

[Act No. 1396, September 14, 1905]

AN ACT PROVIDING FOR THE ORGANIZATION OF PROVINCIAL GOVERNMENTS IN ALL PROVINCES OF THE PHILIPPINE ISLANDS, OTHER THAN THE MORO PROVINCE, WHICH ARE NOT ORGANIZED UNDER THE PROVISIONS OF THE PROVINCIAL GOVERNMENT ACT NUMBERED EIGHTY-THREE, AND REPEALING ACTS NUMBERED FORTY-NINE, THREE HUNDRED AND THIRTY-SEVEN, FOUR HUNDRED AND TEN, FOUR HUNDRED AND TWENTY-TWO, FOUR HUNDRED AND FORTY-ONE, FIVE HUNDRED, FIVE HUNDRED AND SIXTY-SIX, AND FIVE HUNDRED AND SIXTY-SEVEN, AND SECTIONS ONE AND TWO OF ACT NUMBERED SEVEN HUNDRED AND FORTY-SEVEN.

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

SECTION 1. A civil provincial government is hereby established for each province of the Philippine Islands not organized under the Provincial Government Act Numbered Eighty-three, except the Moro Province. Every provincial government established under this Act shall be a body corporate, with power to sue and be sued to have and use a corporate seal, to hold property, real and personal, to make contracts for labor and material needed in the construction of duly authorized public works, and to incur such other obligations as are expressly authorized by law.

SEC. 2, Except as hereinafter provided, the officers of each provincial government organized under this Act shall be a provincial governor, a provincial secretary, a provincial treasurer, a provincial supervisor, and a provincial fiscal. No person shall be eligible for any of these offices who is not either a citizen of the United States, a native of the Philippine Islands, a person who has taken the oath of allegiance to the United States and served as a member of the Army or Navy of the United States and been honorably discharged therefrom, or who not being a subject or citizen of any other power or government, may have under or by virtue of the treaty of Paris acquired the political rights of a native of the Philippine Islands, or who, having taken the oath of allegiance of the United States, shall violate the same. Non-residence in the province shall not render the person appointed to the office ineligible.

SEC. 3. The provincial officers shall be appointed by the Governor-General, with the advice and consent of the Philippine Commission, and shall hold office during his pleasure. They shall reside and have their offices at the capital of the province.

SEC. 4. The provincial secretary, the provincial treasurer, and the provincial supervisor shall be selected under the provisions and restrictions of the Civil Service Act. The provincial secretary shall be able to speak and write the Spanish language, and, after January first, nineteen hundred and six, the English language also. Before the treasurer shall qualify he shall give a bond to the Insular Government for the benefit of whom it may concern, with sufficient surety, in the amount hereinafter prescribed in sections twenty-three to twenty-seven, inclusive, in the case of each province to which this Act shall apply; the surety, or sureties, shall be approved by the Treasurer of the Philippine Islands. The bond

shall be conditioned to secure the faithful performance of the duties of the office as now or hereafter prescribed by law. and for the accounting for all funds coming into his hands as treasurer, or into those of his authorized deputies, during his incumbency, and in case of death or removal, until the statement of his accounts by the Auditor for the Philippine Islands. His bond shall, after its approval, be filed with the Treasurer of the Philippine Islands, who shall record the same in a book to be kept, for the purpose and shall safely keep the same. If suit be brought on this bond it shall be no defense to those signing the bond that file above requirements for approval have not been complied with, if in fact, by virtue of such bond, the provincial treasurer has entered upon the discharge of his official duties.

SEC. 5. Before assuming office each provincial officer shall take and subscribe to the following oath or affirmation :

"I, having been appointed to the office of of the Province of....., do hereby solemnly swear (or affirm) that I will well and truly perform all the duties of said office; that I will faithfully account for all moneys coming into my hands as such officer; that I will bear true faith and allegiance to the Government of the "United States; that I take this"oath without any mental reservation whatsoever. So help me God. (In ease of affirmation the last four words shall be omitted.)"

The oaths of office may be administered to provincial officers by a member of the Commission, the Executive Secretary, the Assistant Executive Secretary, the governor of the province, or any United States Army officer stationed in the province, by the judge of First Instance within whose judicial district the said province lies, by any notary public or justice of the peace, or by any other person duly authorized in such ease to administer oaths.

SEC. 6. (a) The provincial governor shall be the chief executive officer of the province. He shall report to the Governor-General.

