

AN ACT FOR THE ESTABLISHMENT AND MAINTENANCE OF AN EFFICIENT AND HONEST CIVIL SERVICE IN THE PHILIPPINE ISLANDS.

Act No. 5, September 19, 1900

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

SECTION 1. The Commission shall appoint three persons to be members of a board to be called the Philippine Civil Service Board. The Commission shall designate one of such persons as Chairman, and another as secretary, and may in its discretion designate from among the members of the Board a chief examiner.

SEC. 2. No person shall be eligible for appointment as a member of the Board unless he shall be a native of the Philippine Islands owing and acknowledging allegiance to the United States, or a citizen of the United States.

SEC. 3. Each member of the Board shall, during his incumbency, reside in Manila, and shall receive an annual salary of three thousand dollars and his necessary traveling expenses while in the discharge of his official duties. In case the Commission shall designate a member of the Board to act as chief examiner he shall receive in addition to his salary as a member of the Board a further annual compensation of five hundred dollars.

SEC. 4. The Board shall prepare rules adapted to carry out the purpose of this Act, which is hereby declared to be the establishment and maintenance of an efficient and honest civil service in all the executive branches of the Government of the Philippine Islands, central, departmental, and provincial, and of the city of Manila, by appointments and promotions according to merit and by competitive examinations where the same are practicable, and it shall be the duty of all officers in the Philippine civil service in the Departments and Offices to which any such rules may relate, to aid in all proper ways in carrying said rules and any modifications thereof into effect.

SEC. 5. This Act shall apply, except as hereinafter expressly provided, to all appointments of civilians to executive positions under—

- (a) The Military Governor;
- (b) The United States Philippine Commission;
- (c) The Treasurer for the Islands;
- (d) The Auditor for the Islands;
- (e) The Collector of Customs for the Islands;
- (f) The Collector of Inland Revenue for the Islands;
- (g) The Director of Posts for the Islands;
- (h) The Civil Service Board;
- (i) The Bureau of Forestry;
- (j) The Bureau of Mines;
- (k) The General Superintendent of Public Instruction;
- (l) Wardens of penitentiaries and prisons;
- (m) The Provost-Marshal-General of Manila;

(n) The Captain of the Port at Manila.

SEC. 6. The rules to be adopted by the Board shall provide—

(a) For the classification of all offices and employments specified in section five.

(b) For the appointment to those offices requiring technical, professional, or scientific knowledge by competitive or noncompetitive examinations or otherwise, as the Board shall determine.

(c) For the selection of members of the police force and of the fire department in the city of Manila and of guards at prisons and penitentiaries by competitive or noncompetitive examination, or otherwise, as the Board, after consultation with the Military Governor and his approval, shall determine.

(d) For the selection of laborers, skilled and unskilled, according to the priority of their applications, by such noncompetitive examinations as may be practicable, and which need not, if the Board shall so limit them, relate to more than the capacity of the applicants to laborer, their habits of industry and sobriety, and their honesty.

(e) For the promotion of members of one rank of the classified service to the next higher rank by competitive examination. In the competition the Board may provide, in its discretion, for the allowance of credit to the previous experience and efficiency of the applicant in the civil service of the Islands, to be estimated by the officer or officers under whose direction the service has been rendered, under such limitations as the Board, by general rule, may prescribe: Provided, That such credit shall not be allowed to any applicant who shall not attain a minimum average per centum to be fixed by the Board.

(f) For a period of probation before the appointment or employment is made permanent.

(g) For the preparation and holding at Manila, Iloilo, and Cebu of open competitive examinations of a practical character for testing the fitness of applicants for appointment to the classified service, and the fitness of officers and employees for promotion therein; and for the preparation and holding of the same examinations in the United States under the auspices of the United States Civil Service Commission for original appointment.

(h) For selection, according to average percentage, from among those certified by the Board as rated highest in such competition.

(i) For transfers under limitations to be fixed by the rules from one branch of the classified service to another, or from the Federal classified civil service of the United States to the classified service of the Philippine Islands.

(j) For reinstatements in the service under limitations to be fixed by the rules.

(k) For the examination in the Spanish language of all applicants who are citizens of the United States and in the English language of all applicants who are natives of the Philippine Islands, whenever, in the opinion of the Board, knowledge of both language is essential to an efficient discharge of the duties of the positions sought.

(l) For the holding of noncompetitive examinations when applicants fail to compete after due notice has been given of an open competitive examination to fill an existing vacancy.

(m) For a thorough physical examination by a competent physician of every applicant for examination in the United States and for rejection of every such applicant found to be physically disqualified for efficient service in the Philippine Islands.

