

AN ACT FOR THE REGULATION OF THE PHILIPPINE CIVIL SERVICE.

Act No. 1698, August 26, 1907

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

SECTION 1. This Act shall apply to appointments to all positions and employments in the Philippine civil service, Insular or provincial or of the city of Manila, now existing or hereafter to be created, the compensations of which are authorized at an annual, monthly, or daily rate, or otherwise, except the employment of semi-skilled or unskilled laborers whose rate of compensation is seven hundred and twenty pesos or less per annum, and the employment of all other persons whose rate of compensation is two hundred and forty pesos or less per annum: Provided, That the examination requirements of this Act for entrance into the civil service or for promotion therein shall not apply to positions filled by the following:

- (a) Elected officers;
- (b) Employees of the Philippine Assembly selected by it;
- (c) Persons appointed by the Governor-General with the advice and consent of the Philippine Commission, unless otherwise specifically provided by law;
- (d) One private secretary to the Governor-General and to each of the other members of the Philippine Commission;
- (e) Persons in the military, naval, or civil service of the United States who may be detailed for the performance of civil duties;
- (f) Officers and employees in the Department of Commerce and Police whose duties are of a quasi-military or quasi-naval character;
- (g) Officers and employees in the office of the Supervising Railway Expert who are exempted by the Governor-General from compliance with the civil-service law and rules.
- (h) Postmasters and customs inspectors whose rates of compensation do not exceed six hundred pesos and three hundred and sixty pesos per annum, respectively, and who may lawfully perform the duties of postmaster or customs inspector in connection with other official duties or in connection with their private business, such duties of postmaster or inspector requiring only a portion of their time; postmasters who are required to perform the duties of telegraph operators: Provided, That in the discretion of the Director of Posts such postmasters may be appointed subject to the examination requirements of this Act: postmasters at Army posts whose compensation does not exceed twelve hundred pesos per annum each; and operators and linemen in the Bureau of Posts;
- (i) Detectives, secret agents, sheriffs, and deputy sheriffs;
- (j) Temporary and emergency employees : Provided, That when the work to be performed is temporary in character, or whenever an emergency shall arise requiring work to be done before it is practicable to obtain the prior approval of the Director of Civil Service, the chief of a Bureau or Office may immediately employ any person, giving preference to eligibles if available, but he shall without delay request approval of such temporary or emergency employment, and the employment of a noneligible shall cease when the Director of Civil Service certifies an available eligible who accepts temporary or probational appointment.

SEC. 2. It shall be the duty of the Director of Civil Service—

- (a) To keep a record of all officers and employees filling positions in the classified service and of all officers

and employees in the unclassified service who are entitled to leave of absence provided for in this Act, and for the purpose of this record he is hereby authorized to require each chief of a Bureau or Office to furnish the necessary information, in such form and manner as the Director of Civil Service shall prescribe with the approval of the Governor-General. An official roster shall be published at intervals to be fixed by the Governor-General.

(b) To keep a record of the absences of all officers and employees entitled to the leave of absence provided for in this Act, and for the purpose of this record he is hereby authorized to require each chief of a Bureau or Office to cause to be kept a record of the attendance of such officers and employees and to report to the Director of Civil Service, in the form and manner prescribed by him and approved by the Governor-General, all absences from duty of such officers and employees from any cause whatever.

(c) To render an annual report, on or before the first day of July of each year, to the Governor-General showing the work performed by the Bureau of Civil Service, the rules which have been certified by the Director of Civil Service and approved by the Governor-General and the practical effect thereof, and suggestions for carrying out more effectually the purpose of this Act, which is hereby declared to be the maintenance of an efficient and honest civil service in all the executive branches of the Government, of the Philippine Islands.

(d) To supervise the preparation and rating and have control of all examinations in the Philippine Islands under this Act. The Director of Civil Service, with the approval of the Governor-General or proper head of Department, may designate a suitable number of persons in the Philippine civil service to conduct examinations and to serve as members of examining committees. When examiners with special, technical, or professional qualifications are required for the preparation or rating of examination papers the Director of Civil Service may designate competent persons in the service for such special duty. The duties required of members of examining committees, or of 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 such special examining work as may be required the Director of Civil Service is authorized to employ to such work at a reasonable compensation persons not in public from such work, which compensation shall be paid on the part of the Director of Civil Service out of the general funds for the purposes of the Bureau of Civil Service.

(e) To make investigations and report upon all matters relating to the enforcement of this Act and the rules adopted hereunder. In making such investigations the officers and duly authorized examiner of the Bureau of Civil Service are empowered to administer oaths, to common witnesses, and to require the production of officials books and records which may be relevant to such investigation, and any may also administer such oaths as may be necessary in the transaction of any official business of the Bureau of Civil Service.

