

[Act No. 1397, September 14, 1905]

AN ACT PROVIDING FOR THE ESTABLISHMENT, OF LOCAL CIVIL GOVERNMENTS IN THE TOWNSHIPS IN THE PROVINCES OF NUEVA VIZCAYA, LEPANTO-BONTOC, MINDORO. PALAWAN ILOCOS SUR, AND BENGUET, AND IN OTHER SETTLEMENTS OF NON-CHRISTIAN TRIBES IN THE PHILIPPINE ISLANDS NOT INCLUDED WITHIN THE LIMITS OF THE MORO PROVINCE, AND REPEALING- ACTS NUMBERED FORTY-EIGHT, THREE HUNDRED AND EIGHTY-SEVEN, FOUR HUNDRED AND ELEVEN, FOUR HUNDRED AND FORTY-FIVE. FIVE HUNDRED AND FORTY-SEVEN, FIVE HUNDRED AND FORTY-EIGHT. FIVE HUNDRED AND FORTY-NINE, FIVE HUNDRED AND FIFTY. FIVE HUNDRED AND SEVENTY-NINE, SEVEN HUNDRED AND FIFTY-THREE. EIGHT HUNDRED AND FIFTY-FIVE. ELEVEN HUNDRED AND FORTY-FIVE, TWELVE HUNDRED AND SIXTY-EIGHT, AND SECTIONS ONE TO FOUR, INCLUSIVE, OF ACT NUMBERED ELEVEN HUNDRED AND THIRTEEN.

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

CHARTER I.
GENERAL PROVISIONS.

SECTION 1. (a) All townships in the Provinces Nueva Vizcaya, Lepanto-Bontoc, Mindoro. and Palawan, and in the sub-province of Abra, Province of Ilocos. Stir, which have heretofore been organized under the provisions of elections one in sixty-seven, inclusive, of Act Numbered Three hundred and eighty-seven, entitled "An Act providing- for the establishment of local civil governments in the townships and settlements of Nueva Vizcaya," and all townships in the Province of Benguet which have heretofore been organized under the provisions of Act Numbered Forty-eight, entitled "An Act providing for the establishment of local civil governments in the townships of the Province of Benguet," shall be recognized as municipal corporations and shall he known respectively by the names heretofore adopted. Under such names-they may sue and be sued, contract and he contracted with, acquire and hold real and personal property for the general interests of the township, and exercise all the powers hereinafter conferred upon them All property and property rights veiled in any pueblo under its former organization shall continue to he vested in the same township after its incorporation under this Act.

(b) For the purposes of the Internal Revenue Act, Numbered Eleven hundred and eighty-nine, the townships referred to in paragraph (a) of this section, and all townships hereafter organized under the provisions of sections one to sixty of this Act. shall be considered municipalities.

SEC. 2. Each of these townships shall he divided into barrios. For the purposes of the first election, the barrios as established under Spanish sovereignty shall he recognized; but when local civil government shall have been established in any township this government shall readjust the division of the township into barrios, definitely fixing the boundaries of these barrios, as hereinafter provided. The barrio

of the township in which the "tribunal" was formerly situated shall be known as the chief barrio.

SEC. 3. The government of each township established under this Act is hereby vested in a president, a vice-president, and a council, composed of one representative from each barrio of the township, who shall be designated "councilor."

SEC. 4. There shall be in each township a secretary, a treasurer, and such other nonelective officers and employees as the council shall deem necessary and provide for and the provincial board shall authorize: *Provided*. That in townships where the provincial board may deem it necessary for purposes of economy, the board may, with the approval of the Secretary of the Interior, by resolution provide that the duties of township secretary and township treasurer shall be performed by one officer, who shall be known as the township secretary-treasurer and who shall be appointed in tin; manner hereinafter prescribed for the township treasurer.

