

CENSUS ACT OF NINETEEN HUNDRED AND THIRTY-SIX

Commonwealth Act No. 170, November 12, 1936

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Be it enacted by the National Assembly of the Philippines:

SECTION 1. A population census with classified social and economic information of the Philippines shall be taken under the supervision and control of the President of the Philippines. The enumeration shall begin on a day to be fixed by proclamation of the President of the Philippines and to be known as Census Day, and shall proceed on consecutive days from daylight to darkness including Sundays and holidays, until completed. All data prescribed to be gathered by this Act or by regulations issued under it shall be gathered as of twelve o'clock of the night preceding that day: Provided, That if it shall be deemed necessary, to require that the enumeration of any part or parts of the Philippines should begin before Census Day, the President of the Philippines shall, by proclamation, fix the time when such enumeration shall begin.

SEC. 2. The persons to be enumerated shall comprise all those persons who spent the night preceding Census Day within the jurisdiction of the Philippines, including all those who have subsequently died or departed therefrom, and all persons who spent said night on any ship within the Jurisdiction of the Philippines, or on any ship engaged in the coast wise trade in the Philippines: Provided, That persons belonging to the armed forces of the United States in the Philippines shall be separately recorded and, except in the case of citizens of the Philippines, shall not be included in any official statement of the population of the Philippines when such population is given as a part of the total population of the United States: And provided, further, That no enumeration of the persons belonging to such armed forces of the United States in the Philippines shall be undertaken without the consent of the officers commanding the military and naval forces, respectively.

SEC. 3. Subject to the executive supervision and control of the President of the Philippines, the direct execution of the provisions of this Act shall be entrusted to a Census Commissioner who shall receive compensation not exceeding seven thousand two hundred twenty-five pesos per annum. The Commissioner shall be assisted by an Assistant Census Commissioner who shall receive a salary of not to exceed six thousand one hundred twenty pesos per annum. The Commissioner" and Assistant Commissioner shall be appointed by the President of the Philippines, with the consent of the Commission on Appointments of the National Assembly.

SEC. 4. The supervisors, enumerators, and other subordinate personnel of the Census shall be appointed by the President of the Philippines at such rates of salaries as may be fixed by him: Provided, That such officers or employees of the Government as may be designated Census officers under section five hereof, may be given a recess from the ordinary duties by the President of the Philippines.

SEC. 5. Every officer or employee of the National or of ' any provincial or municipal government who may be designated by the President of the Philippines to perform any duties in connection with census operation is hereby required to accept such designation and to perform such duties, and it shall be the duty of every head or chief of department, bureau, office, division, or service, or of the chief executive of any provincial or municipal government, to authorize any necessary detail and to relieve any officer or employee from his regular duties for such period, if any, as may be required for the purposes of this section: Provided, That during the designation of

such persons they shall continue to receive their salaries in full but not from Census funds, and they shall not be entitled to any additional compensation except such per diems and traveling expenses as are authorized by this Act.

SEC. 6. No head or chief of department, bureau office, or division or service shall order the transfer of any officer or employee under him, who may have been detailed to the Census in any locality to another locality until the work of such person in connection therewith is completed, or without advising- the Census Commissioner of such proposed transfer at least fifteen days before such proposed transfer is to become effective.

SEC. 7. The duties of all persons appointed or designated under this Act shall begin at such times as shall be fixed by the President of the Philippines and shall continue until such persons are relieved of such duties: Provided, however, That subsequent to such relief persons so appointed or designated may be required to perform such further services as may be necessary for the carrying¹ out of the purposes of this Act.

SEC. 8. Every officer and employee of the Census shall take and subscribe an oath or affirmation to do and perform accurately and to the best of his ability such duties as may be required of him. An oath or affirmation prescribed by this Act to be taken by any officer or employee of the Census and in connection with his duties thereunder, may be taken and subscribed to before superior officers of the Census who are hereby authorized to administer oaths for the purposes of this Act, or before any national, provincial, or municipal official authorized to administer oaths, and all such officials are hereby required to administer arch oaths on request: Provided, That no such person shall receive any fee or compensation for the administration of such oaths.