(f) To prepare and certify to the Governor-General rules and the provisions of this Act. It shall be the duty of all officers in the Philippine civil service to aid, in all proper ways in carrying said rules and any modifications thereof into effect: Provided, That the rules so prepared and certified shall not take effect until approved by the Governor-General and promulgated by his executive order.

SEC. 3. The rules to be prepared and certified by the Director of Civil Service shall, among other things, provide—

(a) For the preparation and holding in Manila and in the provinces of open competitive examinations for testing the fitness of applicant- for appointment to the classified service, and for the preparation and this holding of examinations in the United States under the auspices of the United States Civil Service Commission.

(b) For the holding of competitive examinations when practicable: Provided, That appointment to those positions requiring technical, professional or scientific knowledge may be made as a result of competitive or noncompetitive examination: And provided further, That noncompetitive examinations may be given when applicants fail to compete after due notice has been given of an open competitive examination, or when in the opinion of the Director of Civil Service the holding of a competitive examination would result in securing competitors.

(c) For the selection of skilled workmen by such examinations, competitive or noncompetitive, as may be practicable, and which need not relate to more than the capacity of the applicants to labor, their habits of

industry and sobriety, and their honesty.

(d) For the examination of applicants in Spanish and English whenever a knowledge of both languages is essential to an efficient discharge of the duties of the position sought.

(e) For a thorough physical examination by a competent physician of every applicant for examination in the United States, for such physical examination in the Philippine Islands as in the discretion of the Director of Civil Service may be necessary, and for rejection of every applicant found to be physically disqualified for efficient service in the Philippine Islands.

(f) For the allowance in examinations of credit for experience,

(g) For certification by the Director of Civil Service to the different Bureaus and Offices of those rated highest according to average percentage on the civil-service list of eligibles.

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

(i) For competitive or noncompetitive promotion examinations whenever practicable.

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

(k) For the conditions under which reinstatements in the service may be made.

(l) For fixing age limits of applicants for entrance into the classified service.

(m) For eliciting from all applicants for examination and from persons now in the service 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.

(n) For the procedure in making appointments to the service, separations therefrom, and suspensions and reductions therein.

(o) For regulating hours of labor and the allowance of leaves of absence (including the withholding of salary for leave granted) and of traveling expenses and half salary for persons entitled thereto.

SEC. 4. The Bureau of Civil Service shall have a permanent office in the city of Manila. When examinations are held by the Bureau of Civil Service, either in Manila or in the provinces, public officers having the custody of public buildings shall allow the reasonable use thereof for the purpose of holding such examinations.

SEC. 5. (a) No person shall be appointed or employed in the civil service of the Philippine Islands except as provided by law, or, in the provincial service, by a resolution of the proper provincial board approved by the Executive Secretary, and in accordance with this Act. No person appointed to or employed in the classified service in violation of law or of civil-service rules shall be entitled to receive salary or wages from the Government, but the chief of the Bureau or Office who makes such unauthorized appointment or employment shall be personally responsible to the person illegally appointed for the salary which would have accrued to him had the appointment or employment been made in accordance with law and civil-service rules, and payment shall be made to him out of the salary of such chief of the Bureau or Office by the disbursing officer. When the Director of Civil Service shall find that any person is holding a position in the classified civil service in violation of law, he shall certify information of the fact to the Insular Auditor and to the disbursing officer through whom the payment of salary or wages to such person is by law required to be made. If the Insular Auditor shall find that a disbursing officer has paid or disbursing officer permitted to be paid salary or wages to any person illegally holding a classified position, the whole amount paid shall be disallowed and the disbursing officer shall not receive credit for the same unless the Insular Auditor shall find that the chief of the Bureau or Office is responsible, as above provided, for the payment of salary or wages to such person and that such payment is not due to the failure of the disbursing officer to obtain proper evidence as herein required. In case the disbursing officer is not responsible for the illegal payment, he shall be directed to withhold from the salary of the chief of the Bureau or Office responsible for the illegal employment an amount equal to that disallowed by the Insular Auditor. A disbursing officer, the head of any Department, Bureau, or Office, or, in case, the Insular Auditor, may

apply for, and the Director of Civil Service shall render, a decision upon any question as to whether a position is in the classified or in the unclassified civil service, or whether the appointment of any person to a classified position has been made in accordance with law. which decision, when rendered, shall be final unless reversed by the Governor-General on appeal.

