

[Act No. 2408, July 23, 1914]

AN ACT PROVIDING A TEMPORARY FORM OF GOVERNMENT FOR THE TERRITORY KNOWN AS THE DEPARTMENT OF MINDANAO AND SULU, MAKING APPLICABLE THERETO, WITH CERTAIN EXCEPTIONS, THE PROVISIONS OF GENERAL LAWS NOW IN FORCE IN THE PHILIPPINE ISLANDS, AND FOR OTHER PURPOSES.

Whereas the change of government in the Department of Mindanao and Sulu, effected in January last, necessitates certain reforms, and not only is the time ripe for these reforms, but they are insistently demanded by present conditions in said department; and

Whereas it is the desire of the people of the Islands to promote the most rapid moral, material, social, and political development of the inhabitants of said department in order to accomplish their complete unification with the inhabitants of other provinces of the Archipelago; and

Whereas for the accomplishment of this purpose the extension thereto of the general laws of the country and of the forms and procedures of government followed in other provinces, under certain limitations in harmony with the special conditions now prevailing in said department, is among other measures advisable and necessary, but always with the understanding that such limitations are temporary and that it is the firm and decided purpose of the Philippine Commission to abolish such limitations together with the departmental government as soon as the several districts of said region shall have been converted into regularly organized provinces: Now, therefore,

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

CHAPTER I.—THE DEPARTMENT.

ARTICLE 1.—*Preliminary provisions.*

SECTION 1. *Short title.*—The short title of this Act shall be "The Organic Act for the Department of Mindanao and Sulu."

SEC. 2. *Territory included.*—The Department of Mindanao and Sulu shall consist of the entire island of Mindanao, excluding only the Provinces of Misamis and Surigao, together with the Sulu Archipelago, including the islands known as the Jolo Group, the Tawi Tawi Group, and all other islands pertaining to the Philippine Archipelago under the sovereignty of the United States of America south of the eighth parallel of north latitude, excepting therefrom the islands of Palawan and Balabac, and the immediately adjacent islands, but including the island of Cagayan Sulu.

The capital of the Department of Mindanao and Sulu Capital-shall be at Zamboanga.

SEC. 3. *Definitions.*—Unless some other meaning is plainly apparent from the language or context, or unless such construction is inconsistent with the manifest

intent of the legislators, whenever the words "governor," "secretary," "treasurer," "attorney," and "delegate" occur in this Act they will be construed to refer to officers of the Department of Mindanao and Sulu, provided for in section five hereof.

The term "non-Christians" shall include Mohammedans and pagans.

SEC. 4. *Corporate powers.*—The government of the Department of Mindanao and Sulu 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 and convey 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 authorized by law.

ARTICLE 2.—*The administrative council.*

SEC. 5. *Officers appointed by Governor-General.*—The Governor-General, by and with the consent of the Philippine Commission, shall appoint, for the Department of Mindanao and Sulu, a governor, secretary, attorney, treasurer, and delegate. In the event of a vacancy occurring in any of the offices hereinbefore mentioned, it shall be promptly reported to the Governor-General by the department governor. The department governor may, until such vacancy is filled, require any department officer to perform the duties of the vacant office in addition to the regular duties of such department officer.

SEC. 6. *Administrative council, powers and duties.*—The five officers appointed by the Governor-General as provided in the next preceding section, to wit, governor, secretary, attorney, treasurer, and department delegate, shall constitute the administrative council. The governor shall be its presiding officer. Three members shall constitute a quorum. The council herein created shall be an advisory board to the governor, and is authorized:

(a) *Appropriations.*—To appropriate and expend public funds of the department: *Provided, however,* That no appropriation made pursuant to the provisions of this subsection shall be valid or take effect until it shall have been approved by the Philippine Commission or unless and until thirty days after receipt of the notice thereof by the Philippine Commission shall have passed without the disapproval of the Philippine Commission having been given: And provided further, That any unexpended balances of appropriations made pursuant to the provisions hereof shall be returned to the general funds of the department treasury.

(b) *Hours of labor.*—To adopt rules regulating the hours of employment in the various offices in the department, provinces, municipalities, and other political subdivisions thereof.

(c) *Seal.*—To provide a seal for the department.

(d) *Appointment and removal of officers and employees.*—By majority vote of all the members to confirm the appointment of officers when required by this Act and for cause suspend and remove any officer or employee of the department, except officers appointed by the Governor-General.

(e) *Additional duties.*—Perform such other duties as are imposed thereon by this Act or laws hereafter enacted.

SEC. 7. *Department officers, salaries of.*—The department governor shall receive an annual salary of twelve thousand pesos: *Provided*, That the first civilian governor shall receive an annual salary of eighteen thousand pesos, together with a residence, equipped and furnished, to be provided by the department; and each of the other department officers, namely, secretary, attorney, and treasurer, shall each receive an annual salary of not exceeding eight thousand pesos to be fixed by the Governor-General in the appointment and to be approved with the appointment by the Philippine Commission.

The senior supervising engineer, the superintendent of schools, and the chief health officer shall each receive an annual salary of not exceeding eight thousand pesos; and the superintendent of reformatories shall receive an annual salary of not exceeding six thousand pesos, to be fixed in the appointment.

The salaries of all officers and employees of the department shall be payable out of the revenues thereof or other available funds. In case of officers and men of the Army or Constabulary, detailed to perform duties in connection with the government of the Department of Mindanao and Sulu, or any political subdivision thereof, they shall be paid in addition to their regular salary such additional allowance as may be provided by the administrative council.

