

[ Act No. 74, January 21, 1901 ]

**AN ACT ESTABLISHING A DEPARTMENT OF PUBLIC INSTRUCTION IN THE PHILIPPINE ISLANDS AND APPROPRIATING FORTY THOUSAND DOLLARS FOR THE ORGANIZATION AND MAINTENANCE OF A NORMAL AND A TRADE SCHOOL IN MANILA, AND FIFTEEN THOUSAND DOLLARS FOR THE ORGANIZATION AND MAINTENANCE OF AN AGRICULTURAL SCHOOL IN THE ISLAND OF NEGROS FOR THE YEAR NINETEEN HUNDRED AND ONE.**

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

SECTION 1. A Department of Public Instruction for the Philippine Islands is hereby established, the central office of which shall be in the city of Manila. All primary instruction in the schools established or maintained under this Act shall be free.

SEC. 2. All schools heretofore established in the Philippine Islands, under the auspices of the Military Government, are hereby declared to be in the Department of Public Instruction established by section one and are made subject to the control of the officers of this Department.

SEC. 3. The chief officer of this Department shall be denominated the General Superintendent of Public Instruction and shall be appointed by the Commission. His annual salary shall be six thousand dollars. He shall have the following powers and duties, to be exercised and discharged under the general supervision of the Military Governor:

(a) He shall establish schools in even pueblo in the Archipelago, where practicable, and shall reorganize those already established, where such reorganization is necessary.

(b) He shall appoint, in accordance with Act Numbered Twenty-five, enacted October seventeenth, nineteen hundred, a City Superintendent of Schools for Manila, and division superintendents of schools for other parts of the Archipelago, and the teachers and clerks authorized by law, and shall prescribe the duties of such teachers and clerks.

(c) He shall fix the salaries of the division superintendents and teachers within the limits established by law.

(d) He shall fix a curriculum for primary, secondary, and other public schools and shall decide in what towns secondary schools shall be established.

(e) He shall divide the Archipelago into school divisions, not more than ten in number, and shall fix the boundaries thereof, with power to change the same when necessary, but the city of Manila and its barrios shall constitute one of such school divisions.

(f) He shall prescribe the authority to be exercised by the principal teacher of each

school over the other teachers, if any, and his duties in caring for the schoolhouse and school property.

(g) He shall prescribe plans for the construction of schoolhouses to be built by the municipalities, the amount of land required in each case, and rules of hygiene which shall be observed in connection with the schools of the Archipelago.

(h) He shall make contracts for the purchase of school supplies authorized by law, and whenever practicable, he shall invite bids by public advertisement and shall award the contract to the lowest responsible bidder.

(i) He shall have power to determine the towns in which English teachers, to be paid, out of the Insular Treasury, shall teach. He may exercise this discretion in favor of those towns showing their loyalty to the United States by their peaceful conditions, and in favor of those towns which shall construct and maintain suitable schoolhouses by local taxation or contributions.

(j) In case of a vacancy in the office of a division superintendent or that of the Superintendent for Manila he shall discharge all the duties of such position during the vacancy, or may make a temporary appointment to fill the same.

(k) He shall examine and pass upon all requisitions made for funds by division superintendents and forward them, with his recommendation, to the Chief Executive for submission to the Commission.

(l) On or before January first and July first of each year he shall make a report of his administration for the previous six months to the Military Governor and to the Commission, and such special reports as may from time to time be called for by either. In the regular semi-annual reports, it shall be the duty of the superintendent to recommend changes in the school law which he deems expedient.

(m) He shall exercise general supervision over the entire department, and shall prepare and promulgate rules for the examination and determination of the qualifications of applicants for positions of division superintendents and teachers, and for the guidance of the officers and teachers of the department, adapted to carry out this law and not inconsistent with its provisions.

SEC. 4. There shall be a superior advisory board of education composed of the General Superintendent and four members to be appointed by the Commission. It shall be the duty of the board to hold regular meetings once in two months, on a day to be fixed by resolution of the board, and such special meetings as shall be called by the General Superintendent. The General Superintendent shall act as president of the board. The chief clerk of the General Superintendent shall act as secretary of the board and keep minutes of its proceedings. It shall be the duty of the board to assist the General Superintendent by advice and information concerning the educational needs and conditions of the Islands; to make such investigations as the General Superintendent may desire and to make recommendations to the Commission from time to time as to needed amendments to the law. Each of the four members of the board, appointed by virtue of this section, shall receive as compensation ten dollars for each regular or special meeting which he shall attend. Any member of the board who is a non-resident of Manila shall be paid his actual and necessary expenses for travel from his residence

to Manila and his return and hotel expenses, requisitions for the amount required to pay such compensation and expenses shall be made by the General Superintendent. The terms of office of the members of such board appointed under this section shall be for three years or until their successors are appointed and qualified.

SEC. 5. There shall be a City Superintendent of Schools in the city of Manila who shall receive an annual salary of three thousand dollars.

SEC. 6. In each school division established by the General Superintendent of Public Instruction, there shall be a division superintendent who shall receive an annual salary of not less than two thousand dollars and not more than twenty-five hundred dollars.

SEC. 7. The actual expenses of the General Superintendent and the division superintendents while traveling or absent from their usual places of residence on official business shall be paid out of the Insular Treasury.

SEC. 8. Except where otherwise provided, provisions of this act describing the duties and powers of division superintendents shall apply to the City Superintendent for Manila.

SEC. 9. Each division superintendent shall, subject to rules prescribed by the General Superintendent, under section three (*m*), appoint the native school teachers to serve in the schools within his district and shall fix their salaries from year to year within the limits prescribed by law. He shall examine the schoolhouses occupied for public instruction within his division with a view to determining their suitability and hygienic condition. Should the schoolhouse in which any school is conducted appear to the division superintendent to be unsuitable and dangerous for the health of the children, and should no other schoolhouse be available, he shall have power, subject to the approval of the General Superintendent, to discontinue such school, and it shall be unlawful thereafter to use the schoolhouse thus condemned for public school purposes. He shall pass upon and accept or reject or modify the plans for any new schoolhouse, proposed by the local authorities to be erected, and for the proposed site thereof, and shall make report of his action thereon to the General Superintendent of Public Instruction. If the local authorities or the local school board shall be dissatisfied with the decision of the division superintendent as to the suitability of the plans or site of the proposed schoolhouse they may appeal to the General Superintendent, whose decision shall be final. He shall make careful investigations into the agricultural conditions existing in his division and shall make report thereon to the General Superintendent of Public Instruction, with a view to aiding the General Superintendent in making recommendations as to the places and number of the agricultural schools hereafter to be established. He shall see to it by personal visits and by requiring reports from the principal teachers of each school that the curriculum for primary and secondary schools prescribed by the General Superintendent of Public Instruction is complied with. He shall make himself familiar with the supplies and text books needed in each school in his division, and shall make report of the same at as early a date as possible, in order that they may be contracted for and furnished by the General Superintendent, he shall appoint one-half of the local school board in each pueblo in his division, as provided in section ten. He shall have and maintain his residence and an office in one of the large towns in his division, from which all the pueblos in his district can be most conveniently reached.