixed in the ordinance, upon the basis of the estimated cost of the work and the total and parcel value of the real estate comprised within the district especially benefited, and shall notify each owner by ordinary mail of the special tax assessed against each property owned by him in the district benefited; but if upon the completion of the improvement, it should appear that the cost has been less or more, the city engineer shall forthwith certify this fact to the assessor and collector, who shall thereupon proceed to rectify the assessment, reducing or increasing, as the case may be, the special tax upon each property affected for the unpaid remainder of the annual installments, or, if all are paid, fixing the amount to be credited to or the special additional tax to be collected from the realty, as the case may be, and shall notify the persons interested of such rectifications.

SEC. 86. Appeal.—Any owner considering himself aggrieved by any decision of the city assessor and collector, may appeal from the same to the Board of Tax Appeals in the same time and in the same manner as prescribed by

law for cases of assessment and valuation of real estate for the ordinary tax.

SEC. 87. Payment.—All sums and amounts due from any owner or owners as a result of any action taken by virtue of the authority conferred in this article shall be due and payable to the city assessor and collector in the same manner as the annual tax levied on real estate under the provisions of the last preceding article hereof, and shall be subject to the same penalties for delinquency, and enforceable by the same remedies, as such annual tax; and all such sums and amounts together with any such penalties incurred, shall from the date on which they were assessed constitute liens on the property against which the same were assessed and shall take precedence over any and all other liens which may exist upon such property excepting only such as may have attached as a result of the nonpayment of said annual tax.

ARTICLE XVI.—Special Assessments for National Roads

SEC. 88. Assessment by direction of the Presidents.— When the President of the Philippines shall so direct it, the Municipal Board of the City of Manila, as an agency of the National Government, shall provide, by means of an ordinance, for the levying and collection, by special assessments of the real estate within the district or section of the City of Manila especially benefited, of the cost or a part thereof to be determined by the President, of laying out, opening, constructing, straightening, widening, extending, grading, paving, curbing, walling, deepening, or otherwise establishing, repairing, enlarging, or improving national roads, in the City of Manila, including the cost of acquiring the necessary land and improvements therein. Within the meaning of this section, all real estate comprised within the district or section benefited, except lands or buildings owned by the Republic of the Philippines, or the City of Manila, shall be subject to the payment of the special assessment, based upon the valuation of such real estate as shown by the books of the city assessor, or its present value as fixed by said officer in the first instance if the property does not appear of record in his books according to the valuation whereof the special tax has to be made, computed and assessed.

SEC. 89. Contents of ordinance.—The ordinance providing for the levying and collection of a special assessment shall describe in terms of reasonable accuracy the nature, extent, and location of the national road project to cover the cost of which the special assessment is to be levied; the probable or actual cost thereof; the rate per centum, as shall be determined by the President, of the cost to be defrayed by special assessment; the district or section which shall be subject to the payment of the said special assessment, delimiting the same by metes and bounds and the number of annual installments, which shall not be less than five, in which such special assessment shall be paid, without any interest.

The Municipal Board of the City of Manila shall not be required to fix one uniform rate per centum for all the taxable real estate in the entire district or section, but may fix different rates for real estate in different parts or sections of the same, according as said property will derive greater or less benefit from the improvement.

SEC. 90. Publication and hearing.—The proposed special assessment ordinance shall be published in the Official Gazette for a period of not less than ten days and shall be posted at the usual places for posting public notices, in the office of the Director of Public Works and in the office of the city engineer and also at conspicuous places in the district or section of the city where such national road project is constructed or contemplated to be constructed. The secretary of the Municipal Board shall, upon request, furnish a copy of the proposed ordinance, by ordinary mail or otherwise. Within three days after the last publication of the special assessment ordinance, the Board or the committee in charge of the project shall hold a public hearing on the same and hear all pertinent arguments and evidence offered by the persons interested or their attorneys and such arguments and evidence shall be attached to the proper records.

SEC. 91. Transmittal to Mayor.—The special assessment ordinance together with all the papers pertaining to the

same shall be sent for approval to the Mayor, as in other cases, and the time for the approval or vetoing thereof shall run only from the date of the receipt of the last paper lacking. The Mayor may receive protests of persons claiming to be affected, provided such protests be signed by a majority of said persons representing more than one-half of the total assessed value of the property which according to the proposed ordinance would be subject to the special assessment, and before approving or vetoing said ordinance, he may propose to the Municipal Board, either the parties affected or the city engineer through the Director of Public Works may appeal to the President of the Philippines, whose decision shall be final.

SEC. 92. Assessment of tax.—Upon the approval of the special assessment ordinance, the city assessor and collector shall forthwith proceed to determine the special tax payable by each realty during the period fixed in the ordinance, upon the basis of the estimated or actual cost of the work and the total and parcel value of the real estate comprised within the district especially benefited, and shall notify each owner by ordinary mail of the special tax assessed against such property owned by him in the district benefited, but if upon the completion of the improvement, in cases where the assessment is made prior to the completion thereof, it should appear that the cost has been less or more, the city engineer through the Director of Public Works, shall forthwith certify this fact to the city assessor and collector who shall thereupon proceed to rectify the assessment, reducing or increasing, as the case may be, the special tax upon each property affected, for the unpaid remainder of the annual installments, or if all are paid, fixing the amount to be credited to or the special additional tax to be collected from the realty, as the case may be, and shall notify the persons interested of such rectification.