(b) No person appointed to any unclassified position shall be assigned to or employed in a position the duties of which are clerical, nor shall he be assigned to or employed in any other position in the classified service.

(c) No person appointed to a position in the classified service shall, without the approval of the Director of Civil Service, be assigned to or employed in a position of a grade or character not contemplated by the examination from the results of which appointment was made, unless otherwise provided by law.

SEC. 6. In the appointment of officers and employees under the provisions of this Act, the appointing officer in his selection from the list, of eligibles furnished to him by the Director of Civil Service shall, where other qualifications are equal, prefer—

First. Natives of the Philippine Islands or persons who have, under and by virtue of the Treaty of Paris, acquired the political rights of natives of the Islands.

Second. Persons who have served as members of the Army, Navy, or Marine Corps of the United States and have been honorably discharged therefrom.

Third. Citizens of the United States.

Provided, however, That with the approval of the Governor-General, persons other than those hereinbefore named in this action may be appointed.

SEC. 7. If competent persons are found in the service who in the judgment of the appointing power are available and possess assistant chiefs. the qualifications required, vacancies in the position of chiefs and of assistant chiefs of Bureaus and Offices and in the position of superintendent shall be filled by promotion of such persons without examination: Provided, however, That an examination may be given when requested by the Governor-General or proper head of Department.

SEC. 8. Any person who shall willfully and 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 the Bureau of Civil Service; or who shall willfully or corruptly make a false rating, grading, estimate, or report upon the examination or standing of any person examined hereunder, or aid in so doing; or who shall willfully or corruptly make any false representations relative thereto or concerning the persons examined; or who shall willfully and falsely or corruptly use or furnish any information for the purpose of injuring the prospects or chances of employment, appointment, or promotion of any person so examined or to be examined, or who shall willfully furnish any special or secret information which will give to the person to be examined an unfair advantage in the examination, shall for each offense be punished by a fine not exceeding two thousand pesos, or by imprisonment for a period not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

SEC. 9. Any person who shall willfully become the beneficiary of an act in violation of the last preceding section shall be punished as provided in that section.

SEC. 10. No person in the Philippine civil service shall be under obligation to contribute to a political fund or to render any political service, nor shall he be removed or otherwise prejudiced for refusing to contribute or render any such service, and no officer or employee in the Philippine civil service shall directly or indirectly solicit, collect, or receive from any other officer or employee subject to his orders or under his jurisdiction, any money or other valuable thing to be applied to the promotion of any political object whatever. Any person violating any of the provisions of this section shall be removed from office and shall be punished by a fine not exceeding one thousand pesos or by imprisonment not exceeding six months, or by both such fine and imprisonment in the

discretion of the court.

SEC. 11. 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: And provided further, That no person shall be eligible for examination or appointment under the provisions of this Act who after the thirtieth day of April, nineteen hundred and one, has been in arms against the authority of the United States in the Philippine Islands, or who has given aid and comfort to enemies of the United States or who after the passage of this Act shall have been in arms against the authority of the United States in the Philippine Islands or shall have given aid and comfort to the enemies of the United States; this provision shall not apply to those persons who were in arms against the authority and sovereignty of the United States in the Philippine Islands, or their aiders or abettors, prior to July fourth, nineteen hundred and two, who came within the provisions of the proclamation of amnesty of the President of the United States issued upon said date, and who have complied with the terms of said proclamation.

SEC. 12. Every applicant for admission to the Philippine civil service shall, before being admitted to examination in the Islands; take and subscribe the following oath before a notary public or other officer authorized to administer oaths :

"OATH OF APPLICANT.

"I having applied for admission to the civil service of the Philippine Islands, do solemnly swear (or affirm) that I recognize 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 ease of affirmation.)

(Signature) ".....

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

"....."

The oath of the applicant, shall be filed with his application for examination.

SEC. 13. The officers and employees in the Philippine civil service shall be arranged in the following classes, and, unless otherwise provided by law, it shall be understood that the minimum amount specified for each class indicates the annual salary of each officer or employee in that class:

Class 1. All persons receiving an annual salary of six thousand pesos or more, or a compensation at the rate of six thousand pesos or more per annum.

Class 2. All persons receiving an annual salary of five thousand five hundred pesos or more, or a compensation at the rate of five thousand five hundred pesos or more, but less than six thousand pesos per annum.

Class 3. All persons receiving an annual salary of five thousand pesos or more, or a compensation at the rate of five thousand pesos or more, but less than five thousand five hundred pesos per annum.

Class 4. All persons receiving an annual salary of four thousand five hundred pesos or more, or a compensation at the rate of four thousand five hundred pesos or more, but less than five thousand pesos per annum.

