

[Act No. 1072, March 03, 1904]

AN ACT AMENDING ACT NUMBERED FIVE, ENTITLED "AN ACT FOR THE ESTABLISHMENT AND MAINTENANCE OF AN EFFICIENT AND HONEST CIVIL SERVICE IN THE PHILIPPINE ISLANDS," AS AMENDED BY ACTS NUMBERED FORTY-SEVEN, ONE HUNDRED AND TWO, ONE HUNDRED AND SIXTY-SEVEN, THREE HUNDRED AND SIX, AND FIVE HUNDRED AND EIGHTY-NINE.

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

SECTION 1. Section one of Act Numbered Five is hereby stricken out and the following substituted in lieu thereof:

"SECTION 1. The Civil Governor, by and with the advice and consent of the Philippine Commission, shall appoint three persons to be members of a board to be called the Philippine Civil Service Board. The Civil Governor shall designate one of these appointees as chairman."

SEC. 2. Section three of Act Numbered Five, as amended by Act Numbered One hundred and two, is hereby stricken out and the following substituted in lieu thereof:

"SEC. 3. (a) The Board shall keep an official roster of all officers and employees above the grade of unskilled laborer in the civil service of the Philippine Islands, and for the purpose of tin's roster each head of a Bureau or Office shall furnish to the Board the necessary information, in such form and manner as it shall prescribe. The roster shall he published at intervals to he fixed by the Civil Governor.

"(b) All heads of Bureaus or Offices shall cause to be kept an accurate record of the attendance of all officers and employees under them who are entitled to leave of absence provided by law, and shall report to the Board, in the form and manner prescribed by it, all absences from duty from any cause whatever. The Board shall keep an accurate record of such absences."

SEC. 3. Section five of Act Numbered Five, as amended by Acts Numbered One hundred and sixty-seven, Three hundred and six, and Five hundred and eighty-nine, is hereby amended to read as follows:

"SEC. 5. This Act shall apply, except as hereinafter expressly provided, to all appointments of civilians in the Bureaus and Offices of the Government of the Philippine Islands, insular or provincial, or of the city of Manila: *Provided*, That persons appointed by the Civil Governor, by and with the advice and consent of the Philippine Commission, shall not be included in the classified service unless otherwise specifically provided by law."

SEC. 4. Paragraph (p) of section six of Act Numbered Five is hereby amended to read as follows:

"(p) For the employment of clerks and other employees for temporary service in the absence of available eligibles or when the work is temporary in character: *Provided*, That, the temporary employment of any person occupying a permanent position shall cease when the Board shall certify an eligible who accepts temporary or probational appointment."

SEC. 5. Section seven of Act Numbered Five is hereby amended by striking out the word "January" and the words "which it has adopted," and substituting respectively in lieu thereof the word "July" and the words which have been certified by the Board and approved by the Civil Governor.

SEC. 6. Section twelve of Act Numbered Five is hereby amended to read as follows:

"SEC. 12. No person shall be appointed to or employed in the classified civil service of the Philippine Islands or in any of the unclassified positions enumerated in section twenty except as provided by an appropriation Act or a resolution of the Philippine Commission pledging an appropriation or by a resolution of a provincial board approved by the Insular Treasurer, passed prior to such appointment or employment. Any person appointed to or employed in the classified service by the head or acting head of a Bureau or Office in violation of the provisions of the Civil Service Act or Rules shall not be entitled to receive salary or wages from the Government, but the head or acting head of the Bureau or Office who signs or makes such appointment or employment shall be personally responsible to him for the salary which would have accrued to him had the appointment or employment been made in accordance with the provisions of the Civil Service Act and Rules, and payment shall be made to him out of the salary of the head or acting head of the Bureau or Office by the disbursing officer. No disbursing officer shall pay any salary or wages to any person appointed to or employed in a classified civil-service position, except from the salary of the head or acting head of the Bureau or Office as herein before provided, until proper evidence is furnished him by the head or acting head of the Bureau or Office that the person has been appointed, or employed in accordance with the provisions of the Civil Service Act and Rules. When the Board shall find that any person is holding a position in the classified civil service in violation of the provisions of the Civil Service Act or Rules, it shall certify information of the fact to the Auditor and to the disbursing officer through whom the payment of salary or wages to such person is by law required to be made. If the Auditor shall find that, a disbursing officer has paid or permitted to be paid salary or wages to any person illegally holding a classified position, the whole amount paid shall be disallowed and the disbursing officer shall not receive credit for the same, if the Auditor shall find that the head or acting head of a Bureau or Office is responsible, as above provided, for the payment of salary or wages to such person and that such payment is not due to the failure of the disbursing officer to obtain proper evidence as herein required, the disbursing officer shall be directed to withhold from the salary of such head or acting head of the Bureau or Office an amount equal to that disallowed by the Auditor. A disbursing officer, the head of any department, Bureau, or Office, or the Auditor may apply for and the Civil