

[Act No. 5, September 19, 1900]

AN ACT FOR THE ESTABLISHMENT AND MAINTENANCE OF AN EFFICIENT AND HONEST CIVIL SERVICE 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. The Commission shall appoint three persons to be members of a board to be called the Philippine Civil Service Board. The Commission shall designate one of such persons as Chairman, and another as secretary, and may in its discretion designate from among the members of the Board a chief examiner.

SEC. 2. No person shall be eligible for appointment as a member of the Board unless he shall be a native of the Philippine Islands owing and acknowledging allegiance to the United States, or a citizen of the United States.

SEC. 3. Each member of the Board shall, during his incumbency, reside in Manila, and shall receive an annual salary of three thousand dollars and his necessary traveling expenses while in the discharge of his official duties. In case the Commission shall designate a member of the Board to act as chief examiner he shall receive in addition to his salary as a member of the Board a further annual compensation of five hundred dollars.

SEC. 4. The Board shall prepare rules adapted to carry out the purpose of this Act, which is hereby declared to be the establishment and maintenance of an efficient and honest civil service in all the executive branches of the Government of the Philippine Islands, central, departmental, and provincial, and of the city of Manila, by appointments and promotions according to merit and by competitive examinations where the same are practicable, and it shall be the duty of all officers in the Philippine civil service in the Departments and Offices to which any such rules may relate, to aid in all proper ways in carrying said rules and any modifications thereof into effect.

SEC. 5. This Act shall apply, except as hereinafter expressly provided, to all appointments of civilians to executive positions under—

- (a) The Military Governor;
- (b) The United States Philippine Commission;
- (c) The Treasurer for the Islands;
- (d) The Auditor for the Islands;
- (e) The Collector of Customs for the Islands;
- (f) The Collector of Inland Revenue for the Islands;
- (g) The Director of Posts for the Islands;
- (h) The Civil Service Board;
- (i) The Bureau of Forestry;
- (j) The Bureau of Mines;
- (k) The General Superintendent of Public Instruction;
- (l) Wardens of penitentiaries and prisons;
- (m) The Provost-Marshal-General of Manila;

(n) The Captain of the Port at Manila.

SEC. 6. The rules to be adopted by the Board shall provide—

(a) For the classification of all offices and employments specified in section five.

(b) For the appointment to those offices requiring technical, professional, or scientific knowledge by competitive or noncompetitive examinations or otherwise, as the Board shall determine.

(c) For the selection of members of the police force and of the fire department in the city of Manila and of guards at prisons and penitentiaries by competitive or noncompetitive examination, or otherwise, as the Board, after consultation with the Military Governor and his approval, shall determine.

(d) For the selection of laborers, skilled and unskilled, according to the priority of their applications, by such noncompetitive examinations as may be practicable, and which need not, if the Board shall so limit them, relate to more than the capacity of the applicants to laborer, their habits of industry and sobriety, and their honesty.

(e) For the promotion of members of one rank of the classified service to the next higher rank by competitive examination. In the competition the Board may provide, in its discretion, for the allowance of credit to the previous experience and efficiency of the applicant in the civil service of the Islands, to be estimated by the officer or officers under whose direction the service has been rendered, under such limitations as the Board, by general rule, may prescribe: *Provided*, That such credit shall not be allowed to any applicant who shall not attain a minimum average per centum to be fixed by the Board.

(f) For a period of probation before the appointment or employment is made permanent.

(g) For the preparation and holding at Manila, Iloilo, and Cebu of open competitive examinations of a practical character for testing the fitness of applicants for appointment to the classified service, and the fitness of officers and employees for promotion therein; and for the preparation and holding of the same examinations in the United States under the auspices of the United States Civil Service Commission for original appointment.

(h) For selection, according to average percentage, from among those certified by the Board as rated highest in such competition.

(i) For transfers under limitations to be fixed by the rules from one branch of the classified service to another, or from the Federal classified civil service of the United States to the classified service of the Philippine Islands.

(j) For reinstatements in the service under limitations to be fixed by the rules.

(k) For the examination in the Spanish language of all applicants who are citizens of the United States and in the English language of all applicants who are natives of the Philippine Islands, whenever, in the opinion of the Board, knowledge of both language is essential to an efficient discharge of the duties of the positions sought.

(l) For the holding of noncompetitive examinations when applicants fail to compete after due notice has been given of an open competitive examination to fill an existing vacancy.

(m) For a thorough physical examination by a competent physician of every applicant for examination in the United States and for rejection of every such applicant found to be physically disqualified for efficient service in the Philippine Islands.

(n) For limitations upon the age of those entering the lowest rank of the classified service, the maximum age under which shall not be greater than forty years and the minimum age not less than eighteen.

(o) For eliciting from all applicants for examinations full information as to their citizenship, nativity, age, education, physical qualifications, and such other information as may reasonably be required affecting their fitness for the service which they seek to enter.

(p) For the employment of clerks and other employees for temporary service where it is impracticable to make appointments as provided in this Act, for terms not exceeding ninety days, but no person shall be employed under this exception for more than ninety days in a year.

(q) The enumeration herein of the subjects to be covered by the rules of the Board shall not be regarded as exclusive, but the Board shall have power to adopt any rules not in violation of the limitations of the Act, which will more efficiently secure the enforcement of the Act.

SEC. 7. The Board shall keep minutes of its own proceedings, and on or before the first day of January of each year shall make an annual report to the Military Governor and to the Commission showing its proceedings, the rules which it has adopted, the practical effect thereof, and suggestions for carrying out more effectually the purpose of this Act.

SEC. 8. The Board shall supervise the preparation and rating and have control of all examinations in the Philippine Islands under this Act. The Board may designate a suitable number of persons in the Philippine civil service to conduct its examinations and to serve as members of examining committees, and when examiners with special, technical, or professional qualifications are required for the preparation or rating of examination papers, it may designate competent persons in the service for such special duty, after consultation with the proper officer, or officers under whom they are serving. The duties required of such persons as members of examining committees, or as special examiners, shall be considered as part of their official duties and shall be performed without extra compensation. When persons can not be found in the Philippine service with the necessary qualifications for special examining work that may be required, the Board is authorized to employ at a reasonable compensation persons not in public employment for such work, which compensation shall be paid out of the general funds appropriated for the purposes of the Board, on its order.

SEC. 9. The Board may make investigations and report upon all matters relating to