

[Act No. 337, January 28, 1902]

AN ACT PROVIDING FOR THE ORGANIZATION OF A PROVINCIAL GOVERNMENT IN THE PROVINCE OF NUEVA VISCAYA.

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

SECTION 1. A civil provincial government is hereby established for the Province of Nueva Vizcaya.

SEC. 2. The officers of this government shall be—

(a) A provincial governor, at a salary of two thousand four Governor hundred dollars per year;

(b) A provincial secretary-treasurer, at a salary of one thousand secretary-treasurer two hundred dollars per year;

(c) A provincial supervisor, at a salary of one thousand two hundred dollars per year;

(d) A provincial fiscal, who shall be the provincial fiscal of the Province of Isabela, and who shall receive an annual compensation of four hundred dollars for his services as provincial fiscal of Nueva Vizcaya.

All in money of the United States.

(e) 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, or a person 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 Islands, or who, having taken the oath of allegiance to the United States, shall violate the same. Nonresidence in the province shall not render the person elected or appointed to the office ineligible.

SEC. 3. These officers shall be appointed by the Civil Governor, with the advice and consent of the United States Philippine Commission, and shall hold office during his pleasure. They shall reside and have their offices in the municipality of Bayombong, which shall be the capital of the province.

SEC. 4. After March first, nineteen hundred and three, the provincial secretary-treasurer and the provincial supervisor shall be selected under the provisions and restrictions of the Civil Service Act. The provincial secretary-treasurer shall be able to speak and write the Spanish language, and, after January first, nineteen hundred and six, the English language also. The provincial supervisor shall be a competent civil engineer and surveyor. Before the secretary-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 sum of five thousand dollars; the surety, or sureties, shall be approved by the Treasurer for the Philippine Archipelago. 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 secretary-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 Treasurer for the Philippine Archipelago. His bond shall, after its approval, be filed with the Treasurer for the Philippine Archipelago, who shall record the same in a book to be supervision, kept for the purpose and shall safely keep the same. The Treasurer for the Philippine. Archipelago shall exercise the same supervision over his office that he exercises over the offices of provincial treasurers in the provinces organized under the Provincial Government Act.

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

"I, _____, having been _____ (appointed or elected, as the case may be) 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 case 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 secretary to the same, 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 has, or by any other judicial officer having jurisdiction therein. The oaths shall be filed in the office of the secretary-treasurer of the province.

SEC. 6. The provincial governor shall be the chief executive officer of the province. He shall report to the Civil Governor; 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 three dollars per day. The governor 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 processes as he shall be required to execute by law, subject to other provisions of law. He shall have control of the local constabulary or 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 of constabulary are organized a part thereof for use in other townships or settlements of the province. Upon the filing of charges, or upon receiving authentic information of maladministration by any officer of a township or settlement of the province he may suspend such officer and shall immediately forward to the Civil Governor a statement of the grounds for such suspension, together with the evidence upon which he has acted, giving notice of his action to the suspended official; the Civil Governor shall, after hearing and investigation, either remove the suspended officer or reinstate him. The provincial governor shall preside at all meetings of the provincial board hereinafter constituted. 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, either by dismissing the complaints or by suspending the official and transmitting the charges to the Civil Governor, or by directing 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.

Whenever any township or settlement official shall be suspended by the governor of the province in accordance with the provisions of this Act, it shall be the duty of the provincial governor at once to file written charges with the provincial board setting forth the nature of the complaints made against, the suspended official, and thereupon the board shall immediately furnish a copy of said charges to the accused official, with a notification of the time and place of hearing upon said charges, and at the time and place appointed the board shall proceed to hear and investigate the truth or falsity of said charges, giving the suspended official full opportunity to be heard. The hearing shall occur as soon as may be practicable after the charges are filed. Upon the completion of the hearing the board shall immediately forward, in writing, its findings as to the truth or falsity of the charges, together with the charges and evidence taken by the board, and its recommendation as to whether the official ought or ought not to be dismissed, to the Civil Governor, and the Civil Governor shall thereupon, upon the receipt of said findings, charges, and evidence, order the suspended official to be reinstated or dismissed as the facts shall warrant. In case the Vacancies Civil Governor shall order the official to be dismissed, the vacancy shall be filled in the manner required by an Act providing for the establishment of local civil governments in the townships and settlements of Nueva Vizcaya.

