

[Act No. 1283, January 13, 1905]

AN ACT AMENDING SECTIONS FOUR, FIVE, TEN, ELEVEN, TWELVE, THIRTEEN, FIFTEEN, SIXTEEN, SEVENTEEN, EIGHTEEN, TWENTY, TWENTY-ONE, AND TWENTY-SEVEN OF ACT NUMBERED SEVEN HUNDRED AND EIGHTY-SEVEN, PROVIDING FOR THE ORGANIZATION AND GOVERNMENT OF THE MORO PROVINCE, AND REPEALING SECTION THIRTY-ONE OF SAID ACT, AND PROVIDING THAT THE INTERNAL REVENUE LAW OF NINETEEN HUNDRED AND FOUR SHALL NOT BE DEEMED TO HAVE REPEALED ACT NUMBERED FIVE OF THE LEGISLATIVE COUNCIL OF THE MORO PROVINCE, AND PROVIDING THAT REVENUES ACCRUING TO THE MORO PROVINCE UNDER THE INTERNAL REVENUE LAW OF NINETEEN HUNDRED AND FOUR SHALL ACCRUE TO THE TREASURY OF THE MORO PROVINCE, WITHOUT DIVISION, AND BE EXPENDED IN THE DISCRETION OF THE LEGISLATIVE COUNCIL FOR PROVINCIAL, DISTRICT, AND MUNICIPAL PURPOSES.

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

SECTION 1. Section four of Act Numbered Seven hundred and eighty-seven, entitled "An Act providing for the organization, and government of the Moro Province," is hereby amended as to read as follows:

"SEC. 4. The Civil Governor of the Philippine islands, by and with the consent of the Philippine Commission, shall appoint, for the Moro Province, a governor, attorney, secretary, treasurer, superintendent of schools, and an engineer. The provincial governor, secretary, and engineer may be officers of the Army, detailed on request of the Philippine Commission by the Commanding General of the Division of the Philippines to perform the civil duties of such officers. In the event of a vacancy in either of the offices herein before mentioned, it shall be promptly reported to the Civil Governor by the provincial governor. The provincial governor may, until such vacancy is filled, require any provincial officer to perform the duties of the vacant office in addition to the regular duties of such provincial officer.

"The provincial governor may upon the recommendation of the legislative council, reduce the council to four members, in which case the secretary shall perform the duties pertaining to the engineer and the governor those pertaining to the superintendent of schools."

SEC. 2. Section five of said Act is hereby amended by inserting the words "or municipal" in the twentieth line of said section, after the words "execution of the duties of his office any district" and before the words "officer for misconduct or incompetency in office," and by erasing from said section the words "the lieutenant-governor of the subdistrict of Dapitan."

SEC. 3. Section ten of said Act is hereby amended so as to read as follows:

"SEC. 10. Subject to the restrictions contained in this Act or in any law of the legislative council, the provincial superintendent of schools shall exercise the powers granted him by this section. He shall establish schools in every municipality, rancheria, township, or other settlement in the Moro Province where he deems it practicable and useful, and shall reorganize those already established where such reorganization is necessary. He shall, with the approval of the provincial governor, fix the salaries of the American and native teachers within the limits established by law, and shall determine the places in which American teachers shall teach.

"He shall fix, with the approval of the legislative council, a curriculum for primary, industrial, and secondary schools, varying the same for different schools and different localities in accordance with the peculiar conditions prevailing therein. He may create principal teachers in each district who shall discharge the duties of superintendents of the district in his absence in addition to their duties as teachers. He shall supervise the plans for the construction of schoolhouses to be built in the province, whether by the municipalities, the district government, or the provincial government, prescribing the amount of land required in each case and rules of hygiene to be observed in connection with the schools. He shall present requisitions for proper school supplies to the provincial engineer, and such supplies shall be purchased as other supplies, through the Insular Purchasing Agent, whenever proper appropriation has been made or proper authority for the purchase has been given by the legislative council.

"He shall present to the legislative council an annual estimate and requisition for the appropriation of funds necessary for the maintenance of the schools of the province, which estimate shall include the cost of repairs and construction.

"On or before January first or July first of each year he shall make a report of his administration for the previous six months to the provincial governor and such special reports as may from time to time be called for by the governor; he shall forward duplicates of all his reports to the provincial governor to the General Superintendent of Education, in the Islands. In the regular semiannual reports it shall be the duty of the superintendent to recommend changes in the school law which he deems expedient. He shall exercise general supervision over the entire school system of the province and shall prepare and promulgate rules for the examination and qualification of the applicants for the positions of native teachers and for the guidance of officers and teachers of the department not inconsistent with the school law to be adopted by the legislative council. He shall forward requisitions for such American teachers as he may need to the General Superintendent of Education at Manila; who are to be selected in accordance with the civil-service rules made applicable by law to the selection of teachers after the first of September, nineteen hundred and three. He shall, through such deputy superintendents as he may appoint among the American teachers in each district, by regulation define the school districts for each school which he may establish. The English language shall be the basis of the public school instruction;

Spanish, Moro, or the languages of the locality may be taught. He shall discharge such other duties as may be required by the legislative council."

SEC. 4. Section eleven of said Act, is hereby amended by striking out the words "the lieutenant-governor of Dapitan shall receive an annual salary of not exceeding two thousand dollars, in United States currency, to be fixed by the legislative council" and by making the next sentence of said section, after the words so stricken out to read as follows: "In case an officer of the Army is detailed to perform the duties of provincial governor or secretary or provincial engineer, or a governor or a secretary of a district, he shall receive an allowance equal to twenty per centum of his current proper yearly pay as an officer of the Army and the actual and necessary expenses incurred while absent from his station in the performance of his necessary civil duties."

SEC. 5. Section twelve of said Act is hereby amended by adding, at the end thereof the following words: "In case of a consolidation of the offices of secretary and engineer and those of governor and superintendent of schools, the legislative council shall consist of the governor, the secretary and engineer, the attorney, and the treasurer. In such case three members shall constitute a quorum for legislative action. In case of a tie vote on any proposed enactment, the proposition which shall have received the vote of the governor shall prevail."

SEC. 6. (a) Subsection (h) of section thirteen of said Act is hereby amended by changing the word "possible" to "practicable" wherever found in said subsection, and by striking out the words "and following as nearly as possible in the provisions of these laws any agreements heretofore, made by the United States authorities with such local or tribe rulers concerning the power and privileges which under American sovereignty they are by such agreements to enjoy: *Provided*, That they have not by their conduct and the breach of the agreements forfeited such powers and privileges."

(b) Subsection (j) of said section thirteen is hereby amended so as to read as follows:

"(j) To enact laws amending and modifying the substantive civil and criminal law of the Philippine Islands to suit local conditions among the Moros and other non-Christian inhabitants of the province, and to cause such laws to conform, when practicable, to the local customs and usages of such inhabitants. It shall not be necessary that such laws shall apply uniformly to all localities; but differing provisions may be made applicable to different localities as the legislative council shall determine. The substantive law as thus amended and modified shall apply in all civil actions in which each of the parties is either a Mom or a member of some other non-Christian tribe, and in all criminal actions as to such of the accused as are Moros or members of some other non-Christian tribe. In all other civil actions and in all criminal actions as to accused who are neither Moros nor members of some other non-Christian tribe, the substantive criminal and civil law of the Philippine Islands shall apply and be in force as in other provinces: *Provided*, That in civil actions the parties to which are in part Moros or members of some other non-Christian tribe, and in part Christian Filipinos or Americans or subjects or