

# [ Act No. 82, January 31, 1901 ]

## **A GENERAL ACT FOR THE ORGANIZATION OF MUNICIPAL GOVERNMENTS IN THE PHILIPPINE ISLANDS.**

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

### CHAPTER I

#### GENERAL PROVISIONS.

SECTION 1. (a) The pueblos of the Philippine Islands shall be recognized as municipal corporations with the same boundaries as now existing *de jure* or *de facto*, upon organization under the provisions of this Act.

(b) This Act shall not apply to the city of Manila, for which special legislation shall be enacted.

(c) This Act shall not apply to the settlements of non-Christian tribes, for which special legislation shall be enacted.

SEC. 2. (a) Pueblos incorporated under this Act shall be designated as municipalities (municipios), and shall be known respectively by the names heretofore adopted. Under such names they may sue and be sued, contract and be contracted with, acquire and hold real and personal property for the general interests of the municipality, and exercise all the powers hereinafter conferred upon them.

(b) All property and property rights vested in any pueblo under its former organization shall continue to be vested in the same municipality after its incorporation under this Act.

SEC. 3. The government of each municipality established under this Act is herein vested in a president, a vice-president, and a municipal council. The president and the councilors, together with the vice-president, shall be chosen at large by the qualified electors of the municipality, and their term of office shall be for two years from and after the first Monday in January next after their election and until their successors are duly chosen and qualified: *Provided*, That the president and vice-president elected in nineteen hundred and one shall hold office until the first Monday in January, nineteen hundred and three, or until their successors are duly chosen and qualified and that the councilors elected in nineteen hundred and one shall divide themselves by lot into two classes. The seats of those of the first class shall be vacated on the first Monday of January, nineteen hundred and two and those of the second class one year thereafter, or when their successors are duly chosen and qualified, so that one-half of the municipal council shall be chosen annually.

SEC. 4. (a) Incorporated municipalities shall be of four classes, according to the number of inhabitants. Municipalities of the first class shall be those which contain not less than twenty-five thousand inhabitants, and shall have eighteen councilors of the second class, those containing eighteen thousand and less than twenty-five thousand inhabitants, and shall have fourteen councilors of the third class, those

containing ten thousand and less than eighteen thousand inhabitants, and shall have ten councilors; of the fourth class, those containing less than ten thousand inhabitants, and shall have eight.

(b) Municipalities of less than two thousand inhabitants may be incorporated under the provisions of this Act, or may, upon petition signed by a majority of qualified electors thereof, be attached as a barrio to an adjacent and incorporated municipality, if the council of the latter shall grant said petition.

(c) A barrio or barrios with an aggregate population of more than two thousand may be incorporated under the provisions of this Act as a separate municipality, upon the granting by the Commission of a petition signed by two-thirds of the qualified electors thereof.

(d) In case of controversy, the Commission shall determine to which class a town, shall belong, and thereafter, if its population shall sufficiently increase or diminish, it shall pass to a higher or lower class by order of the provincial board.

SEC. 5. The municipality shall be divided into barrios, or wards, and the limits of such barrios shall be clearly defined, as hereinafter provided in section thirty-six. For administrative purposes, the barrios may be grouped into districts. The number of such districts in the municipality shall be equal to the number of councilors, including the vice-president.

## CHAPTER II

### QUALIFICATIONS OF ELECTORS—ELECTIONS.

SEC. 6. The electors charged with the duty of choosing elective municipal officers shall be male persons, twenty-three years of age or over, who have had a legal residence in the municipality in which they exercise the suffrage for a period of six months immediately preceding the election, and who are not citizens or subjects of any foreign power, and who are comprised within one of the following three classes:

(a) Those who, prior to the thirteenth of August, eighteen hundred and ninety-eight, held the office of municipal captain, gobernadorcillo, alcalde, lieutenant, cabeza de barangay or member of any ayuntamiento.

(b) Those who own real property to the value of five hundred pesos, or who annually pay thirty pesos or more of the established taxes.

(c) Those who speak, read, and write English or Spanish.

SEC. 7. Each elector shall, before casting his ballot, take and subscribe the following elector's oath, which shall be administered by the municipal secretary with whom it shall be filed:

#### "ELECTOR'S OATH.

"I ....., do solemnly swear (or affirm) that I am a male resident of the municipality of ....., in the .....; and shall have resided therein for the

period of six months immediately preceding the next municipal election; that at the date of said election I shall be ..... years of age; that I am not a subject or citizen of any foreign power; that I shall in all respects be entitled to vote therein at the next election for municipal officers; furthermore, 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 God. (In case of affirmation, the words "So help me God" should be stricken out.)

"(Signature of the elector.)"

"Subscribed and sworn to (or affirmed) before me this ..... day of ....., 19....."

"(Signature of municipal secretary.)"

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

(a) Any person who is delinquent in payment of public taxes, assessed since August thirteenth, eighteen hundred and ninety-eight.

(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,

(c) Any person who has taken and violated the oath of allegiance to the United States.

(d) Any person who. on the first day of April, nineteen hundred and one, or thereafter, 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, on the first day of April, nineteen hundred and one, or thereafter, shall make contribution of money or other valuable thing in aid of any person or 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.

(f) Any person who. on the first day of April, nineteen hundred and one, or thereafter, shall in any manner whatsoever give aid and comfort to any person or organization in said Islands in opposition to or in arms against the authority or sovereignty of the United States.