SEC. 9. Each supervisor shall perform such duties as may be imposed upon him by the Census Commissioner in the enforcement of this Act, and the duties thus imposed shall be performed in any and all particulars in accordance with the orders and instructions of the Commissioner.

SEC. 10. Each enumerator or other employee detailed to service as an enumerator shall be charged with the collection in his subdivision of the facts and statistics as the Commissioner may direct him to do, which may include the fingerprints of both hands of all persons to be enumerated. It shall be his duty to visit personally each dwelling house in his subdivision, and each family therein, and each individual living: out of a family in any place of abode, and by inquiry made of the head of each family, or of the member thereof deemed most competent and trustworthy, or of such individual living out of a family, to obtain each and every item of information and all particulars required for the Census; and in case no person shall be found at the usual place of abode of such family, or individual living out of a family, competent to answer the inquiries, then it shall be lawful for the census employee to obtain the required information as nearly as may be practicable from the family or families or person or persons living nearest to such place of abode who may be competent to answer such inquiries. Each enumerator is required to prepare the returns and forward the same to the supervisor of his district within thirty days -unless by some unavoidable causes he is prevented from submitting- the same within the period mentioned in -which case an extension of time not exceeding fifteen days may be authorized by the Commissioner.

SEC. 11. The President of the Philippines is hereby authorized to do and to require to be done any and all acts or things necessary to carry out the purposes of this Act, and to delegate any and all authority in him vested in this Act to the Census Commissioner. The President of the Philippines is likewise authorized to subdivide the territory of the Philippines into such portions as may be convenient for the purpose of carrying out the provisions of this Act.

SEC. 12. Partial or complete returns, reports, and other information may be published from time to time by order of the President of the Philippines and the returns shall be so prepared as to show the population and other statistics by provinces, sub provinces, districts, municipalities, barrios, and other subdivisions.

SEC. 13. There shall be in each province a Census Advisory Board, which shall be composed of any or all members of the provincial board, and of such other persons as may be appointed by the President of the Philippines: Provided, That the membership in such board shall not be more than five: Provided, further, That in those divisions corresponding to the City of Manila and to non-Christian provinces or portions thereof, the establishment of such boards shall not be obligatory. The members of Census Advisory Boards shall serve as such ex officio and shall receive formal appointments. There shall be a president of every such board who shall be a member of the provincial board, and one or more vice-presidents. The president, or in his absence the ranking vice-president shall, subject to general regulations to be prescribed by the President of the Philippines, call the meetings of the board and regulate its business. It shall be the duty of such boards to assist and advise the officer in charge of census operations in the provinces, and to use all authority and influence which they may possess, collectively or individually, with the people of the province and with the local officials to secure active and hearty cooperation with the Census officers.

SEC. 14. If, in the judgment of the President of the Philippines, it shall appear that a more complete, accurate, and economical census of the inhabitants of any of the areas, institutions, or establishments enumerated in the next following section of this Act, can be secured by the owners, occupants, or persons in charge thereof than by the regular enumerators, he may direct that the census of such areas, institutions, or establishments shall "be made by such owners, occupants, or persons in charge, who shall thereupon take the oath prescribed for enumerators, or a modified form thereof, in the discretion of the President of the Philippines, and shall be subject to the penalties provided in this Act for the nonperformance or improper performance of the duties required of enumerators, and shall have the powers conferred upon enumerators. Said owners, occupants, or persons in charge shall be required to complete such enumeration in a satisfactory manner and in accordance with the instruction given them, and to deliver the schedules within the time prescribed; and for such service as enumerators, they shall not receive any compensation; Provided, That when such areas, institutions, or establishments are the property of, or when the persons in charge of them are the employees of, the Government of the United States or of the Philippines, such service shall not be required, except with the prior approval of the head or chief of the department, bureau, office, division or service concerned, of the commanding general of the Philippines Division or the commandants of naval stations, or of such other persons who have power to authorize such service: And provided, further, That if any officer or employee of the Census is charged with the collection of such schedules, he shall revise them and require the correction of all errors, and cause all data and information omitted to be supplied; and if there is reasonable ground to believe that such enumeration is incomplete or inaccurate, he may, if specifically authorized by his superior officer, re enumerate the residents of such area, institution or establishment; and he also may, if such proceeding would facilitate the work of re enumeration, and if he is specifically authorized by his superior officer, demand that the residents of the premises be assembled for the verification of such enumeration.

