

# [ Act No. 303, November 27, 1901 ]

## **AN ACT AMENDING ACT NUMBERED EIGHTY-TWO, ENTITLED "THE MUNICIPAL CODE," AND ACT NUMBERED TWO HUNDRED AND TWENTY-FIVE AMENDATORY THEREOF.**

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

SECTION 1. Act Numbered Eighty-two, entitled "The Municipal Code," is hereby amended as follows:

(a) By striking out of section three everything after the word "qualified" in the eighth line and inserting instead the following words: "*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: *Provided further*, That councilors elected prior to June first, nineteen hundred and one, shall divide themselves by lot into two classes, the seats of those of the first class to be vacated on the first Monday in January, nineteen hundred and two, and those of the second class one year thereafter or when their successors are duly chosen and qualified, and that councilors elected subsequent to June first, nineteen hundred and one, shall divide themselves by lot into two classes, the seats of those of the first class to be vacated on the first Monday of January, nineteen hundred and three, and those of the second class one year thereafter or when their successors are duly chosen and qualified. After the passage of this Act there shall be no elections for councilors in December of nineteen hundred and one in municipalities where elections have been held subsequent to June first, nineteen hundred and one."

(b) By adding at the close of section four (b) the words "and the Commission shall approve it."

(c) By adding at the close of section six the words "*Provided*, That officers, soldiers, sailors, or marines of the Army or Navy of the United States shall not be considered as having acquired legal residence within the meaning of this section by reason of their having been stationed in the municipalities for the required six months."

(d) By adding at the close of subsection (b) of section thirteen the following words: "The provincial governor shall issue to each legally elected municipal officer a certificate of election. Certificates of election in blank, sufficient in number for the needs of each province, shall be supplied to the provincial governor by the provincial supervisor, who shall purchase them from the Treasurer of the Philippine Islands."

(e) By adding a new paragraph to section thirteen, as follows:

"(c) Upon the election of a new president and vice-president an accounting shall be had between the incoming and the outgoing municipal officers, and the latter shall turn over to the former all municipal books, records, accounts, and moneys. The incoming officials shall inform the provincial fiscal of any irregularities in the management of the municipal funds which they may discover."

(f) By adding after the word "barrio" in the third line from the end of paragraph (b) of section thirty-seven the words: "shall be a duly qualified elector;" and by adding at the close of the same paragraph the following words: "Each councilor shall be empowered to appoint a substitute lieutenant, who shall be a duly qualified elector, for each barrio, or part of barrio, which comes under his immediate supervision, to take the place of the lieutenant of such barrio, or part of barrio, during his temporary absence or inability to perform his duties."

(g) By adding at the close of paragraph (b) of section thirty-nine the following words: "The provincial governor, with the advice and consent of the provincial board, shall fill temporary vacancies in the offices of vice-president, municipal treasurer, or municipal councilor, and whenever a president, vice-president, or councilor is suspended shall appoint some person to discharge his duties until he is reinstated or until he is removed and the vacancy thus occasioned is filled."

(h) By striking out of subsection (a) of section forty-three the words "land or buildings" in the second line and inserting in lieu thereof the words "lands, buildings, and improvements."

(i) By inserting in subsection (b) of section forty-three, after the word "lands" in the second line, the word "buildings."

(j) By changing subsection (c) of section forty-three to read as follows: "The granting of the privilege of fisheries in fresh-water streams, lakes, and tidal streams included within the municipality and not the property of any private individual, and in the marine waters included between two lines drawn perpendicular to the general coast line from points where the boundary lines of the municipality touch the sea at high tide, and a third line parallel with the general coast line and distant from it three marine leagues. Where fresh-water lakes are not included within the limits of any one municipality, or where fresh-water or tidal streams form boundaries between municipalities, disputes which may arise as to the waters within which any municipality may exercise the right of taxing the granting of the privilege of fisheries, shall be referred by each municipality to the provincial board of the province to which it belongs, and the provincial board shall recommend to the Commission such legislation as it may deem desirable."

(k) By inserting after the word "deputies" in the last line of section forty-eight the words "or by the municipal treasurer," so that the section shall read: "Taxes, imposts and all other revenues of the municipality shall not be leased or farmed by the municipal council, but shall be collected by the provincial treasurer, or his authorized deputies, or by the municipal treasurer, as hereinafter provided."

(l) By inserting after the word "land" in the third line of section fifty-one the word "buildings;" and by inserting in the eighth line of the same section, after the word "oath," the words: "*Provided*, That in case the property owner lives at a point remote from the office of the municipal secretary, the statement may be subscribed and verified by oath before any municipal secretary, or before any person authorized to administer oaths by section three hundred and forty-nine of Act Numbered One hundred and ninety."

(m) By changing section seventy-two to read as follows: "It shall be the duty of the provincial treasurer to be present in the municipality, in person or by deputy, for at