Class 5. All persons receiving an annual salary of four thousand pesos or more, or a compensation at the rate of four thousand pesos or more, but less than four thousand five hundred pesos per annum.

Class 6. All persons receiving an annual salary of three thousand six hundred pesos or more, or a compensation at the rate of three thousand six hundred pesos or more, but less than four thousand pesos per annum.

Class 7. All persons receiving an annual salary of three thousand two hundred pesos or more, or a compensation at the rate of three thousand two hundred pesos or more, but less than three thousand six hundred pesos per annum.

Class 8. All persons receiving an annual salary of two thousand eight hundred pesos or more, or a compensation at the rate of two thousand eight hundred pesos or more, but less than three thousand two hundred pesos per annum.

Class 9. All persons receiving an annual salary of two thousand four hundred pesos or more, or a compensation at the rate of two thousand four hundred pesos or more, but less than two thousand eight hundred pesos per annum.

Class 10. All persons receiving an annual salary of two thousand pesos or more, or a compensation at the rate of two thousand pesos or more, but less than two thousand four hundred pesos per annum.

Class A. All persons receiving an annual salary of one thousand eight hundred pesos or more, or a compensation at the rate of one thousand eight hundred pesos or more, but less than two thousand pesos per annum.

Class B. All persons receiving an annual salary of one thousand six hundred and eighty pesos or more, or a compensation at the rate of one thousand six hundred and eighty pesos or more, but less than one thousand eight hundred pesos per annum.

Class C. All persons receiving an annual salary of one thousand four hundred and forty pesos or more, or a compensation at the rate of one thousand four hundred and forty pesos or more, but less than one thousand six hundred and eighty pesos per annum.

Class D. All persons receiving an annual salary of one thousand two hundred pesos or more, or a compensation at the rate of one thousand two hundred pesos or more, but less than one thousand four hundred and forty pesos per annum.

Class E. All persons receiving an annual salary of one thousand and eighty pesos or more, or a compensation, at the rate of one thousand and eighty pesos or more, but less than one thousand two hundred pesos per annum.

Class F. All persons receiving an annual salary of nine hundred and sixty pesos or more, or a compensation at the rate of nine hundred and sixty pesos or more, but less than one thousand and eighty pesos per annum.

Class G. All persons receiving an annual salary of eight hundred and forty pesos or more, or a compensation at the rate of eight hundred and forty pesos or more, but less than nine hundred and sixty pesos per annum.

Class H. All persons receiving an annual salary of seven hundred and twenty pesos or more, or a compensation at the rate of seven hundred and twenty pesos or more, but less than eight hundred and forty pesos per annum.

Class I. All persons receiving an annual salary of six hundred pesos or more, or a compensation at the rate of six hundred pesos or more, but less than seven hundred and twenty pesos per annum.

Class J. All persons receiving an annual salary of four hundred and eighty pesos or more, or a compensation at the rate of four hundred and eighty pesos or more, but less than six hundred pesos per annum.

Class K. All persons receiving an annual salary of less than four hundred and eighty pesos, or a compensation at the rate of less than four hundred and eighty pesos per annum.

SEC. 14. All appointments to and removals from subordinate positions in the Philippine civil service shall be made by the chiefs of Bureaus or Offices subject to the approval or direction of the Governor-General or proper head of Department: Provided, however, That semiskilled or unskilled laborers whose employment is authorized by law may be employed and discharged by chiefs of Bureaus or Offices under the general control of the Governor-General or proper head of Department. The employment or discharge of temporary or emergency employees shall be made and reported in accordance with the provisions of this Act.

SEC. 15. In case of the temporary absence or disability of the chief of any Bureau or Office, or in case of a vacancy in such position, any officer or employee in such Bureau or Office may be designated by the Governor-General or proper head of Department temporarily to perform the duties of such chief of Bureau or Office.

Office without additional compensation unless there is a vacancy in the position or the chief is absent from duty without pay and unless the order designating such person shall provide additional compensation, in which latter case the person designated shall receive the compensation provided in said order, not exceeding the salary authorized by law for said position. In case of the temporary absence or disability of any subordinate officer or employee in any Bureau or Office, the chief of such Bureau or Office may designate any other subordinate officer or employee in his Bureau or Office temporarily to perform the duties of the officer or employee who is thus absent or disabled, and it shall be the duty of the person so designated to perform the duties so assigned to him without additional compensation. Whenever any officer or employee shall be designated by proper authority for the temporary performance of the duties of chief or of any subordinate officer or employee of a Bureau or Office, the person so designated shall be reimbursed for any additional expense which he is obliged to incur on account of a bond premium in the position to which he has been so designated, and such reimbursement shall be made from the appropriation for the Department, Bureau, or Office in which the services are rendered by reason of such designation: Provided, That no reimbursement shall be made to persons receiving the full compensation attached to the position the duties of which they are designated to perform as herein set forth.

