

[Act No. 1791, October 12, 1907]

AN ACT TO AMEND IN CERTAIN RESPECTS ACT NUMBERED EIGHTY-TWO, KNOWN AS THE MUNICIPAL CODE.

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

SECTION 1. Subsection (l) of section eighteen of Act Numbered Eighty-two, as amended, is hereby further amended to read as follows:

"(l) He shall appoint, by and with the consent of the majority of all the members of the council, the municipal secretary and all and employees by the municipal treasurer and employees who may be provided for by law s:dent. in1 by ordinance, with the exception of the municipal treasurer and the employees of his office, and at any time, for cause, he may suspend any such officer or employee thus appointed for a period not exceeding ten days, which suspension may be continued for a longer period by the council; and by and with the consent of a majority of all the members of the council he may discharge any such officer or employee.

"The municipal treasurer shall be appointed by the provincial treasurer, subject to the approval of the provincial board, and may be removed from office by the provincial board or the Governor-General for cause. The position of municipal treasurer shall be classified and subject to all the provisions of the Civil Service Act and rules.

"The municipal treasurer shall appoint such clerks and other employees as are necessary to aid him in the discharge of his duties when the number and salaries thereof are determined in the manner provided by this Act. In case it shall appear that the number or salaries authorized by the municipal council are manifestly inadequate, it shall be within the power of the provincial board, on application, to increase the number of clerks or employees or the salaries fixed by the municipal council therefor. The municipal treasurer for cause, suspend from office without salary for not to exceed thirty days any employee thus appointed or, with the approval of the provincial treasurer, remove him from office.

SEC. 2. Subsection (aa) of section thirty-nine of said Act is hereby amended to read as follows:

"(aa) Establish and maintain municipal pounds and fix the fees for poundage; regulate, restrict, or prohibit the running at large of domestic animals and dogs unlicensed, and provide for the distraining, impounding, and sale of the same for the penalty incurred and the cost of the proceedings; also impose penalties upon the owners of said animals for the violation of any ordinance in relation thereto; *Provided*, That large cattle within the meaning of Act Numbered Eleven hundred and forty-seven shall be disposed of in accordance with that Act."

SEC. 3. Subsection (k) of section forty of said Act is hereby amended to read as follows:

"(k) To license, public carriages, carts, and hearses kept for hire; and regulate cafes, restaurants, hotels, inns, and lodging houses; to license and regulate or to prohibit public dancing schools, public dance halls, and horse races; to license without taxing and to regulate public billiard tables, theatrical performances, and circuses."

SEC. 4. Subsection (l) of section forty of said Act is hereby amended so as to read as follows:

(l) 1. To provide, when no American public-school teacher is assigned to the municipality or when no public school of secondary instruction is maintained therein, for the expenditure from the school funds established in accordance with subsection (b) of section forty-three of this Act, or from any other municipal funds not otherwise appropriated, of not more than forty pesos per month during the school year, to be used in equal parts toward the support of two residents of the municipality while receiving training for positions as public-school teachers in the municipality at any public secondary school established under the Department of Public Instruction. The persons thus supported shall be one young man and one young woman, whose respective ages shall not be less than fifteen nor more than twenty-five years, and whose parents are not able to pay their expenses while attending schools of secondary instruction. They shall be appointed by the president, by and with the consent of the majority of all the members of the council, subject to confirmation, after one month's attendance, by the principal of the school in which they are appointed to receive instruction.

"2. To provide, further, for the expenditure from general municipal funds or, with the approval of the Secretary of Public Instruction, from the municipal school funds established in accordance with subsection (b) of section forty-three of this Act and section one hundred and fifty of Act Numbered Eleven hundred and eighty-nine, as amended, of not to exceed forty pesos per month during the school year for each person appointed, as hereinafter provided, to receive in the Philippine Normal School, the Philippine School of Arts and Trades, the Philippine School of Agriculture, or any other Insular school, special training for the teaching of the academic branches, domestic science, agriculture, or arts and trades: *Provided*, That the total number of students appointed shall not exceed four from any one municipality. These students shall be appointed by the municipal president, by and with the consent of the majority of all the members of the council, from a list of eligibles certified to the president by the division superintendent of schools, and by him recommended for such appointment.

Only those who have satisfactorily completed and been graduated from the prescribed intermediate course of instruction and are not less than seventeen nor more than thirty years of age shall be eligible for appointment as special municipal students in the Philippine Normal School or in the Philippine School of Agriculture; and only those who have satisfactorily completed the first year of the prescribed intermediate course of instruction and are not less than seventeen nor more than thirty years of age shall be eligible for appointment, as special municipal

students in the Philippine School of Arts and Trades.

"Each student appointed in accordance herewith shall be required by the municipal president to sign an agreement to the effect that, upon the termination of his studies pursued according to the terms of his appointment and agreement, he will return to the municipality appointing and maintaining him as a special student and accept an appointment either as a municipal or as an Insular teacher in said municipality, and faithfully perform the duties relative thereto for such salary as may be fixed by competent authority, for a period of time equal to that spent by him in study at the expense of (he municipality from which he is appointed."