He shall see that the laws are faithfully executed by all the officers in the province; he shall receive the judge of First Instance when he enters the province to hold the terms of court therein, and shall provide for his protection and entertainment, charging the reasonable expenses thereof to the provincial treasury, which shall not exceed six pesos, Philippine currency, per day: *Provided*, That where the governor fails for any cause to make proper provision for the protection and entertainment of the judge, a per diem of six pesos, Philippine currency, shall be allowed from the provincial treasury to the judge in lieu of expenses during the period he is required to be in the province for the purpose of holding court.

(b) He shall attend the Court of First Instance when in session, by himself or a deputy, as the chief executive officer of the court and province, and shall execute such process as he shall be required to execute by law.

(c) Subject to other provisions of law, he shall have control of the local police of the various townships or settlements of the province; and may, when the public interests require, temporarily withdraw from the township or settlement in which such police are organized a part thereof for use in other townships or settlements of the province.

(d) In the event that any provincial Constabulary inspector in, charge shall find that the officers or men of the township police force are inefficient, dishonest, disloyal to the United States, or guilty of any violation of law or duty, he shall at once report the same to the governor of the province, who shall have power, and it shall lie his duty, to suspend the accused official, and after due hearing, if he finds the official accused to be guilty of the offense or neglect of duty charged, he shall dismiss him, and the vacancy thus occasioned shall be filled as provided by the provisions of the Township Government Act.

(e) He shall exercise the same powers with regard to the use of the Insular police stationed in the province as are now or may hereafter be provided by law for governors of provinces organized under Act Numbered Eighty-three, entitled "The Provincial Government Act."

(f) Whenever lawless violence or seditious conspiracy and disturbance of the public peace shall occur of so formidable a character as to be beyond the power of the local and Insular police of the province to suppress, it shall be the duty of the governor to call upon the Governor-General or the military officer commanding the district in which the province lies to send troops to suppress the disturbance.

(g) He shall preside at all meetings of the provincial board hereinafter constituted.

(h) He shall at least once in every six months visit every township or settlement in the province; while in the township or settlement he shall hear all complaints made against the conduct of any of its executive officers, and take suitable action thereon. He shall have the power to suspend any township official charged with misconduct in office or disloyalty to the United States, and after proper notice and hearing to remove him and to direct the provincial fiscal to bring a criminal or civil suit in the public interest against the person complained of if the charge made involves either civil or criminal liability, or to dismiss the complaint and reinstate the person complained of.

(i) Between the first and fifteenth of July of each year he shall make a report to the Governor-General of the Philippine Islands for the fiscal year ending on the thirtieth of June. This report shall embrace all matters pertinent to the administration and progress of the provincial government, and contain full information as to the commercial, economic, financial, industrial, and political conditions of the province, in order that the Governor-General and the Philippine Commission may be properly informed of the actual existing conditions during the period covered by the report. Should unexpected events or matters of special importance to the general welfare of the province occur subsequent to the date, of the regular annual report, a supplementary statement may also be filed, not later than September fifteenth, in order that complete data may be at hand for the use of the Governor-General in submitting his annual report to the Philippine Commission.

(j) The governor shall, through a jailer and guards to be appointed by him, have custody of all prisoners held awaiting trial or duly sentenced to the provincial jail.

(k) He shall make known to the people of his province, by proclamations or communications delivered to the presidents of the several townships or settlements, all general laws or governmental orders which concern them.

(l) Upon the organization of any new township or settlement within the province he shall fix the date for the first election in such township or settlement.

(m) He shall be authorized to carry, as a badge of his office, a walking stick of white Indian cane, with gold bead and a gold cord.

SEC. 7. The provincial secretary shall attest all the official acts of the provincial governor under the seal of the province, and shall record all of such acts as are required by law to be recorded. He shall be the custodian of the provincial seal. He shall receive from the provincial governor and file in his office all reports to the provincial governor required by law. and shall index be same, and he shall generally act as custodian of all provincial records and documents. He shall, on demand, furnish certified copies of all public records and documents, for which he may charge as personal compensation, in addition to his regular salary, the amount of ten centavos, Philippine currency, per one hundred words, including the certificate.