SEC. 16. For neglect of duty or violation of reasonable office regulations, or in the interests of the public service, chiefs of Bureaus are hereby authorized to reduce the salary or compensation subordinate officer or employee, to deduct from his pay a sum not exceeding one month's pay, or as a punishment to suspend him without pay for a period not exceeding two months: Provided, however, That if an officer or employee thus punished is in the classified service or is entitled to the accrued leave provided for in this Act such deduction from pay or such suspension without pay as a punishment shall receive the approval of the Governor-General or proper head of Department, after having been submitted to the Director of Civil Service for recommendation: And provided further, That, any reduction in salary or deduction of pay or any punishment by suspension without pay as provided for in this section shall not affect the right of the person thus disciplined to accrued leave of absence, but in the event of his suspension from duty no accrued leave of absence shall be allowed for the time he is thus suspended as a punishment: And provided further, That when the chief of a Bureau or Office suspends an officer or employee pending investigation of charges against such officer or employee, and subsequently restores such officer or employee to duty, no payment shall be made for the period of suspension unless otherwise directed by the Governor-General or proper head of Department,

SEC. 17. Nothing herein shall be construed to prevent the Philippine Commission from making appointments to or removals from the Philippine civil service of its own motion under the general powers conferred upon it by the instructions of the President of the United States.

SEC. 18. Upon the approval of the Governor-General or proper head of Department first had, a vacancy in a position of any class may be filled by the appointment of one person or more of a lower class: Provided, That the aggregate of salaries paid is not greater than the salary authorized by law for that position.

SEC. 19. With the approval of the Governor-General or proper head of Department, and after the recommendation of the Director of Civil Service has been had as to the matter, any chief of Bureau or Office may make changes in the authorized positions and salaries of his bureau or Office: Provided, That the total charge for salaries and wages shall not exceed the amount authorized by law: And provided further, That the positions or salaries of officials appointed by the Secretary of War, or by the Governor-General with the advice and consent of the Philippine Commission, shall not be subject to change as hereinbefore provided.

SEC. 20. Whenever in his judgment the public interest will be promoted by the consolidation of two or more appointive positions, the Governor-General may declare such positions to be consolidated and may fix the salary of the position resulting therefrom at not to exceed seventy-five per centum of the sum of the salaries of the positions

consolidated, and may apportion the salary so fixed among the branches of the Government served by the officer or employee receiving the same.

SEC. 21. Whenever two or more appointive positions have been consolidated as provided in the preceding section of this Act, the Governor-General may restore them to their previous status when in his opinion the public interest is no longer served by such consolidation, and thereupon the salaries payable to the separated positions shall be the same as were authorized at the time of consolidation.

SEC. 22. The required office hours of all Bureaus and Offices in the Philippine civil service shall be fixed by executive order of the Governor-General, but they shall not be less than six and one-half hours of labor each day, not including time for lunch and exclusive of Sundays and of days declared public holidays by law or executive order: Provided, That when the nature of the duties to be performed or the interests of the public service require it, officers and employees may, by direction of the chief of the Bureau or Office, be required to work on Sundays and holidays without additional compensation unless otherwise specifically authorized by law. It shall be the duty of chiefs of Bureaus or Offices to require of all employees, of whatever grade or class, not less than the number of hours of labor authorized by law or executive order, but the head of any Department, Bureau, or Office may in the interests of the public service, extend the daily hours of labor therein specified for any or all of the employees under him. and in case of such extension it shall be without additional compensation unless otherwise provided by law: Provided, however, That on Saturdays throughout the year the Governor-General may, by executive order, reduce the required number of hours of labor to five hours. This executive order shall not oblige the head of a department, Bureau, or Office in the Philippine civil service to reduce the hours of labor to five hours, but it shall be within his discretion to reduce the number of hours if consistent with the needs of the public service; nor shall this provision be regarded as conferring a right upon officers or employees. Unless specifically authorized by law no payment may be made for overtime work. The length of sessions of the courts shall be regulated by existing law, and the provisions of this section shall not apply to judges. The number of hours for the daily sessions of the public schools shall be fixed by the Secretary of Public Instruction, but they shall not be less than five hours a day.