SEC. 5. Section forty-one of said Act is hereby amended to read as follows:

"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. Each ad, resolution, and ordinance of the council shall be numbered consecutively throughout the calendar year; each executive order shall also be consecutively numbered. The municipal secretary shall, within thirty-six hours after any session of the council or the issuance of an executive order, forward a correct copy of each act, resolution, and ordinance passed thereat, and of every executive only properly numbered, to the provincial board. The board shall promptly pass upon the legality of the same, entering its action the minutes and advising the proper municipal secretary of such action. The secretary shall thereupon notify the council, that body shall note the receipt of notification upon its the provincial board shall approve all acts, ordinances, resolutions and orders which arc within the powers conferred upon council or president making the same and declare null and void as are not within said powers. If the board shall be in doubt the legality of any such act, ordinance, resolution, or order it declare the same suspended and refer the question to the fiscal us opinion. Such opinion shall be given promptly, and upon receipt the board shall take action thereon in accordance with and immediately advise the municipal secretary thereof. The municipal secretary shall also, within the thirty-six hours aforesaid, forward to the provincial treasurer a copy of each act, resolution, or ordinance authorizing or necessitating the collection of municipal revenues. After the same have been passed upon by the provincials ordinances, resolutions, and orders shall be filed by the provincial governor, who shall keep a complete file of the any arranged in consecutive order by municipalities which shall be open for public inspection, and in municipal secretary neglects or omits to forward any such dately demand a copy. Repeated negligence in forwarding ads. resolutions, or ordinances shall be cause for suspension and removal. Any attempt to enforce such act, ordinance, resolution, or executive order, after the disapproval or suspension thereof, shall be brought to the attention of the municipal council, and 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 him to the Governor-

General, 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 null and void. 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 board and to the 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 Pending the decision on appeal from a decision 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. 6. Subsection (e) of section forty-three of said Act is hereby amended to read as follows:

"(c) Rents and profits from all property belonging to the municipality, tolls from ferries, municipal stables, markets, slaughterhouses, public bath houses, pounds, and cemeteries belonging to the municipality."

SEC. 7. Subsection (h) of section forty-three of said Act is hereby amended to read as follows:

"(h) Licenses for horse races; for selling at retail in quantities of not more than five gallons of any intoxicating, malt, vinous, mixed, or fermented liquors; for the keeping of dogs; for public carriages, carts, or hearses kept for hire; and for cafes, restaurants, hotels, inns, and lodging houses, public dancing schools, and dance halls; in accordance with the provisions of section thirty-nine, subsection (u), and section forty, subsections (i), (j), and (k)."

SEC. 8. Subsection (f) of section forty-seven of said Act is hereby amended to read as follows:

"(f) Such report, when approved, shall be attested by the president and municipal secretary and forwarded to the provincial treasurer for approval. If the provincial treasurer shall, upon consideration, find that the taxes levied are lawful and will produce the estimated revenue, and that the actual expenditures provided for in the report will not exceed in the aggregate the estimate thereof, then he shall approve the same and shall forward one of the copies of the report, with his approval indorsed thereon, to the president to serve as a guide to the municipality in the administration of its salaries and pcsi- finances: *Provided*, That the salaries and positions of permanent officials and employees from January first of each year to the date of the receipt by the president of the estimate for that year, duly approved, shall be as fixed in the approved estimate for the preceding year, and no other: *And provided further*, That if the provincial treasurer shall question the legality or advisability of any

item or items of expenditure in the annual estimate he shall be authorized in his discretion to disapprove the said item or items, but shall approve those items concerning which there is no question. In the event that he shall disapprove any item or items of expenditure on the estimate he shall immediately submit to the municipal council a statement in writing giving his reasons for such disapproval. If the municipal council is dissatisfied with the action of the board the provincial treasurer an estimate containing only the items disapproved may be submitted to the provincial board with a statement of the reasons for their approval; and the provincial board shall thereupon decide the case, and its decision shall be final. In the event that the appeal is sustained as to one or more items the provincial treasurer shall forthwith approve the estimate as to them; but if it is denied, the item or items in question shall stand disapproved."

SEC. 9. Subsection (y) of section forty-seven of said Act is hereby amended to read as follows:

"(g) Expenses not provided for in the annual estimate can be incurred and paid only after the approval of an additional estimate therefor in the manner provided in the preceding section."

SEC. 10. Section sixty-one of said Act is hereby amended to read as follows:

"SEC. 61. The board of tax appeals shall hear all appeals duly transmitted to it in accordance with section fifty-eight, and shall decide the same within fifteen days after receipt thereof. It shall have authority to cause to be amended the certificate of valuation on each declaration of the property in respect to which the complaint is made. By order signed by the members of the board, or a majority thereof, and transmitted to the provincial treasurer, who shall amend the tax-list declaration in conformity with said order. Said board shall also meet in December of each year for such number of days as may be necessary and shall —

"(a) Act on the recommendations of the municipal boards of assessors made in accordance with subsections (d), (e), (f), and ((j) of section sixty-three hereof, as amended, and by order direct the provincial treasurer to change the records to conform to its action.

"(b) Review and correct, with the approval of the Executive Secretary first had, any and all erroneous or unjust assessments and valuations for taxation, and make a correct and just assessment, and state the true valuation in Philippine currency, in each case where it decides that the assessment stated in the certificate on the declaration is erroneous or unjust. The certificates on the declarations when so corrected shall be as lawful and valid for all purposes as though the assessment had been made within the time herein prescribed. Such reassessment and revaluation shall be made on due notice to the individual concerned and to the municipal council of the municipality in which the real property to be reassessed