Between the first and fifteenth of January of each year he shall make a report of the condition of the province for the year ending on the previous thirty-first of December to the Civil Governor, recommending therein such measures, executive or legislative, as to him may seem best for the betterment of the conditions in the province. 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 police of the province to suppress, it shall be the duty of the governor to call upon the Civil Governor or the military officer commanding the district in which custody of prisoners, the province has to send troops to suppress the disturbance. 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. He shall employ such deputies and assistants in discharging his duties as he may deem necessary, subject to the approval of the provincial board; their salaries shall be fixed by the governor, with like approval. The number and duties of such employees shall be reported by the governor to the Treasurer for the Philippine Archipelago at the close of each month, who shall have power to abolish such subordinate offices or reduce salaries so as to secure economy and uniformity of expenditure in provinces of substantially the same population and resources, and no increase shall be made in the number of employees or the amount of the salaries after having been once reduced by the Treasurer for the Philippine Archipelago before his approval of the proposed increase shall have been obtained: *Provided*, That after March first, nineteen hundred and three, such employees shall be selected in accordance with the rules and restrictions of the Civil Service Act. The salaries shall be paid out of the provincial treasury. He shall make known to the people of his province, by

proclamation or communications delivered to the presidents of the several townships or settlements, all general laws or governmental orders which concern them. He shall pass upon every ordinance or act of the several township councils of the province, approving it should be deem it satisfactory; should he deem it unsatisfactory, he shall return it to the council, suggesting suitable amendments; the council shall inform him of its action, and he shall then approve tin modify it, as he may deem necessary township fail to fix the limits of the salaries of duly authorized appropriations for lawful and to regulate the sanitation of the ordinance or act as amended, or should the council of any the barrios of the township; to fix officers and employees; to make appropriations for lawful and necessary township expenditures; to regulate the sanitation of the township, and order the removal of nuisances and causes of disease; to regulate the running at large of domestic animals; to adopt suitable measures to prevent the spread of disease; to prohibit gambling, cock fighting, opium smoking, or the sale of opium for smoking; to provide and enforce regulations for the taxation of the retail sale, in quantities of less than five gallons, of any intoxicating, fermented, malt, or vinous liquors, except the native beverage made from rice and known as "tapuy;" to impose such other license fees as may be required by general law; to provide for the care of the poor, the sick, or of orphans; to provide for the establishment and maintenance of schools for primary instruction; to provide for the construction and maintenance of necessary water works for supplying the inhabitants of the township with water, and for insuring the equitable distribution and use of water for the purpose of irrigation in the township; or, in general, to provide for carrying into effect and discharging the powers and duties conferred on them by an Act providing for the establishment of local civil governments in the townships and settlements of Public health and the Province of Nueva Vizcaya; or should it fail to enact such measures as are necessary and proper to provide for the health and safety, promote the prosperity, improve the morals, good order, peace, comfort, and convenience of the township and the inhabitants thereof and for the protection of the property therein:

Then the governor shall issue to the president of such township suitable written orders for securing these ends, and these orders shall have the effect of law. But the constant aim of the governor shall be to aid the people of the several townships of the province to acquire the knowledge and experience necessary for successful local popular government, and his supervision and control shall be confined within the narrowest limits consistent with the requirement that the powers of government in the township shall be honestly and effectively exercised, and that law and order and individual freedom shall be maintained.

The governor shall fix the dates for the first township or settlement elections in the several townships and settlements, and the day or days during each month from January fifteenth to June thirtieth of each year on which the people of the several townships or settlements may appear before the presidents to pay their taxes: *Provided*, That the last day so fixed shall be the thirtieth of June of each year. He shall be authorized to carry, as a badge of his office, a walking stick of white Indian cane, with gold head and gold cord.

SEC. 7. The provincial secretary-treasurer 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 the 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 cents (Mexican) per one hundred words, including the certificate. In case of a vacancy in the office of governor, or vice-governor. the absence of the governor from the province, the secretary-treasurer shall discharge the duties of the governor during such vacancy or absence or until the vacancy shall be filled as hereinafter provided.

The secretary-treasurer shall be the chief financial officer of the province. He shall, in person or by authorized deputy, supervise the appraisement and assessment of real property in all the townships or settlements of the province in the manner provided in an Act providing for the establishment of local civil governments in the townships and settlements of the Province of Nueva Vizcaya, 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. It shall be his duty to procure a certified copy of the tax-assessment 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. He shall have deputies power to employ such deputies and assistants in discharging his duties as he may deem necessary, subject to the approval of the provincial board; their salaries shall be fixed by the provincial secretary-treasurer, with like approval. The number and salary of such employees shall be reported by the secretary-treasurer to the Treasurer for the Philippine Archipelago at the close of each month, who shall have power to abolish such offices or reduce salaries so as to secure economy of expenditure in provinces of substantially the same population and resources; and no increase shall be made in the number of employees or the amount of the salaries after having been once reduced by the Treasurer for the Philippine Archipelago before his approval of the proposed increase shall have been obtained: *Provided*, That after March first, nineteen hundred and three, such deputies and clerks shall be selected in accordance with the rules and restrictions of the Civil Service Act. The provincial secretary-treasurer shall have authority to require a bond from each of his deputies in a penal sum equal to the largest amount of public funds of every kind that such deputy is likely to have in his custody at any one time.

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, duly indorsed by the payee named therein, shall be his voucher for their payment. He shall board of the transactions 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 last 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 Treasurer for the Philippine Archipelago, and another to the Auditor for the Philippine Archipelago. 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 sixteen to the Provincial