SEC. 15. The special areas, institutions, and establishments, which the owner, occupant, or other person in charge may be required to enumerate without compensation under the provisions of the next preceding section of this Act, may include any or all of the following, together with the premises attached to them; private dwelling houses occupied by literate persons who for any reason can be more efficiently enumerated in such manner, to be enumerated by the householder, landlord, or other person in charge; military and naval reservations, to be enumerated by persons detailed by the commanding officers; public and private hospitals, asylums, and charitable institutions, to be enumerated by the persons in charge; prisons, jails, lockups, reform schools, and other penal institutions, to be enumerated by the warden or other person in charge; army and any other police barracks or quarters to be enumerated by persons detailed for such service by the commanding officer; agricultural experiment stations, seed farms, stock farms, breeding stations, and public works in operation or under construction, to be enumerated by the persons in charge; convents and religious schools and seminaries, to be

enumerated by persons selected by the ecclesiastical authorities; boarding or other schools, to be enumerated by the persons in charge; hotels, boarding houses, lodging houses, cooperative messes and clubs having members residing on the premises, or other such places or establishments, to be enumerated by the proprietor, landlord, manager, managing director, or person in charge; public civil reservations, to be enumerated by the person in charge; ships in harbor and other boats, vessels, or craft, to be enumerated by the master or other person in charge; landed estates, forest concessions, private workshops and construction works, to be enumerated by the person in charge; and any other area, institution or establishment of whatsoever character, to be enumerated by the person in charge: Provided, however, That any person required in this section to perform any of the duties indicated may delegate such duties to another, but shall himself subscribe, take oath or otherwise certify to the correctness of the enumeration made and shall be responsible for such errors and omissions as may appear therein, and shall be subject to the penalties imposed by this Act.

SEC. 16. If, in the judgment of the President of the Philippines, it shall appear practicable and desirable to collect, in addition to any prescribed facts and statistics relating to the population as individuals, further information relating to general statistics including corporate bodies, partnerships, associations, groups of persons having joint or common interest, social and economic institutions, industrial and commercial enterprises, and agricultural and other forma of property of whatsoever class, kind, or character, he may direct that such information shall be collected and it shall be obligatory on all proprietors, officers, partners, associates, directors, administrators, managers, and legal representatives of such corporations, partnerships, associations, groups of persons, institutions, enterprises, and properties, to furnish such information in the manner and within the time which may be prescribed by regulation. The collection of the information may be secured by mailing or delivering the necessary forms and explanatory matter to the persons best qualified to furnish it, in which cases such[^] proprietors, officers, partners, associates, directors, administrators, managers or legal representatives shall be required to complete the schedules or forms themselves or cause them to be completed, on their own responsibility, by their delegates, as provided in the next preceding- section. The persons required to complete such schedules may also be required to mail or deliver them on completion, and within such time as may be prescribed to a designated Census officer.

SEC. 17. No information obtained during the taking of this Census from any corporation, association, partnership, institution, business enterprise, or group of persons having a joint or common interest, howsoever established or constituted, shall be used in any court or in r.ny public office, either as evidence for or against the corporation, association, partnership, institution, enterprise, or group, from which such information emanates, or for the purpose of basing thereon any assessment or collection of taxes or public contributions; nor shall any such information be divulged to any person, except to authorized Census officers acting¹ in the performance of their duties; and no Census officer or employee of the Government shall make known to any other person not properly authorized any information contemplated in this section, "which may have been secured during the Census operations; nor shall any report or publication issued under the provisions of this Act contain any information indicated in this section which would serve to identify the corporation, association, partnership, institution, enterprise, group, or property, from which it was secured, without the special consent in writing of the proprietor, officer, director, administrator, manager or legal representative of such corporation, association, partnership, institution, enterprise, group, or property. The receipt by any officer, partner, associate, member, or stockholder of any corporation, association, partnership, institution, business enterprise, or group, of any schedule or form contemplated in this section shall constitute delivery to the corporation, association, partnership, business enterprise* or group, and the fact that such officer, partner, associate, member, or stockholder is not the person who would ordinarily complete such schedule or form shall not relieve him of responsibility for the redelivery of such schedule or form to the proper person, nor shall it relieve such proper person from the responsibility for the

completion thereof.