SEC. 5. The president and vice-president shall be chosen at large by the qualified electors of the township; the councilor of; each barrio shall be chosen by the qualified electors of the barrio. The term of office of the president, vice-president, and councilors shall lie for two years from and after the first Monday in January next after their election and until their successors are duly chosen and qualified.

CHAPTER II.
QUALIFICATIONS OF ELECTORS—ELECTIONS.

SEC. 6. The electors exercising the privilege of choosing elective officers shall be male persons eighteen or more years of age who have had a legal residence in the township in which they exorcise the right of suffrage for a period of six months immediately preceding the election, and who are not citizens or subjects of any foreign power: *Provided*, That officers, soldiers, sailors, or marines of the Army or Navy of the United States shall not be considered as having acquired legal residence within the meaning of this section by reason of their having been stationed in the township for the required six months.

SEC. 7. Each elector shall, before voting, take and subscribe the following elector's oath, which shall be administered by a member of the board of election judges or by the township secretary. Electors' oaths shall lie filed with the township secretary:

"ELECTOR'S OATH.

"I....., do solemnly swear (or affirm) that I am a male resident of the township of, in the Province of,and shall have resided therein for the period of six months next preceding the next township election; that at the date of said election I shall be eighteen or more years of age; that I am not a citizen or subject of any foreign power; that I recognize and accept the supreme authority of the United States of America and will maintain true faith and allegiance thereto; that I will obey the laws, legal orders, and decrees duly promulgated by its authority; and that I impose upon myself this obligation voluntarily and without mental reservation or purpose of evasion. So help me Clod. (In case of affirmation the words 'So help me God should be stricken out.)

“

[Signature of elector.]

"Subscribed and sworn to (or affirmed) before me this . day of , 190....

“

[Signature of officer administering oath.]

SEC. 8. The following persons shall be disqualified from voting:

- a. Any person who is delinquent in the payment of public taxes.
- b. Any person who has been deprived of the right to vote by the sentence of a court of competent jurisdiction since August thirteenth, eighteen hundred and ninety-eight, unless and until acquitted upon appeal to a higher court or restored to all civil rights by amnesty or pardon.
- c. Any person who has taken and violated the oath of allegiance to the United States.
- d. Any person who, after April ninth, nineteen hundred and two, has been or shall be in arms in the Philippine Islands against the authority or sovereignty of the United States, whether such person be an officer, soldier, or civilian.
- e. Any person who, after April ninth, nineteen hundred and two, has "made or shall make contribution of money or other valuable thing in aid of any person of organization against the authority or sovereignty of the United States, or who shall demand or receive such contribution from others, or who shall make any contribution to any person or organization hostile to or in arms against the authority or sovereignty of the United States for the purpose of securing any protection, immunity, or benefit, and who has not received the benefit of the Amnesty Proclamation.
- f. Any person who. after April ninth, nineteen hundred and two, has given or in any manner whatsoever shall give aid and comfort to any person or organization in the Philippine Islands in opposition to or in arms against the authority or sovereignty of the United States, and who has not received the benefit of the Amnesty Proclamation.
- g. Insane or feeble-minded persons.

SEC. 9. (a) The provincial hoard shall formulate rules for the holding of elections, and shall appoint for each township a board of five election judges to preside over the election and report its result.

(b) Immediately after the close of the election the result of the voting shall be canvassed by the board of election judges, a certificate of the result of the election shall be prepared in duplicate and signed by the members of the board, and this certificate shall be a sufficient warrant for those elected to assume their offices "unless objections are filed as follows: A duplicate containing the additional

statement that a term of three days is granted in which any resident of the township can present to the board, or to the chairman thereof, in writing, such objections as he may deem just and legal against those declared elected, shall lie prepared by the hoard and posted at the main entrance of the township building.