(n) For limitations upon the age of those entering the lowest rank of the classified service, the maximum age under which shall not be greater than forty years and the minimum age not less than eighteen.

(o) For eliciting from all applicants for examinations full information as to their citizenship, nativity, age,

education, physical qualifications, and such other information as may reasonably be required affecting their fitness for the service which they seek to enter.

(p) For the employment of clerks and other employees for temporary service where it is impracticable to make appointments as provided in this Act, for terms not exceeding ninety days, but no person shall be employed under this exception for more than ninety days in a year.

(q) The enumeration herein of the subjects to be covered by the rules of the Board shall not be regarded as exclusive, but the Board shall have power to adopt any rules not in violation of the limitations of the Act, which will more efficiently secure the enforcement of the Act.

SEC. 7. The Board shall keep minutes of its own proceedings, and on or before the first day of January of each year shall make an annual report to the Military Governor and to the Commission showing its proceedings, the rules which it has adopted, the practical effect thereof, and suggestions for carrying out more effectually the purpose of this Act.

SEC. 8. The Board shall supervise the preparation and rating and have control of all examinations in the Philippine Islands under this Act. The Board may designate a suitable number of persons in the Philippine civil service to conduct its examinations and to serve as members of examining committees, and when examiners with special, technical, or professional qualifications are required for the preparation or rating of examination papers, it may designate competent persons in the service for such special duty, after consultation with the proper officer, or officers under whom they are serving. The duties required of such persons as members of examining committees, or as special examiners, shall be considered as part of their official duties and shall be performed without extra compensation. When persons can not be found in the Philippine service with the necessary qualifications for special examining work that may be required, the Board is authorized to employ at a reasonable compensation persons not in public employment for such work, which compensation shall be paid out of the general funds appropriated for the purposes of the Board, on its order.

SEC. 9. The Board may make investigations and report upon all matters relating to the enforcement of this Act and the rules adopted hereunder, and in making such investigations the Board and its duly authorized examiners are empowered to administer oaths, to summon witnesses, and to require the production of official books and records which may be relevant to such investigation.

SEC. 10. The Board shall have a permanent office in the city of Manila. When examinations are to be held by the Board, either in Manila, Iloilo, or Cebu, officers having the custody of public buildings shall allow their reasonable use for the purpose of holding such examinations.

SEC. 11. The head of each office to which this Act applies shall notify the Board in writing without delay of all appointments, permanent, temporary, or probational, made in the classified service in his office, of all rejections after the period of probation, and of all transfers, promotions, reductions, resignations, or vacancies from any cause in said service, and of the date thereof; and a record of the same shall be kept by the Board.

SEC. 12. When the Board shall find that any person is holding a position in the civil service in violation of the provisions of this Act or the rules of the Board, it shall certify information of the fact to the disbursing and auditing officers through whom the payment of the salary or wages of such position is by law required to be made, and if thereafter the disbursing or auditing officer shall pay, or permit to be paid, to the person such salary or wages, the payment shall be illegal, the disbursing officer shall not receive credit for the same, and the auditing officer who authorizes the payment shall be liable on his official bond for the loss resulting to the proper government.

SEC. 13. Any person in the Philippine civil service who shall willfully or corruptly, by himself or in cooperation with one or more persons, defeat, deceive, or obstruct any person in the matter of his right of examination by said Board; or who shall willfully, corruptly, and falsely rate, grade, estimate, or report upon the examination or standing of any person examined hereunder; or who shall willfully and corruptly make any false representations relative thereto; or who shall willfully and corruptly furnish any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, or to be examined, employed, appointed or promoted, shall for each offense be punished by a fine not exceeding one thousand dollars, or by imprisonment for a period not exceeding one year, or by both such fine and imprisonment.

SEC. 14. Any person who shall willfully and corruptly become the beneficiary of an act in violation of the last preceding section shall be punished as provide in that section.

SEC. 15. No inquiry shall be made, and no consideration whatever shall be given to any information, relative to the political or religious opinions or affiliations of persons examined, or to be examined, for entrance into the service, or of officers or employees in the matter of promotion: Provided, however, That disloyalty to the United States of America as the supreme authority in these Islands shall be a complete disqualification for holding office in the Philippine civil service.

SEC. 16. Every applicant for admission to the Philippine civil service shall, before being admittd to examination int he Islands, take and subscribe the following oath before a justice of the peace in and for the province in which he is, or before a member of the Civil Service Board, the members of which are authorized to administer the same:

"OATH OF APPLICANT.