SEC. 18. Whenever it shall appear to the President of the Philippines that any portion of the enumeration and Census provided for in this Act is incomplete or erroneous, he may cause such incomplete and unsatisfactory enumeration and Census to be amended or retaken under such methods as may, in his discretion, be practicable.

SEC. 19. All residents of the Philippines shall give any required assistance to the officers and employees of the Census in executing the provisions of this Act,

SEC. 20. The authority to lease, rent, hire, remodel, furnish, and pay all necessary expenses of such buildings, offices or other quarters in the Philippines as may be required for Census purposes is hereby conferred upon the Census Commissioner.

SEC. 21. No information secured by any Census form shall be divulged to any person other than an officer or employee of the Census acting in the discharge of his duty; nor shall it be published, except in the form of tabulations or summaries having no reference to individuals; and all such forms shall be destroyed when, in the judgment of the President of the Philippines, they have served their administrative purpose. No entry in any form, register or record made by a Census officer or by any other person in the discharge of his duty under this Act shall be admissible as evidence in any civil or criminal proceeding, except for the purposes of a prosecution instituted under the Act.

SEC. 22. Upon conviction hereof, a fine of not more than one hundred pesos, or imprisonment for not more than thirty days, or both, in the discretion of the court shall be imposed upon:

- Any person who refuses to supply any prescribed information, or refuses to answer any proper question necessary to secure such information, when asked by an officer or employee of the Census, in regard to himself or any other person of whom he has knowledge: Provided, That no such information need be supplied and no such question answered unless the questioner, on request made at the time of inquiry, exhibits his formal appointment, or other clear evidence of appointment, as a Census officer or employee; or
- Any person who, being a passenger, guest, boarder or lodger, inmate, patient, or other resident in any special area, institution, or establishment set apart to be enumerated by the owner, occupant, or person in charge, under the provisions of sections fourteen and fifteen of this Act, refuses or neglects properly to complete and sign any Census schedule or form delivered to him by the owner, occupant, proprietor, or person in charge of such special area, institution, or establishment, for himself or for his family and dependents; or who, if unable to read and write English or Spanish, refuses to supply the required information to the persons responsible for the proper completion thereof; or
- Any person who refuses to allow any Census officer or employee to fix on any portion of any dwelling or other property in his possession, in a conspicuous place, any authorized mark, sign, notice, letter or number necessary to the prosecution of the Census work; or who removes such mark, sign, notice, letter or number before the expiration of one month from the Census Day, unless sooner authorized; or who removes any mark, sign, notice, letter or number placed or reserved to indicate the boundary of an area set apart for Census purposes; or
- Any person who, on the completion of the Census operations in the locality in which he resides, has not been enumerated or knows that any other person or persons have not been enumerated and neglects to notify the nearest officer or employee of the Census without delay of such facts; or
- Any person who neglects to notify the nearest officer or employee of the Census of his knowledge that he himself, or any other person or persons, have been enumerated twice; or who has once been enumerated, or knows

that any other person or persons have once been enumerated, and neglects to inform of the fact of such prior enumeration, any enumerator or other authorized person who is on the point of enumerating a second time either himself or any other such person or persons; or who fails to present to such enumerator or other authorized person any pass, ticket, certificate, or other document which may bear evidence to the fact of such prior enumeration; or

- Any person who, having received from any census officer any pass, ticket, certificate, or other document showing that he, his family or dependents, any area, institution or establishment of which he is the owner, occupant or person in charge, or the inhabitants thereof, have been enumerated by such census officer, fails to preserve such pass, ticket, certificate, or other document in an un mutilated and legible condition for two months from the receipt thereof; or

- Any person who refuses compliance with the provisions of this Act or with any regulations issued under it and necessary for its execution, when such refusal is not otherwise penalized herein,

SEC. 23. Upon conviction hereof, a fine of not more than six hundred pesos, or imprisonment for not more than six months, or both, in the discretion of the court shall be imposed upon:

