

AN ACT TO AMEND SECTION FORTY-ONE OF ACT NUMBERED EIGHTY-TWO, KNOWN AS THE MUNICIPAL CODE, BY GIVING THE PROVINCIAL BOARD OF A PROVINCE POWER TO ANNUL ACTS, ORDINANCES, OR RESOL...

Act No. 676, March 12, 1903

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

SECTION 1. Section forty-one of Act Numbered Eighty-two, known as the Municipal Code, is hereby amended by striking out all of the section as it appears in the Act, and substituting in lieu thereof the following:

"SEC. 41. Whenever the council is desirous of securing a legal opinion upon questions arising in relation to the constitution or attributes of the municipal government, it shall frame the questions in writing and submit them to the provincial fiscal for decision. It shall be the duty of the secretary of the municipal council to forward, immediately after their passage, certified copies of all resolutions, ordinances, and other acts of the municipal council to the provincial governor. It shall be the duty of the president of each municipality whenever he makes a formal executive order which is published, to direct the municipal secretary to forward a certified copy of the same to the governor of the province. In case the governor shall think it probable that any act, ordinance, or resolution of the municipal council, or any executive order of the municipal president is not within its or his legal power, as conferred by the Municipal Code and its amendments, he shall bring the same to the attention of the provincial board, which shall request the opinion of the provincial fiscal as to the validity of the act, ordinance, resolution, or order in question, and if, after receiving the opinion of the provincial fiscal, the board shall conclude that such act, ordinance, resolution, or executive order is in violation of the powers conferred by the Municipal Code upon the council or the president making the same, the provincial board shall have the power, and it shall be its duty to declare such act, ordinance, resolution, or executive order to be null and void, and shall immediately notify the council or the president, as the case may be, of its action. Any attempt to enforce such act, ordinance, resolution, or executive order, after the provincial board shall have declared it to be null, and after the action of the provincial board shall be brought to the attention of the municipal authorities, shall be sufficient ground for the dismissal of the officer or officers attempting to enforce the same. Should the council or the president be dissatisfied with the decision of the provincial board, an appeal may be taken by it or by him to the Civil Governor, who shall decide the same question which was presented to the provincial board and either affirm or reverse the decision of the provincial board. If the decision of the provincial board is affirmed, the act, ordinance, resolution, or executive order involved shall be annulled. If, however, he shall reverse the decision of the provincial board, then and in that case notice of his decision shall be given to the provincial governor, to the president or council of the municipality appealing, and upon receipt of notice by the appellant, the act, ordinance, resolution, or executive order shall be revived and come into force again. Pending the decision on appeal from an order of the provincial board annulling any act, ordinance, resolution, or executive order, the same shall have no force and effect. Nothing in this section shall be construed to deprive any judicial tribunal of power to hold void for want of statutory authority any act, ordinance, or resolution of a municipal council or executive order of a municipal president the validity of which shall be involved in any cause arising before such tribunal, without respect to the decision of the executive authorities."

SEC. 2. The public good requiring the speedy enactment of this bill, the passage of the same is hereby expedited in accordance with action two of "An Act prescribing the order of procedure by the Commission in the enactment of laws," passed September twenty-sixth, nineteen hundred.

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

Enacted, March 12, 1903.

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