

[Act No. 1401, October 04, 1905]

AN ACT ABOLISHING THE OFFICES OF PROVINCIAL SUPERVISOR AND A SUPERVISOR-TREASURER IN THE PROVINCES ORGANIZED UNDER THE PROVINCIAL GOVERNMENT ACT, PROVIDING THAT CERTAIN DUTIES HERETOFORE PERFORMED BY PROVINCIAL SUPERVISORS SHALL DEVOLVE UPON THE PROVINCIAL TREASURERS, AND THAT THE DIVISION SUPERINTENDENT OF SCHOOLS SHALL BE A MEMBER OF THE PROVINCIAL BOARD, AND CREATING THE OFFICE OF DISTRICT ENGINEER AND FIXING HIS POWERS AND DUTIES.

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

SECTION 1. The offices of provincial supervisor and supervisor-treasurer, provided for by the Provincial Government Act. and the Acts organizing various provinces thereunder and Acts amendatory thereof, shall be abolished on January first, nineteen hundred . and six, and the officers now known as supervisor-treasurers shall after said date be known as provincial treasurers of their respective provinces.

All the powers, responsibilities, and duties heretofore vested in the provincial supervisor shall thereupon be transferred to the provincial treasurer, and shall thereafter be assumed by that officer, except such powers, responsibilities, and duties as are hereinafter specified.

Upon said date the division superintendents of schools for the provinces above referred to shall become members of the respective provincial boards. Each division superintendent of schools shall subject to the approval of the Governor-General, designate a teacher of the public schools resident at the capital of his province, who shall act as a member of the provincial board in case of the sickness or absence from the province of such division superintendent and in cases in which the latter has not his official residence in the province. Neither the division superintendent nor the teacher: of public schools acting as a member of the provincial board shall receive any additional compensation therefor.

SEC. 2. The provinces organized under the Provincial Government Act shall be divided into engineering districts by the Consulting Engineer to the Commission, subject to the approval of the Secretary of Commerce and Police, which districts may be subsequently rearranged or modified by the Consulting Engineer, with like approval, when the public interest so requires. The engineers heretofore designated as supervisors shall be transferred to the Bureau of Engineering, and, together with any regularly appointed civil engineers, shall be assigned, in so far as may be necessary, by the Consulting Engineer, subject to the approval of the Secretary of Commerce and Police, to the engineering districts herein provided for, and when so assigned and approved they shall be designated district engineers, and shall be placed under bonds in an amount approved by the Auditor for the Philippine Islands. The Consulting Engineer shall have authority, with the approval of the Secretary of Commerce and Police, when the public interest so requires, to change the assignment of any district engineer or to assign such engineer to other engineering duty. The provincial boards of the provinces comprising the different engineering districts shall be notified of the district organization herein provided for and of any

subsequent changes therein, and of the assignment of district engineers to said districts, and their headquarters in each instance. The Consulting Engineer shall designate the head-, quarters, of the district engineers, and when such headquarters is the capital of a province, the provincial board of such .province shall provide, free of charge, suitable office quarters.

SEC. 3. It shall be the duty of the district engineer to prepare, a comprehensive scheme of roads for all of the provinces and municipalities in his district, which shall be submitted, with his recommendations, to the provincial and municipal governments interested.

SEC. 4. The district engineer shall have general supervision over the construction, maintenance, and repair of all provincial public works in the provinces of the district to which he is assigned which exceed in estimated cost the sum of five hundred pesos, and over all contracts connected with such works, under regulations which shall be prepared by the Consulting Engineer to the Commission and approved by the Secretary of Commerce and Police. No contract for public works exceeding a cost of five hundred pesos shall be undertaken by a provincial board before the plans have been examined and approved by the district engineer. Upon request of any provincial board in his district, the district engineer shall make investigations and surveys of proposed construction or repair of public works, and shall submit to said provincial board reports and estimates of the cost of construction or repair of such proposed works with his recommendations, and the shall, when necessary, prepare plans and specifications for such public works as may be required by the provincial board. It shall be the duty of the district engineer, by agreement with the president of each municipality, to fix the territory within which the duty of repairing, constructing, and maintaining roads, bridges, and ferries shall fall upon the municipal government and that in which such duty shall fall upon the provincial government, and in case of disagreement the issue shall be settled by reference to the provincial board, whose decision shall be final.

SEC. 5. The duties heretofore performed by the provincial supervisor in regard to the letting of contracts for provincial public works shall, after January first, nineteen hundred and six, be performed by the provincial "treasurer, with the approval of the provincial board, but all tenders for contracts for public works costing more than five hundred pesos shall be examined by the district engineer or his representative and his recommendation obtained before the same is signed by the contracting parties. No payments, partial or final, shall be made on such contracts without the certificate of the district engineer, or that of his duly authorized representative, specifying the work accomplished and that such payments are due. No contracts shall be entered into before funds equal to the estimated cost of such works have been appropriated therefor.

In case the district engineer shall recommend the rejection of all bids, he may be authorized by the provincial board to take charge of the work and to prosecute the same in behalf of the province by day labor.

SEC. 6. The provincial boards may undertake public works costing less than five hundred pesos, by compact, after proper advertising, or by day labor, without the prior examination and recommendation of the district engineer: *Provided*, That the district engineer shall have authority to examine the books and accounts ; of the provinces in his district in so far as they relate to public works.