SEC. 23. (a) After at least two years continuous, faithful, and satisfactory service, the Governor-General or proper head of Department shall, subject to the necessities of the public service, and upon proper application therefor, grant each regularly and permanently appointed officer or employee in the civil service, Insular or provincial, or of the city of Manila, except as hereinafter provided, accrued leave of absence with full pay, inclusive of Sundays and of days declared public holidays by law or executive order, for each year of service in accordance with the following schedule: An employee receiving an annual salary of less than eighteen hundred pesos shall be granted twenty days leave; an employee receiving an annual salary of from twelve hundred to eighteen hundred pesos with board and quarters, and an officer or employee receiving an annual salary of eighteen hundred pesos or more, but less than three thousand six hundred pesos, shall be thirty days leave: an officer or employee receiving an annual salary of three thousand six hundred pesos or more shall be granted thirty-five days' leave. Leave shall accrue while an officer or employee is on duly authorized leave of absence with pay.

(b) If an officer or employee elects to postpone the taking of any or all of the leave to which he is entitled under this section, such leave may accumulate and if his salary changes he shall receive the same amount of leave and pay as if he had taken the leave while receiving the salary at which it accrued: Provided, however, That after January first, nineteen hundred and five, no person shall at any time have to his credit more than the accrued leave allowed for five years service.

(c) An officer or employee who has served in the Islands for three years or more, and who has accumulated to him accrued leave allowed for two full years, may be granted permission to visit the United States or any other country in the discretion of the Governor-General or proper head of Department, with full pay and traveling-expense

allowances hereinafter provided: Provided, That such permission shall not be granted oftener than once in every three years.

(d) A person in the teaching service shall not be granted accrued leave in accordance with the schedule provided in this section, but in lieu thereof he may be granted leave on full pay during vacation periods, with permission to spend a vacation period in the United States or in any other country with the approval of the Secretary of Public Instruction, not oftener than once in every three years.

(e) In case an officer, teacher, or other employee is granted leave to visit the United States, he shall be allowed, with half pay in addition to the leave granted, sixty days for the time occupied by him in going to and returning from the United States if he is serving in Manila, and if serving in the provinces sixty days plus the actual and necessary time consumed from date of departure from station to date of departure from Manila, and on returning, from date of arrival at Manila to date of arrival at station, such half salary to be paid on return to duty: if he is granted permission to visit any other country he shall be allowed under the same conditions and in lieu of the sixty days' half pay above provided, actual and necessary travel-time with half pay not exceeding sixty days. On the completion of two years of continuous, faithful, and satisfactory service, after returning to the Islands from leave of absence to visit the United States granted for three or more years' service, he shall be allowed his actual and necessary traveling expenses from his place of residence in the United States to Manila if he come by the route and steamer directed, and if returning from any other country or from the United States, not residing therein, he shall be allowed his actual and necessary traveling expenses to Manila from the port of embarkation in the United States or such other country not exceeding four hundred pesos.

(f) The following classes of persons shall not be entitled to the leave provided in this section:

1. Semiskilled and unskilled laborers and skilled laborers hereafter appointed whose rate of compensation is less than two thousand pesos per annum;
2. Temporary and emergency employees;
3. Persons whose compensations are authorized at other than a per annum rate, except officers detailed from the military, naval, or civil service of the United States;
4. Persons enlisted for a term of years;
5. Detectives hereafter appointed except where appointment is by transfer from a leave-earning position, and secret agents;
6. Messengers and watchmen;
7. Postmasters who are required to perform the duties of telegraph operators except postmasters who are appointed subject to the examination requirements of this Act, postmasters at Army posts whose compensation does not exceed one thousand two hundred pesos per annum each, and operators and linemen in the Bureau of Posts;
8. Persons who receive compensation for official duties performed in connection with private business, vocation, or profession, such duties requiring only a portion of their time.

(g) The provisions of this section shall be retroactive in effect so as to entitle officers and employees of the Philippine civil service, whether serving as such by regular appointment or by detail from the Army, the Navy or the civil service of the United States, previous to the passage of this Act, to any accrued leave to which they would have been entitled had Act Numbered Eighty, as amended, been applicable to them at the date of their employment or detail, computing the leave in the case of an officer on the basis of the salary and allowances received while on detail, and in the case of an enlisted man on the basis of first salary received in the Philippine civil service. No application for leave of absence presented by an officer or employee shall be considered if his application is not presented within six months of the date of the acceptance of his resignation.

(h) An officer or employee separated from the service for cause, or who commits an act which requires his

separation from the service, shall not be granted leave or any of the other privileges provided in this section and in the following sections.