"I, _____, having applied for admission to the civil service of the Philippine Islands, do solemnly swear (or affirm) that I recognized and accept the supreme authority of the United States of America in these Islands and will maintain true faith and allegiance thereto; that I will obey the laws, legal orders, and decrees promulgated by its duly constituted authorities; that I impose upon myself this obligation voluntarily, without mental reservation or purpose of evasion. So help me God. (The last four words to be stricken out in case of affirmation.)

"(Signature) _____

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

" _____ "

The oath of the applicant shall be filed with the secretary of the Board.

SEC. 17. No officer or employee in the Philippine civil service shall, directly or indirectly, give or hand over to any other officer or employee in said service any money or other valuable thing to be applied to the promotion of any political object whatever, and a violation of this section by the giving or receiving officer or employee shall subject the violator to a penalty of not exceeding five hundred dollars or to imprisonment not exceeding six months, or both, and upon conviction he shall be removed from office.

SEC. 18. No person int he Philippine civil service shall be under obligation to contribute to a political fund or to render a political service, or be removed or otherwise prejudiced for refusing to do so. Any person soliciting political contributions from public officers or employees shall be subject to the same penalties as those provided in the preceding section.

SEC. 19. In the appointment of officers and employees under the provisions of this Act, the appointing officer in his selection from the list of eligibles to be furnished him by the Board shall, where other qualifications are equal, prefer:

First. Natives of the Philippine Islands. Second. All honorable discharged soldiers, sailors, and marines of the United States.

SEC. 20. The requirements of this Act for entrance into the civil service, or for promotion by competitive examination, shall not apply to the selection of the Treasurer for the Islands, the Auditor for the Islands, the Collector of Customs for the Islands, the Deputy Collector of Customs for the Islands, the Collector of Inland Revenue for the Islands, the Director of Posts for the Islands, the head of the Bureau of Forestry, the head of the Bureau of Mines, the Superintendent of Public Instruction, the members of the Civil Service Board, or of one private secretary for the Military Governor and for each member of the United States Philippine Commission. But, after eighteen months from the date when the Board shall certify that it has a sufficient list of eligibles to supply vacancies, vacancies occurring in all the foregoing offices, except in the private secretaryships above described, shall be filled without examination from a class to be composed of the first, second, and third assistants in all the foregoing offices, the intention of this provision being that the appointing power may, by virtue hereof, transfer from one office to another a person deemed competent to fill the vacancy.

SEC. 21. The requirements of this Act for entrance or promotion by competitive examination shall not apply to the office of cashier of the Collector of Customs for the Islands, to the Captain of the Port at Manila, to the collector of customs at Iloilo, and the collector of customs at Cebu, until one year after the date when the Board shall make the certificate prescribed in the preceding section, after which vacancies in such offices shall be filled by promotion by competitive examination as in other cases.

SEC. 22. The person now employed in the civil service of the Philippine Islands whose positions may be classified by the operation of this Act and the rules herein provided for shall, unless dismissed by proper authority, continue in the service and discharge the duties assigned them: Provided, That the Board may, in its discretion, require by rule that all such employees shall pass examinations practically adapted to show their fitness to fill the positions now held by them, and that in case of failure to pass such examinations to the satisfaction of the Board, they shall be dismissed from the service.

SEC. 23. This Act shall not apply to the selection of school-teachers of the Department of Public Instruction, for which special legislation will be provided.

SEC. 24. The rule to be prepared and certified by the Board shall be promulgated by executive order of the Military Governor.

SEC. 25. After the passage of this Act no civilian shall be employed in the offices specified in section five of this Act, except in accordance with its terms: Provided, That between the time of its passage and the date when the Board herein created shall officially inform the Military Governor and the Commission that it is ready to certify a list of persons eligible to appointment under the provisions of this Act for any vacancy occurring, appointments for temporary service may be made to fill vacancies or newly created offices, to continue until such certification is made and such vacancies can be regularly filled under the requirements of this Act and the rules of the Board adopted in accordance herewith. Persons so temporarily appointed may compete in the examinations held for regular entrance to the classified service.

SEC. 26. In this Act whenever a sum of money is mentioned, it shall be understood to refer to the money of the United States.

SEC. 27. Upon the passage of this Act and the appointment and organization of the Board, it shall be the duty of the head of each Office to which this Act applies, upon application by the Board, to certify to the Board a complete list of all the officers and employees engaged therein, together with a full statement of the duties performed by them and the compensation received by them.

SEC. 28. No person shall be admitted to the competitive examinations to be held under this Act who are not either—

- (a) Citizens of the United States, or
- (b) Natives of the Philippine Islands, or
- (c) Persons who have, under and by virtue of the Treaty of Paris, acquired the political rights of natives of the Islands.

SEC. 29. This Act shall take effect on its passage, and shall be referred to as the "Civil Service Act."

Enacted, September 19, 1900.

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