

[Act No. 1482, May 01, 1906]

AN ACT EXTENDING THE PROVISIONS OF THE ACCOUNTING ACT TO THE AUDIT OF ACCOUNTS OF MUNICIPAL AND TOWNSHIP TREASURERS BY DISTRICT AUDITORS AND AMENDING CERTAIN SECTIONS OF THE MUNICIPAL CODE, THE PROVINCIAL GOVERNMENT ACT, THE SPECIAL PROVINCIAL GOVERNMENT ACT, THE TOWNSHIP GOVERNMENT ACT, AND THE ACTS RELATING TO THE ORGANIZATION AND GOVERNMENT OF THE MORO PROVINCE, AND OTHER ACTS, WITH RELATION TO THE AUDIT OF PROVINCIAL AND MUNICIPAL ACCOUNTS, AND FOR OTHER PURPOSES.

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

SECTION 1. It shall be the duty of the district auditors created under the provisions of section ninety-six of the Accounting Act, within their respective districts, to audit and settle the accounts of all municipal and township treasurers. Such audit shall be under the direction of the Insular Auditor and his jurisdiction and that of the district auditors with relation thereto shall be the same as that governing the audit of the accounts of provincial treasurers, in so far as applicable. The district auditors shall certify the balances arising in the accounts settled by them to the Insular Auditor and to the proper provincial and municipal or township treasurer in such form as the Insular Auditor may prescribe.

SEC. 2. Act Numbered Eighty-two, known as "The Municipal Code," as amended, is hereby further amended as follows:

- a. By adding at the end of paragraph (c) of section fourteen the following words:

"And provided further, That prior legal residence in the municipality shall not be required on the part of the treasurer or of a person temporarily performing the duties of treasurer."

- b. By making paragraph (I) of section eighteen read as follows:

"(I) He shall appoint, by and with the consent of the majority of all the members of the council, the municipal secretary, and all non-elective officers and employees who may be provided for by law or 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 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 modify the number or salaries fixed by the municipal council for such clerks or other employees. The municipal treasurer may, for cause, suspend from office any employee thus appointed and shall immediately notify the municipal council of any such action. The municipal council shall, within ten days after the receipt of this notice, take such action as the circumstances of the case may justify and order the reinstatement or the removal from office of the suspended employee, or may confirm his suspension until full evidence in the case can be presented before the council and final action taken thereon. Where reinstatement is ordered, the municipal council may direct payment of compensation for all or any part of the period of suspension, but in case suspension results in a removal no compensation shall be paid from and after the date of such suspension."

c. By making paragraph (c) of section twenty-one read as follows :

"(c) He shall render such accounts as the district auditor may require of him, subject to the approval of the Insular Auditor. An account of the transactions for each month shall be submitted to a standing committee to consist of the municipal president and two members of the municipal council, to be appointed by that body, which shall meet on or before the tenth day of each month. If the committee approves the account, it shall certify such approval on the face thereof, and if it disapproves the (f) and (g) of this Act."

d. By adding at the end of paragraph (e) of section twenty-one the following words:

"In the event that the provincial treasurer shall find that the municipal safe or strong box provided by the municipal council is not adequate properly, to protect municipal funds and valuable papers from loss and that the municipality can afford to purchase a modern iron safe, he shall request the municipal council to adopt a resolution authorizing the municipal treasurer to purchase, from the Purchasing Agent a modern iron safe of sufficient size to contain all such funds and valuable papers as would ordinarily be required to be kept in the custody of the municipal treasurer in order to protect them from fire or theft and the municipal council shall adopt the resolution requested by the provincial treasurer."

e. By adding at the end of section twenty-two two new paragraphs lettered (h) and (i) as follows:

"(h) The municipal council, with the approval of the provincial board, may require that the municipal treasurer shall, in addition to the regular duties of his office, perform the duty of municipal secretary, and shall fix the extra compensation which he shall receive therefor: *Provided*, That in no case shall the total salary received by the municipal treasurer from municipal funds

exceed the limit fixed by law for salaries of municipal presidents; except as hereinafter provided. The eligibility of a municipal treasurer for his office shall be sufficient qualification for his performance of the duties of municipal secretary in accordance with the provisions of this paragraph.

"(i) When, by reason of exceptional circumstances, the maximum salary herein, authorized for any non elective municipal officer is found by the provincial board to be inadequate, that board may fix and the Executive Secretary approve such higher rate as may be necessary to secure and retain the services of a competent appointee, and such salary shall be paid from the funds of the municipality concerned, other provisions of this Act to the contrary notwithstanding."

f. By making paragraph (*dd*) of section thirty-nine read as follows:

"(*dd*) Fix penalties for violation of ordinances, but no single penalty shall exceed a fine of two hundred pesos or imprisonment for six months, or both; imprisonment shall be imposed in lieu of unpaid fines at the rate of one day's imprisonment for each peso of the fine: *Provided*, That persons undergoing imprisonment for violation of ordinances may be required to labor for the period of imprisonment upon public works of the municipality in such manner as may be directed by the municipal council: *And provided however*, That wherever a person is imprisoned for nonpayment of a fine he shall be released upon payment of such fine, less one peso per day for each day that he has been confined. An appeal shall lie to the Court of First Instance next to be held within the province, in all cases where the judgment shall be for a fine exceeding fifteen pesos or for imprisonment exceeding fifteen days; and it shall be the duty of the provincial fiscal to appear for and represent the prosecution in such appealed cases. Pending the appeal the defendant shall remain in custody unless released upon sufficient bail in accordance with the general provisions of law, to await the judgment of the appellate court."

g. By striking out at the beginning of the fourth paragraph of section seventy-two the words:

"The books, accounts, papers, and cash of the municipal treasurer shall at all times be open to the inspection of the provincial treasurer or his deputy specially authorized for that purpose, and, at least once in every three months the office of each municipal treasurer shall be so examined. In case such an examination discloses a shortage in the cash which should lie on hand, it shall be the duty of the provincial treasurer, or his deputy making the examination, to seize the cash, books, accounts, and papers, verifying the amount of cash so seized in the presence of at least two municipal councilors, or other municipal officers, who shall certify to the correctness of the amount so seized," and inserting in lieu thereof the following words:

"The books, accounts, papers, and cash of the municipal treasurer shall at all times be open to the inspection of the provincial treasurer or his deputy specially authorized for that purpose, and of the district auditor or his deputy, and at least once in every three months the office of each municipal treasurer shall be examined by the district auditor. For the purpose of making such examination he may use a special deputy of his own or a special deputy in the