SEC. 93. Appeal.—Any owner considering himself aggrieved by any decision of the city assessor and collector may appeal from the same to the Board of Tax Appeals within the same time and in the same manner as prescribed by law for cases of assessment and valuation of real estate for the ordinary tax.

SEC. 94. Payment—All sums and amounts due from any owner or owners as a result of any action taken by virtue of the authority conferred in this Act shall be due and payable to the city treasurer in the same manner as the annual tax levied on real estate under provisions of Article XII of this Act, and shall be subject to the same penalties for delinquency, and enforceable by the same remedies, as such annual tax; and all such sums and amounts, together with any such penalties incurred, shall from the date on which they were assessed constitute liens which may exist upon such property excepting only such as may have attached as a result of the nonpayment of said annual tax: Provided, however, That the proceeds thereof shall accrue to the National Treasurer as a special fund for the construction, improvement, and maintenance of national roads within the the City of Manila, to be allotted by the Secretary of Public Works to such projects upon the recommendation of the Director of Public Works.

ARTICLE XVII.—Regulation of Places of Amusements and Sale of Intoxicating Liquors

SEC. 95. All laws and executive orders existing at the time of the approval of this Act referring to the regulation of nightclubs, cabarets, dancing schools, pavilions, cockpits, bars, saloons, bowling alleys, billiard pools, boxing contests and other places of amusements, and regulations for the sale of intoxicating liquors, shall be inoperative within the City of Manila, and the power to promulgate such regulations shall be vested in the Municipal Board and the Mayor by ordinance.

SEC. 96. Notwithstanding the provisions of the preceding section such laws and executive orders existing at the time of the approval of this Act shall continue in force within the City of Manila until the Municipal Board and the Mayor shall by ordinance provide otherwise.

ARTICLE XVIII.—Acquisition and Administration of Landed Estates

SEC. 97. All lands, estates, or haciendas in the City of Manila already purchased or to be purchased by the National Government for resale to their bona fide tenants or occupants shall be administered by the city through the Mayor, in accordance with ordinances, to be approved by the Municipal Board. For this purpose, all duties, functions, powers and obligations heretofore imposed upon, or exercised or assumed by the Rural Progress Administration in connection with said lands, estates or haciendas are hereby transferred to the City of Manila.

SEC. 98. The Municipal Board shall by ordinance fix the terms and conditions for resale of the lots in the lands, haciendas or estates mentioned in section one: Provided, That (a) in such resale, first priority shall be given to the bona fide tenants or occupants of the land, hacienda or estate at the time the same was purchased by the National Government, and second priority to laborers and low-salaried employees; (b) the price to be fixed shall not exceed that which is sufficient to cover the purchase price paid by the National Government plus the cost of surveying, subdividing and laying of boundaries and monuments, etc, if the same had not been already made at the time of purchase; (c) in the case of lots sold on the installment plan, no interest shall be charged in excess of four per centum per annum of the unpaid balance; (d) no cost or expenses of administration of any kind shall be imposed upon the buyers of lots; (e) lands or areas reserved for streets, alleys or other public improvements shall be paid by the City of Manila and shall not be charged to the buyers, but for this purpose, the city shall be considered as a bona fide tenant and shall be entitled to such terms, installments, and other conditions as any other bona fide tenant; and (f) no rent shall be charged to the bona fide tenants or occupants from the time the lands, haciendas or estates were bought by the National Government to the time the lots into which they have been subdivided were sold to the bona fide tenants or occupants.

SEC. 99. All contracts made and existing at the time of the approval of this Act in connection with the resale of the lots herein mentioned shall be revised and readjusted to conform with the conditions set forth in the proviso of the preceding section and any additional conditions prescribed by the Municipal Board, in so far as they are favorable to the purchasers of said lots. All rents paid by the bona fide tenants or occupants to the National Government at the time of approval of this Act shall be credited in their favor as part of the purchase price for the respective lots.

SEC. 100. The City of Manila is authorized to acquire private lands in the city and to subdivide the same into home lots for sale on easy terms to city residents, giving first priority to the bona fide tenants or occupants of said lands, and second priority to laborers and low-salaried employees. For the purpose of this section, the city may raise the necessary funds by appropriations of general funds, by securing loans or by issuing bonds, and, if necessary, may acquire the lands through expropriation proceedings in accordance with law, with the approval of the President. The lands acquired under this section shall be administered in the same manner as those mentioned in section ninety-seven and the conditions prescribed in the proviso of section ninety-eight shall be applicable to the resale of the lands thus acquired.

ARTICLE XIX.—Final Provisions

SEC. 101. Elective members of the Municipal Board shall continue in office until the expiration of the term to which they were elected. The President, however, within one month after the approval of this Act shall designate the present members to represent the representative district where they have actually resided at least one year before the approval of this Act, provided, that if the number of members actually residing in one representative district shall exceed three, the excess may be temporarily designated to any other district until the general elections for members of the Board. If there are no sufficient members residing in one district to complete the representation of the district in the Board after all the present elective members have been designated, the President shall appoint the necessary members to fill all vacancies within one month following the approval of this Act, and such appointees shall hold office until the next general elections for members of the Municipal

Board.

SEC. 102. Chapter Sixty of the Revised Administrative Code and all laws or parts of laws inconsistent with this Act are hereby repealed.

SEC. 103. This Act shall take effect upon its approval.

Approved, June 18, 1949.

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