- Any person who, being the owner, occupant, or person in charge of any special area, institution, or establishment set apart to be enumerated under the provisions of sections fourteen and fifteen of this Act, or an officer, director, partner, associate, manager or legal representative of any corporation, partnership, association, institution, industrial or commercial establishment or enterprise, group of persons having a joint or common interest, or other property, in regard to which the collection of statistics is prescribed under the provisions of section fifteen of this Act, refuses or neglects properly to complete any Census form mailed or delivered to him and to subscribe the same; or

- Any person who, being a resident of such area, institution, or establishment, or an officer, director, manager, associate, partner, or employee of any such corporation, partnership, association, institution, industrial or commercial establishment, group of persons having a joint or common interest, or any other property, refuses or neglects, in the absence of the owner, occupant, or person in charge, or of an officer, director, manager, or legal representative to receive such form and make delivery thereof to such owner, occupant, person in charge, officer, director, manager, or legal representative; or

- Any person who, being the owner, occupant, or person in charge of such special area, institution, or establishment, refuses or neglects to distribute the necessary schedules or forms to the passengers, guests, boarders, lodgers, inmates, patients, or other residents of the premises entitled thereto, and to report to the nearest officer or employee of the Census the names of those who refuse to receive or complete them; or

- Any person who refuses or neglects to deliver or transmit to the addressees any Census form mailed or delivered to him, in the manner and within the time prescribed; or

- Any person who refuses any Census officer or employee, acting in the discharge of his duty, entrance to any premises under his control, except portions of a private dwelling other than the room in which such officer or employee would naturally be received: Provided, That such entrance be not demanded to an extent beyond that necessary to secure the prescribed facts and statistics or to verify them after they have been entered upon the schedules by other persons; or

- Any person who obstructs any Census officer or employee in the discharge of his duty, or refuses or neglects to render him reasonable assistance, when called upon to do so; or

- Any person who misrepresents or attempts in any way to misrepresent the objects of the Census or to arouse

hostility against it; or

- Any person who, being the owner of any animal, vehicle, ship or vessel of any kind, and such animal, vehicle, ship or vessel being needed, in the absence of any other satisfactory facility, for the transportation of any Census officer or employee or the transmission of any form, correspondence, or supplies, shall refuse without adequate reason to permit the use of such animal, vehicle, ship or vessel, on the request of the officer or employee of the Census responsible for such transportation or for the transmission of such forms, correspondence, or supplies, to the extent necessary for such transmission; or shall refuse to render such 'reasonable personal service as may be necessary in connection with the use of such animal, vehicle, ship or vessel; or shall demand an unusual or extortionate price or sum for the use of such means of transportation or for any service in connection therewith; or

- Any person who knowingly gives oral or written answers to any question upon a Census form or to any proper question asked by a Census officer or employee in the discharge of his duty, which shall prove to be materially untrue in any particular; or who alters or falsifies any Census form or declaration before or after it has been completed; or who signs any Census form or declaration after it has been completed in the knowledge that it is materially untrue in any particular; or who pays, compels, advises, or induces any other person to make or sign any such untrue statement or form; or who forges any Census form, completed or uncompleted.

SEC. 24. Upon conviction hereof, a fine not exceeding two thousand pesos, or imprisonment for not more than two years, or both, in the discretion of the court shall be imposed upon;

- Any person who impersonates a Census officer or employee; or

- Any person who offers a reward, fee, or gratuity to any Census officer or employee for the purpose of inducing such officer or employee to alter or omit any portion of the census record or returns; or

- Any person who commits any fraud, makes any false statement, or compels, pays, requests, or induces any other person to commit such fraud or make such false statement with the object of enabling him to secure a position in the employ of the Census.

SEC. 25. Upon conviction hereof, a fine not exceeding six hundred pesos, or imprisonment for not more than six months, or both, in the discretion of the court shall be imposed upon:

- Any person who, having accepted any position in the employ of the Census and taken the oath thereof, and not having been duly released, refuses to perform the duties of such position, or neglects to use due diligence in bringing such Census work as is intrusted to him to a satisfactory termination or disregards proper and necessary orders and instructions coming from his superior; or

- Any officer or employee of the Census who, whether during, or after the termination of his service divulges or communicates the contents of any Census form, record, return or document, to any person not authorized by the President of the Philippines to receive the same; or

- Any officer or employee of the Census who solicits or receives any reward, fee, or gratuity from any person, other than his usual salary and his regular compensation from Census funds, whether or not conditioned upon the altering or omitting by him of any portion of the Census or return; or

- Any officer or employee of the Census who attempts to secure any information not prescribed by the President of the Philippines or who asks offensive or improper questions in the process of securing any information, authorized or unauthorized; or who willfully and maliciously attempts to enter any portion of any private dwelling except the room in which he would naturally be received, or any portion of any other premises an inspection of which is not essential to the performance of his duties.