SEC. 24. After at least six months continuous, faithful, and satisfactory service the Governor-General or proper head of Department may, in his discretion, grant to each officer or employee entitled to the accrued leave provided in this Act, in addition to such accrued leave, vacation leave of absence with full pay, inclusive of Sundays and of days declared public holidays by law or executive order, for each calendar year of service, in accordance with the following schedule: An officer or employee receiving an annual salary of less than two thousand pesos may be granted twenty-one days vacation leave, an officer or employee receiving an annual salary of two thousand pesos or more, or a trained nurse, may be granted twenty-eight days' vacation leave. Vacation leave must be taken within the calendar year in which it is earned, or in the first two months of the following calendar year. The vacation leave provided for only one calendar year may be allowed in connection with accrued leave granted. In cases of resignation, vacation leave shall not be allowed in addition to accrued leave. All applications for vacation leave shall be made on a form prescribed by the Director of Civil Service.

SEC. 25. (a) Absence from duty of teachers, due to illness, shall be charged against their vacations, and with the consent of the Secretary of Public Instruction they may remain on duty during vacations for a period equal to that lost on account of illness, in which case no deduction of pay shall be made on account of absence caused by illness.

(b) Absence of other regularly and permanently appointed officers and employees in the Philippine civil service, on account of illness shall be charged first against vacation leave and then against accrued leave, until both are exhausted, when further absence shall be without pay.

(c) Payment of salary to an officer or employee for any absence Salary withheld, during his first six months of service properly chargeable to vacation leave, or during his first two years of service properly chargeable to accrued leave, shall be withheld until such leave may properly be taken under the provisions of this Act: Provided, however, That in case of absence due to illness the Governor-General or proper head of Department may direct that payment for such absence be not withheld if not in excess of the vacation and accrued leave to his credit.

(d) In case an officer or employee in the civil service, Insular or provincial, or of the city of Manila, permanent or temporally, is wounded or injured in the performance of duty, the Governor-General or proper head of Department may direct that absence during the period of disability caused by such wound or injury shall be on full pay for a period not exceeding six months: Provided, That if the officer or employee is entitled to the vacation leave provided in section twenty-four of this Act, absence for this reason shall be charged first against such vacation leave: And provided further, That the Governor-General or proper head, of Department may, in his discretion, authorize payment of medical attendance, necessary transportation, and hospital fees for officers and employees so wounded or injured: And provided further, That payments made under this paragraph shall not be made from the appropriation for general purposes when the Bureau or Office concerned has an available appropriation for contingent expenses or public works, as the case may be from which such payments can be made, nor shall the provisions of this, section be construed to cover sickness as distinguished from physical wounds.

SEC. 26. If a regularly appointed officer or employee in the Philippine civil service who has rendered faithful and satisfactory service shall die while in the service, the unused accrued leave that might have been granted at the time of death shall be determined, and the salary equivalent of the accrued leave shall be paid to the person or persons entitled to receive his estate.

SEC. 27. The Governor-General or proper head of Department may, in his discretion, commute accrued leave of

absence granted to persons entitled thereto and vacation granted to teachers, and authorize the payment of the amounts so granted in the gross sum from the appropriation from which their salaries should properly be paid: Provided, That whenever upon the resignation or death of an officer or employee it is in the interests of the public service position occupied by him be immediately filled, the Governor-General or proper head of Department may direct that the e granted him be commuted, from any unexpended available is appropriated for salaries and wages in the Bureau, Office, or vice from which separated: And provided further, That except retirement from the service, leave of absence shall not be commuted to any officer or employee who remains in the Islands during leave: And provided further, That no officer or employee whose leave absence has been commuted shall be permitted to return to duty before the expiration of the period covered by such leave until he has refunded to the proper disbursing officer the money value of the unused portion of the leave of absence co commuted: And provided further, That in the case of an officer or employee separated from the service through lack of work or the abolition of his position, the governor-General or proper head of Department may, in his discretion, allow the reinstatement of such officer or employee without requiring the refund of the money value of the unused portion of the leave of absence hereinbefore mentioned.