SEC. 8. (a) The provincial treasurer shall be the chief financial officer of the province. He shall fix the day or days during each month from January fifteenth to June thirtieth of each year on which the people of the several townships may appear before him or his deputies to pay their property taxes : *Provided*. That the last day so fixed shall be the thirtieth of June of each year. He shall, in person or by authorized deputy, supervise the appraisalment and assessment of real property in all the townships or settlements ; of the province, except where otherwise specially provided. He shall, by himself or deputy, collect all taxes imposed upon property or persons in the province either by the townships or settlements of the province, the provincial government, or the Central Government of the Islands, except fines for the violation of township ordinances, fees for the granting of the privilege of fisheries, the issuing of certificates of ownership of large cattle and the transfer of title to the same, tolls from ferries operated by the, townships, fees from township stables, township pounds, township markets, township slaughterhouses, township bath houses, and township cemeteries; which shall be collected by the township treasurer in the manner prescribed by ordinance of the township council. It shall be his duty to procure a certified copy of the tax-assessment list from each township or settlement of the province, and file the same in his office, and to make an alphabetical index thereof, which list and alphabetical index shall be a public record.

(b) Upon the receipt of the monthly accounts of each township he shall promptly audit the same and shall disallow any expenditures not properly authorized, immediately notifying the township treasurer of any expenditures disallowed.

(c) He shall be the custodian of the funds of the province and shall pay no money out of the provincial treasury except upon warrants drawn in accordance with law, which shall be attached to his vouchers for their payment. He shall render an account before the tenth of each month to the provincial board of the transactions h of his office for the preceding month, and shall include, among other things, the amount of the cash on hand at the beginning of the month and the receipts during the month from every source, the payments during the month and on what accounts paid, and the balance on hand at the close of the fast day of the month. The provincial board shall examine such accounts, and if found-correct, shall so certify on the face of the accounts. He shall forward a copy of his monthly accounts, so approved, to the Trcasurer of the Philippine Islands, and another to the Auditor for

the 'Philippine Islands. The reports or accounts-current submitted to the Auditor shall be accompanied by all of their supporting vouchers to enable the Auditor to settle and adjust the same and certify the balance thereon. Such accounts-current, vouchers, and paid warrants shall be as prescribed by the rules prepared under section ten of this Act. The provincial treasurer shall retain a copy of his accounts-current and of their supporting vouchers and file the same as a permanent record of his office.

(d) He shall perform the duties of registrar of property pending the appointment of such registrar for the province in accordance' with the provisions of the Land Registration Act.

SEC. 9. Promptly at the close of business on the last day of each month, and at other times if in the opinion of the provincial t governor it is deemed advisable, a committee consisting of the provincial governor, the provincial supervisor, and the division superintendent of schools shall count the cash in the hands of the provincial treasurer. If the provincial treasurer is authorized to deposit funds in a designated depository he shall keep a true and correct record of all deposits made by him therein, and a true and correct list of checks drawn against the said depository by him, showing the date and number of such checks, the name of the payee, and the purpose for which drawn. In counting the cash in the hands of the provincial treasurer the aforesaid committee shall include therein as a separate item the balance on deposit in such depository, as shown by the records kept by the provincial treasurer. If the provincial treasurer is acting as a disbursing officer of Insular funds, the committee aforesaid shall count and determine the cash balance on hand of said account under each separate designation as disbursing officer of Insular funds in the same manner and at the same time as the balance of provincial funds is ascertained. The committee aforesaid shall certify in detail to the Auditor for the Philippine Islands and to the Treasurer of the Philippine Islands the result of each count and verification of cash herein provided for, and such certificates shall be signed by each member of the committee: *Provided*, That in case the division superintendent of schools does not reside at the provincial capital or is disqualified for any other reason, a teacher of the public schools at the provincial capital, assigned to such duty by the division superintendent, shall be a member of the above committee and shall assist in the counting of cash in the provincial treasury and make proper certification as herein provided: *And provided further*, That in case the office of the provincial supervisor is combined with that of provincial treasurer or provincial governor the Governor-General shall designate a third person to act as a member of said committee. In the absence or disability of any member of the aforesaid committee two of any member of the aforesaid committee two of the said committee shall act and make the verification; and in the absence or disability of two members of the committee it shall be the duty of the remaining member to call upon a teacher of the public schools at the provincial capital who shall act as a member of said committee and make proper certification us provided herein. A duplicate of the certificate forwarded to the Insular Auditor and the Insular Treasurer shall be spread upon the minutes of the provincial board.

SEC. 10. (a) The Treasurer of the Philippine Islands shall prescribe the method of keeping the ledgers and records of the provincial treasurer, and shall prepare such rules and regulations relative to the administration of. the affairs of his office as may be necessary. The necessary hooks and forms shall be furnished to the provincial