SEC. 26. Any executive official or employee of the Government who refuses to accept a position in the employ of the Census, when tendered him by an authorized officer of the-Census, with the sanction of his superiors in office, shall be punished by such disciplinary measures as may be imposed by the proper department head.

SEC. 27 Any person who, being the owner, occupant, or person in charge of any special area, institution, or establishment set apart to be enumerated under the provisions of sections fourteen and fifteen of this Act, shall perform the enumeration required thereby in a manner so incomplete or erroneous as to necessitate its being done anew by an officer or employee of the Census, shall be punished upon conviction, in addition to any other penalties herein elsewhere provided, by a fine of one and one-half centavos for every person enumerated as resident within such area, institution, or establishment, when such persons are enumerated anew.

SEC. 28. Concurrent jurisdiction is hereby conferred upon Courts of First Instance over all offenses punishable under this Act, which but for this provision would be exclusively cognizable by justices of the peace.

SEC. 29. The President of the Philippines shall be empowered to expend any funds of the Census in amounts necessary to carry out any preliminary tests of Census methods, or of the accuracy of any particular class of statistics with which they have to deal.

SEC. 30. The Census Commissioner shall prepare the -budget of expenses incident- to the enforcement of the provisions of this Act and he shall submit said budget to the President for approval.

SEC. 31. Whenever it shall appear that any person appointed, detailed, or designated to a position in connection with the Census is performing or has performed his duties in an inefficient or dilatory manner, or at an unnecessary cost to Census funds, or whenever any such person shall contravene any of the provisions of this Act or of_ any regulations or instructions issued thereunder, the President of the Philippines may in his discretion authorize the imposition of a fine; and the amount of such fine shall be-deducted from the compensation due such person on the termination of census operations.

SEC. 32. All fines, whether administrative or judicial,' which may be imposed on any person for offenses against the provisions of this Act, or of regulations issued thereunder, and all funds accruing from the sale of any property purchased from Census funds,, or of any salable document issued in connection with the Census, shall be covered into the general funds of the Philippine Treasury.

SEC. 33. Whenever the Census Commissioner shall terminate the appointment, detail or designation of any person to a position in connection with the Census for cause, he may in his discretion authorize the payment to such ' person of such compensation at the rate of payment agreed upon at the time of his designation, as he may deem to constitute a fair remuneration for the service rendered.

SEC. 34. The allowance of per diems and traveling expenses to officers and employees of the Census shall be governed by existing laws: Provided, That the President of the Philippines may by general regulations determine in what cases or classes of cases such per diems and expenses may be allowed; and may fix a maximum less than that allowed by existing laws: And, provided, further, That in the case of officers or employees detailed for Census work from another department, bureau, office, division or service and continuing to receive their usual salaries therefrom,' the amount of their per diems may be paid from Census funds. SEC. 35. No surcharges shall be imposed, nor shall any charge be made by any department, bureau, office, division or service of the Government for any services rendered or supplies furnished or purchased in connection with the Census, over and above the actual cost of such services or supplies.

SEC. 36. The sum of one million five hundred thousand pesos, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Philippine Treasury not otherwise appropriated to carry out the provisions of

this Act: Provided, That no amount shall be set up on the books of the Auditor until it has been allotted by the President of the Philippines

SEC. 37. After the publication of the Census authorized under the provisions of this Act, all properties, equipment, records, documents, and supplies used in the preparation, taking and publication of such Census, except the official copies of such Census, shall be turned over by the President of the Philippines to any office, division or service of any department which shall bring up to date the statistical data and information contained in the Census provided for in this Act.

SEC. 38. This Act shall take effect upon its approval.

Approved, November 12, 1936.

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