(g) Insane or feeble-minded persons.

SEC. 9. (a) General municipal elections (except the first, for which special provision

is hereinafter made, in Chapter VIII) shall be held on the first Tuesday in December of each Year, and the officers elected thereat shall enter-upon their duties on the first Monday of January following. In order to provide properly for municipal elections, the president, during the first five days of the month next preceding the month in which any general election is to be held, shall prepare and cause to be posted a proclamation specifying the place where and the hours during which the election shall be held, and notifying all persons qualified as electors to appear before the municipal secretary during the first fifteen days of the month in which the proclamation is dated, for the purpose of taking the elector's oath. It shall be the duty of the secretary, and he is empowered, to administer the oaths, but without fee.

(b) One copy of the proclamation shall be posted at the main entrance of the municipal building and one in a, public and conspicuous place in each barrio of the town. Between the fifteenth and twentieth days of the month, the president shall prepare from the oaths thus taken a list of the qualified electors, alphabetically arranged according to surnames, and shall post it at the main entrance of the municipal building. He shall further prepare and cause to be posted in a public and conspicuous place in each barrio an alphabetical list of the qualified electors residing within its limits. Each list shall be accompanied by a notice specifying a term of five days prior to the election during which any qualified elector may demand his proper enrollment as such, or the exclusion from the list of qualified electors of the name of any person not possessing the right to vote. Such demands shall be made to the president, who shall promptly refer them for settlement to a board consisting of the vice-president, the municipal treasurer and himself. Where the value of land offered as a qualification for voting is disputed, its value as assessed for taxation shall conclusively determine the same. If there is no assessment the value shall be determined by the board. The questions raised before said board shall be determined before the date of the pending election, and the determinations shall be immediately communicated in writing to the person whose qualifications as an elector are in question.

(c) Special elections, duly called in accordance with the provisions of section thirteen, subsection (b), shall be held on the fourth Tuesday succeeding the call for the same. They shall be conducted in accordance with the rules provided for general elections in sections nine, ten, eleven, twelve, and thirteen.

SEC. 10. Municipal elections shall be held in the house of the municipality, and shall be presided over by a board of election; judges, consisting of three qualified electors who are not candidates at such election and who, together with two tellers possessing like qualifications, shall be designated in writing prior to the day of election by a majority vote of a board consisting of those members of the municipal council who have the longest unexpired terms of office. Should any votes be cast for any member of the board of election judges, said votes shall be void and of no effect. The senior member of the board of judges shall act as its chairman, and the action of the board shall be determined by a majority vote. In case of the absence at the election of any member of the board of judges or of a teller, or his disqualification at any stage of the election, the vacancy or vacancies shall be immediately filled by a majority vote of the entire number of the remaining judges and tellers.

SEC. 11. (a) Elections shall be by secret ballot. Only duly qualified electors shall be

allowed in the room where an election is being held. A portion of the room shall be cut off by a railing and gate. Within the space thus inclosed the board of judges shall sit, and tables, together with blank ballots and writing materials, shall be placed for the convenience of voters. The tables shall be separated from each other by screens.

(b) Blank ballots, with the names, of the several offices to be filled printed thereon and with suitable spaces for the insertion of the names of the persons voted for, shall be provided in sufficient numbers by the provincial governor before every general or special election. The municipality shall pay for the ballots, which shall be furnished at cost price. Ballots on other than the above-described official forms will be illegal, unless the provincial governor shall fail to provide the blanks, or to provide them in sufficient number. In the latter event, the board of judges will determine and provide the form to be employed.

(c) Each elector shall fill out his ballot at one of the tables provided for the purpose, by writing in the names of the persons for whom he desires to vote. He shall then fold his ballot and deposit it in the ballot box, first stating to the board of judges his name and the barrio in which he resides. When he has voted, the chairman shall check his name on the official list of voters, in order to avoid the possibility of his voting a second time.

(d) The board of judges shall identify the voters, and shall exclude the ballot of anyone whose name is found not to be included in the official list.

(e) The number of electors admitted to the inclosed space shall never exceed the number of tables, nor shall any two persons occupy once table at the same time, except in the case of electors who can not read and write.

(f) Any elector who can not read and write shall be assisted in the preparation of his ballot by the two tellers, who shall accompany him to a table. One of the tellers, in the presence of the other, shall thereupon fill out a ballot in accordance with the dictation of the elector, who shall then deposit it in the usual manner.

(g) Before an election the board of judges shall provide a suitable ballot box with a slit in the top for the insertion of ballots. Immediately before the voting begins they shall see that the box is empty and shall lock the same. While an election is in progress the ballot box shall be kept locked and the key shall lie constantly in the possession of the chairman of the board of judges, who will not unlock the box or allow it to be unlocked until the board is ready to count the ballots. The box shall not be removed from the presence of the board of judges during the election or until the ballots are counted and the result declared.

(h) The hours for voting shall be from eight antemeridian to four postmeridian, at which latter time the election shall close.

SEC. 12. A plurality of votes shall be sufficient to elect.

SEC. 13. (a) Immediately after the close of the election the box shall be opened by the chairman in the presence of the board, the ballots shall be canvassed by the board, a certificate of the result of the election shall be prepared in duplicate and signed by the members of the board and by the tellers, and the certificate shall be a