(c) On the day following the said term of three days a duplicate of the election certificate and the objections made, if any, shall be sent by the chairman of the hoard of judges to the provincial board. Should the provincial board, upon investigation and after hearing of evidence, if necessary, find the election legal, they shall, within seven days after the receipt of said documents, direct the newly elected officers to qualify and enter upon their duties on the day fixed by this Act; but if the provincial board determines that there has been an illegality committed in the election of may officer, or that any candidate returned is not eligible, they shall so declare in writing, with the reason therefor, and shall order a special election to fill the vacancy thus occasioned, and shall certify their finding and order to the township secretary. who shall spread the same upon a the records of the council. In determining the legality of the election the provincial board shall ignore irregularities or informalities which do not prevent the declared result from being the actual will of the electors.

SEC. 10. The provincial governor shall issue to each legally elected township officer a certificate of election.

SEC. 11. Upon the election of a new president and vice-president an accounting shall be had between the incoming and the outgoing township officers, and every officer of the township shall deliver to his successor in office, who shall receipt for the same in duplicate, all books, records, accounts, moneys, and effects of every description in his possession belonging to the township or pertaining to his office, except township property in the custody of the township treasurer, which shall be turned over to the township treasurer for delivery to the incoming officials. One copy of the receipt shall be delivered to the retiring officer and the other copy shall be filed with the treasurer. Upon the refusal of the retiring officer to comply with this provision he shall be liable for all damages caused thereby and to such penalty as may be by law or ordinance prescribed. Upon the appointment of a new township treasurer all township property of every kind in the possession of the township treasurer shall be transferred to his successor under the supervision of the provincial treasurer. The incoming officials shall inform, be provincial fiscal of any irregularities in the management of the townships funds which they may discover.

SEC. 12. A plurality of votes shall be sufficient to elect. In case of a the vote, the candidates who have received the same number of voles shall draw lots for the office in question. The lots shall be prepared by the hoard of election judges, the drawing shall take place in their presence, and they shall certify to the fact of the drawing and to the result in the election returns.

CHAPTER III.

OFFICERS—THEIR QUALIFICATIONS, DUTIES, AND COMPENSATION.

SEC. 13. A president, vice-president, or councilor shall be a duly , qualified elector of the province, and shall have a legal residence therein for one year prior to the election.

SEC. 14. A secretary shall be able to read, write, and speak intelligently a local dialect generally understood in the township, and the Spanish or English language.

SEC. 15. In no case shall there be elected, or appointed to a township office ecclesiastics; soldiers in active service; persons receiving salaries from provincial, departmental, or governmental funds; those who are delinquent in the payment of public taxes assessed after the passage of this Act; or contractors for public works within the province.

SEC. 10. (a) Every person elected or appointed to a township office under the provisions of this Act shall, before entering upon the duties thereof, take and subscribe before the president or secretary the following oath of office: Provided, That oaths of office shall be administered by members of boards of election judges to officers chosen at the first election:

"OATH OF OFFICE.

"I,....., having been as.....of the township of..... in the Province of.....,do solemnly swear (or affirm) that I have the prescribed qualifications to hold office in said township; that I recognize and accept the supreme authority of the United States of America and will maintain true faith and allegiance thereto; that I will obey the laws, legal orders, and decrees duly promulgated by its authority; and that I impose upon myself this obligation voluntarily, without mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office upon which I am about to enter. So help me God. (Last four words to be stricken out in case of affirmation.)

".....
[Signature of officer.]

"Subscribed and sworn to (or affirmed) before me this day of....., 190....

".....
[Signature of president or secretary.]

(b) Such oaths shall be filed in the office of the secretary.

SEC. 17. Every township officer charged with the custody of public funds or property shall, before entering upon the duties of his office, execute a bond to the township with two or more sureties, the amount of which bond and the sufficiency of which sureties shall be approved by the president and by the provincial treasurer in writing indorsed thereon, and by the council by a recorded vote. A copy of the bond and the approval of the same shall be spread upon the minutes of the council. The bond shall be fixed at a penal sum of not less than half of the amount of the aggregate revenue which will probably come into the custody of such officer during the current year, and shall be conditioned for the faithful performance of the duties of the office and the payment as required, by law of all moneys received by such