

## [ Act No. 83, February 06, 1901 ]

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

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

SECTION 1. Whenever the Commission shall enact that a provincial government shall be established in any part of those Islands, describing therein the territory to be included within the jurisdiction of such government, the institution, organization, and maintenance of such government, unless otherwise especially provided, shall be in accordance with the provisions of this Act.

SEC. 2. Every provincial government established under this Act shall be a body corporate, with power to sue and be sued, to have and use a corporate seal, to hold property real and personal, to make contracts for labor and material needed in the construction of duly authorized public works, and to incur such other obligations as are expressly authorized by law.

SEC. 3. In every provincial government there shall be a provincial governor, a provincial secretary, a provincial treasurer, a provincial supervisor and a provincial fiscal. 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 the subject or citizen of any other power or government, may have under and 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; or who shall be in arms against the United States after April first, nineteen hundred and one, or shall give aid and comfort to those so in arms after such date. Nonresidence in the province shall not render the person elected or appointed to a provincial office ineligible; but during his incumbency he shall reside at the capital of the province. The annual salaries to be received by the above named officers in each province shall be fixed in the Act extending the provisions of this Act to such province.

SEC. 4. The provincial governor shall be selected in the following manner: On the first Monday in February of the year nineteen hundred and two, and of each second year thereafter, the councilors of every duly organized municipality in the province shall meet in joint convention at the capital of the province and there, after selecting a presiding officer and secretary, shall by secret ballot choose a person to be the provincial governor. A majority of those present and entitled to vote shall be necessary to elect. The action of the convention shall be forwarded to the Commission by the secretary of the convention, after being duly certified by the presiding officer of the convention and by the secretary. The commission shall then confirm the selection of the person named, unless it shall find that he was unfairly elected, that he is ineligible, or that there is reasonable ground to suspect his loyalty. If the Commission shall decline to confirm the person named, the convention shall be reconvened at a time fixed by the Commission, and a second election had. If the appointment at the second election is not confirmed, then the Commission shall appoint the governor. The term of the governor thus elected or appointed shall begin on the first Monday in March and continue for two years thereafter and until

his successor shall have been duly selected and qualified. When a provincial government is established before the date fixed for the election herein provided, the Commission shall appoint a governor of the province to hold the office until his successor is selected under this section, and has duly qualified.

SEC. 5. The provincial secretary, the provincial treasurer, the provincial supervisor and the provincial fiscal shall be appointed by the commission to hold office during its pleasure. With the exception of the provincial fiscal, they shall, after March first, nineteen hundred and two, be selected under the provisions and restrictions of the Civil Service Act. The provincial secretary 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. The provincial fiscal shall be a regularly admitted member of the bar of the Supreme Court of the Islands, and shall be able to speak and write the Spanish language, and, after January first, nineteen hundred and six, the English language also. Before the provincial treasurer shall qualify, he shall give a bond to the Insular Government for the benefit of whom it may concern with sufficient surety in a penal sum equal to the greatest amount of public funds from all sources which is likely to be in his custody at any one time. The amount of the bond shall be fixed and the sufficiency of the surety or sureties approved by the Commission. The bond shall be conditioned to secure the faithful performance of the duties of office, as now or hereafter prescribed by law, and for the accounting for all public funds coming into his hands as provincial treasurer or into those of his authorized deputies during his incumbency, and in case of his death or removal until the statement of his accounts by the Insular Treasurer. The Insular Treasurer shall exercise general supervision over the offices of all provincial treasurers and whenever he thinks the bond of any provincial treasurer either too small in amount or of insufficient security he shall call the attention of the commission to the same, which may then require a new or an additional bond. The bonds of the provincial treasurers shall after their approval by the Commission be filed with the Insular Treasurer, who shall record the same in a book to be kept for the purpose, and shall safely keep the same.

SEC. 6. All provincial officers shall, before assuming office, take and subscribe 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 held me God." (In ease of affirmation the last four words shall be omitted).

The oaths shall be filed in the office of the secretary of the province.

SEC. 7. The provincial governor shall be the chief executive officer of the province. He shall report to the chief executive officer of the Insular Government. He shall see that the laws are faith fully 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 a day. Such expenses of entertainment shall not be allowed when the judge of First Instance has his usual place of residence in the capital of the province where the court is held. The governor shall attend the Court of First Instance when in session by himself or deputy as the chief executive officer of the court and province, and shall execute such process 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 municipalities of the province; and may, when the public interests require, temporarily withdraw from the municipality in which such police or constabulary are organized, a part thereof for use in other pueblos of the province. Upon the filing of charges or upon receiving authentic information of maladministration by any officer of a municipality of the province, he may suspend such officer, and shall immediately forward to the Commission, through the Chief Executive of the Islands, 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 Commission shall, after hearing and investigation either remove the suspended officer or reinstate him. He shall preside at all meetings of the provincial board hereafter constituted. He shall at least once every six months visit every municipality in the province. While in the municipality, 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, by suspending the official and transmitting the charges to the Commission 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. Between the first and fifteenth of January of each year, he shall make a report of the conditions of the province for the year ending on the previous thirty-first of December to the Chief Executive of the Insular Government, recommending therein such measures, executive or legislative, as may to him 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 chief executive of the Insular Government or the military officer commanding the district in which the province lies 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 board. Their salaries shall be fixed by the governor with like approval. The number and salaries of such employees shall be reported by the governor to the Insular Treasurer 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 the employees or the amount of the salaries after having been once reduced by the Insular Treasurer before his approval of the proposed increase shall have been obtained. The salaries shall be paid out of the provincial treasury.