SEC. 28. All applications for accrued leave of absence shall be made on a prescribed by the Director of Civil Service, and shall first be acted upon by the chief of the Bureau or Office, and by him submitted to the Director of Civil Service for recommendation. The application shall then be forwarded to the head of the Department in which the applicant is employed for his final decision, except in respect to those Bureaus or Offices not under any Department, in which each it shall be forwarded to the Governor-General for his final decision: Provided, however, That the Governor-General or proper bead of Department may authorize the Director of Civil Service to grant accrued or vacation leave of absence in all cases in which he approves the recommendations of the chief of the Bureau or Office in regard to such leave. Appointment o

SEC. 29. The appointment of all persons residing in the United States to the Philippine Civil Service, whether by transfer from the United States civil service or otherwise, shall be subject to the following conditions:

(a) A person residing in the United States who is appointed to the Philippine civil service may pay his traveling expenses from the place of his residence in the United States to Manila: Provided, That if any part of his traveling expenses is borne by the Government of the Philippine Islands, ten per centum of his monthly salary shall be retained until the amount retained is equal to the amount borne by the Government: And provided further, That if he shall come by the route and steamer directed his actual and necessary traveling expenses shall be refunded to him at the expiration of two years' satisfactory service in the Philippines.

(b) He shall be allowed half salary from the date of embarkation and full salary from the date of his arrival in the Islands: Provided, That he proceed directly to the Islands; otherwise he shall be allowed half salary for such time only as is ordinarily required to perform the journey by the route directed: And provided further, That such half salary shall not be paid until after the expiration of two years of satisfactory service in the Philippines.

(c) A person residing in the United States accepting an appointment to a position in the civil service of the Government of the Philippine Islands, under the conditions named in this Act, shall, before receiving such appointment, execute a contract and deliver it to the Chief of the Bureau of Insular Affairs, War Department, wherein the appointee shall stipulate that he will remain in the service of the Government of the Philippine Islands for at least two years unless released by the Governor-General or proper head of Department. A breach of the conditions provided in the contract or a removal for cause shall require the proper officer to withhold payment of all salary and traveling expenses due to the person employed and who has violated the conditions of his contract or. been removed for cause, and shall debar such person from ever entering again the public service of the Philippine Government in any of its branches. In such case an action shall lie for the recovery of the amount expended by the Government in bringing the employee to the Philippine Islands.

(d) Irrespective of leave granted, a regularly appointed officer or employee who has rendered continuous, faithful, and satisfactory service for three years or more after arrival in the Philippine Islands, shall, upon his retirement from the service, be allowed half salary for thirty days in addition to full salary for the period which may be granted him as leave of absence under the provisions of this Act; and if appointed prior to January twelfth, nineteen hundred and four, he shall also be furnished transportation from Manila to San Francisco, or transportation of equal cost to the Government by any other route: Provided, That such transportation must be used within six months after retirement from the service.

SEC. 30. The provisions of this Act shall not apply to judges of the Supreme Court, the Courts of First Instance, or the Court of Land Registration, but their leaves of absence and traveling expenses shall be governed by existing law or such law as may be hereafter enacted.

SEC. 31. All special contracts made with appointees of the Philippine civil service prior to the passage of this Act shall remain received by the terms and provisions of this Act.

SEC. 32. Act Numbered Five as amended by Act Numbered Forty-seven, section two of Act Numbered Seventy-eight, sections three and four of Act Numbered One hundred and sixty-seven as amended by sections one and two of Act Numbered Three hundred and six. Act Numbered One hundred and sixty-eight, Act Numbered Two hundred and twenty, Act Numbered Three hundred and six, Act Numbered Five hundred and eighty-nine, and Act Numbered One thousand and seventy-two: Act Numbered Twenty-five as amended by Act Numbered Three hundred and one, Act Numbered Three hundred and twenty-nine, Act Numbered Five hundred and eighty-eight, and Act Numbered One thousand and ninety-six; sections One and nineteen of Act Numbered One hundred and two; Act Numbered Three; hundred and ninety-two; Act Numbered Four hundred and eight as amended by Act Numbered Eleven hundred and ninety-seven ; Act Numbered Six hundred and twenty-six; Act Numbered One thousand and forty as amended by Act Numbered Twelve hundred and seventy-six; Act Numbered sixteen hundred and seven: Act Numbered Sixteen hundred and seventy-four; sections three, four, five, and six of Act Numbered Sixteen hundred and seventy-nine: and all other Acts or parts of Acts inconsistent with this Act: are hereby repealed: Provided, That nothing in this section shall be deemed to revive Act Numbered Eighty or any other Act repealed by any of the Acts herein mentioned.

SEC. 33. The public good requiring the speedy enactment of this bill, the passage of the same is hereby expedited in accordance with section two of "An Act prescribing the order of procedure by the Commission in the enactment of laws," passed September twenty-sixth, nineteen hundred.

SEC. 34. This Act shall take effect on August thirty-first, nineteen hundred and seven, and shall be known as the Revised Civil Service Act.

Enacted, August 26, 1907.

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