SEC. 8. The provincial secretary shall attest all the official acts of the provincial governor under the seal of the province and shall record all those of the governor's acts which 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 the absence of the governor from the province, the secretary shall discharge the duties of the governor during such vacancy or absence or until the vacancy shall be filled as hereinafter provided.

SEC. 9. The provincial 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 municipalities, of the province in the manner provided in the Municipal Code. Except where otherwise especially provided, he shall by himself or deputy collect all taxes imposed upon property or persons in the province, either by the municipalities 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 list from each municipality 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 the power to appoint as many deputies and clerks in his office as he may deem necessary, after he has obtained the approval of the provincial board and the Treasurer of the Philippine Islands. Such deputies and clerks shall be selected under the provisions of the Civil Service Act. He 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 such deputy is likely to have in his custody at any one time. He shall act as collector of internal revenue for the province, and as such shall report to the Collector of Internal Revenue for the Islands, and shall make such settlements and deposits as are now required by law. 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, endorsed by the payee named therein shall be his voucher for the payment. He shall render an account before the fifth of each month to the provincial board of the transactions of his office for the preceding month and shall include among other things, the amount of 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 and the balance of cash on hand at the close of the last day of the month. The provincial board shall examine such accounts and if found correct it shall so certify on the face of the account, the provincial treasurer shall forward one copy of the monthly account to the Insular Treasurer and another to the Auditor of the Islands. He shall prepare and forward to the insular Treasurer a report of the transactions of his office for each fiscal year ending June thirtieth, with detailed accounts of receipts and expenditures on or before August first, of each year, and shall present one copy of such report to the provincial board and another to the Auditor of the Islands. It shall be the duty of the Insular Treasurer, by himself or deputy, to subject the books, papers, vouchers, and cash of every provincial treasurer to an examination at least once a quarter and the report of the examining officer shall be made in duplicate. One copy shall be filed in the office of the Insular Treasurer, and the other shall be sent by the Insular Treasurer to the provincial board. The provincial treasurer shall deposit with the Insular Treasurer all funds collected by him on account of the Insular government within thirty days after the collection of the same.

SEC. 10. The provincial supervisor shall have supervision over the construction,

repair, and maintenance of the roads, bridges, and ferries of the province, except those within the inhabited portions of the pueblos and barrios thereof, it shall be the duty of the supervisor, by agreement with the president of each municipality in accordance with this section, 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 that duty shall fall upon the provincial government, and in case of disagreement the issue shall be settled by reference to the provincial board hereinafter constituted, whose decision shall be final. The provincial supervisor shall also have charge of the construction and repair of the public buildings and offices of the provincial government, and be the custodian thereof under direction of the provincial Board. All contracts for the construction, repair, and maintenance of buildings, roads, bridges, or ferries shall be let by the provincial supervisor, with the approval of the provincial board, and no payment, partial or final, upon any contract made for such work shall be made except upon the certificate of the supervisor that the same is true. Before a contract is let for work, it shall be the duty of the supervisor to prepare proper plans and specifications and to make an estimate of the cost thereof, and submit the same to the provincial board hereinafter constituted. It shall be the duty of the supervisor to make monthly reports to the provincial board of the condition of the roads, bridges, and public buildings of the province, and to recommend to it the repairs and new construction which are necessary. The supervisor shall have power subject to the provisions of the Civil Service Act to appoint such permanent assistants, clerks, and employees in his office as may be approved by the provincial board. The number and salaries of such employees shall be reported by the supervisor to the Insular Treasurer, who shall have the same power to abolish any of such offices and reduce salaries of the same as in the case of the employees of the provincial governor. It shall be the duty of the provincial supervisor to see that the roads, bridges, and public buildings of the province are kept in proper repair. All stationery and office supplies of every character shall be purchased by him upon the order of the provincial board for the use of the provincial officers, the Court of First Instance and its officers. He shall keep a property account in which he shall charge the provincial officers with the furniture or other personal property delivered to them and held or used by them for public purposes and shall take receipts for all supplies thus delivered by him.

SEC. 11. The provincial fiscal shall be the attorney and legal adviser of the provincial government and of each of its officers, when called upon, and they may require from him written opinions. He shall represent the provincial government in all suits brought on its behalf or against it in the courts of the province or in the courts of any other province. He shall be the legal adviser of the council and president of each municipality of the province, and shall upon the request of any president or council submit in writing his views upon any question properly arising in the discharge of their public duties. He shall in the courts of the province represent the public in all criminal cases and perform such duties with reference to the institution of all criminal prosecutions as the Code of Criminal Procedure shall require. In cases, where the interests of any municipality and of the provincial government are opposed, he shall act on behalf of the provincial government, and the municipality shall be obliged to employ special counsel. The Attorney-General shall represent the provincial government, except as hereinafter provided, in all suits for or against it, which shall come into the Supreme Court; but if he deems it necessary he may authorize the provincial fiscal to assist him in the hearing of the cause before the Supreme Court. In suits by the government of one province against the government