ARTICLE 3.—*Public affairs.*

SEC. 8. *Department governor; powers and duties.*—It shall be the duty and within the power of the department governor:

- (a) *General supervision.*—To have supervision and supervision, control over the various offices of the department, the provincial governments, and other political subdivisions thereof.
- (b) *Execution of laws.*—To see that the laws are faith- -execution of iaW5. fully executed by all officers of the department, provinces, and municipalities.
- (c) *Provincial and municipal police.*—To have control, through the various provincial governors and the municipal presidents, of the provincial and municipal police.
- (d) *Constabulary.*—To direct, through the district chief -constabulary, of Constabulary, the, use and control of the Constabulary within the Department of Mindanao and Sulu; and whenever public interests require, to withdraw the Constabulary from one province or municipality for use in another.
- (e) *Inspection of provinces.*—To visit at least once in every six months every province within the department.
- (f) *Appointments.*—To appoint all department officers, except as herein otherwise provided, and to fix their salaries within the limitations provided by law subject to the approval of the administrative council.
- (g) *Suspensions and removals.*—To suspend from office any officer or employee of the department, or political subdivision thereof, subject to the provisions and limitations of paragraph (d) of section six hereof.
- (h) *Governor-General, report to.*—To discharge the duties of his office under the general supervision and control of the Governor-General to whom he shall make a report of the conditions of the department at the end of each fiscal year, recommending such measures as he may deem

necessary for the betterment of the department, and perform such other duties as the Governor-General may require of him.

(i) *Land tax, remission of collection.*—To remit, subject to the approval of the Governor-General, the collection of the land tax in whole or in part for a period not exceeding one year at a time in any province organized hereunder or any part thereof in which he deems the public interest demands such action, other provisions of law to the contrary notwithstanding.

(j) *Appropriations.*—To approve or disapprove in whole or in part any provincial appropriation, subject to appeal to the Governor-General.

(k) *Lawsuits.*—To direct, in his discretion, the bringing or defense of suits on behalf of the department, provincial, and municipal governments and to compromise the same upon the recommendation of the attorney and the approval of the judge of first instance for the district.

(l) *Deposit of public funds in a bank.*—To authorize the treasurer to deposit so much of the funds belonging to the department or to provincial and municipal governments as may not be needed in the near future for public use in a bank of deposit of approved standing in the Islands; and any interest paid on such deposits shall inure to the benefit of the respective treasury of the department, province, or municipality, as the case may be.

(m) *Boundary lines of provinces, and so forth.*—Subject to the approval of the Governor-General, to enlarge, contract, or otherwise change, by executive order, whenever in his judgment the public welfare requires it, the boundary of any province, subprovince, municipality, or any other political subdivision within the Department of Mindanao and Sulu, or separate any such subdivision into such portions as may be required as aforesaid, merge any of such subdivisions or portions with another, name any new subdivision so created, change the seat of government within any subdivision, existing or created hereunder, to such place therein as the public interests require, and shall fix in such executive order the date when the change, merger, separation, or other action shall take effect. Whenever such action as aforesaid creates a new political subdivision, the department governor shall appoint such officers for the new subdivision with such powers and duties as may be required by the existing provisions of law applicable to the case and fix their salaries, subject to the limitations provided in this Act. Such equitable distribution of the funds of changed subdivisions between the subdivisions affected shall be made as is recommended by the district auditor and approved by the department governor.

(n) *Capture of criminals; offer of reward.*—To offer, or to grant authority to the provincial governor of any province organized under this Act, or the district chief of Constabulary for the Department of Mindanao and Sulu to offer, a reward not exceeding one thousand pesos, for information leading to the capture and conviction of a member of a band of brigands, or of the perpetrator of any murder or robbery or of any crime, or for information leading to the capture of an escaped convict.

(o) *Administrative investigations.*—To investigate, whenever he deems it necessary for the good of the public service, any action or conduct of any person or persons in the service of the department, or any of the provinces, municipalities, or other political subdivisions therein established, and designate a suitable person to make such investigation

and to take the testimony of any person or persons which, in his judgment, may be relevant thereto and may detail or authorize the said person designated to procure stenographers and interpreters to assist in the same. Such person so designated shall have such full power to subpoena witnesses and require the production of documentary evidence and to administer oaths to witnesses as is possessed by Courts of First Instance in criminal actions and may invoke the summary process of such courts for the punishment of contempts in failure, except for good reasons, to appear or to produce documentary evidence or to give testimony. All interpreters acting in any such proceeding shall be sworn well and truly to interpret between the counsel, the witnesses, and the person so designated, and the stenographers shall be sworn to make a true transcript of the testimony given on such proceeding.

(p) *Parole of prisoners.*—To authorize and direct, subject of prisoners, to the approval of the Governor-General, the discharge from custody, whenever he thinks best, of any person convicted of crime in any court within the Department of Mindanao and Sulu and suspend the sentence of such convict without granting a pardon, and prescribe the terms upon which a convict so paroled shall have his sentence suspended. Upon the failure of any convict to observe the conditions of his parole, to be determined by the department governor, the latter shall have authority to direct the arrest and return of such convict to custody, and thereupon said convict shall be required to carry out the sentence of the court as though no parole had been granted him, the time between the parole and subsequent arrest not being taken as a part of the term of his sentence in computing the period of his confinement.

(q) *Condemnation proceedings.*—To determine for and in behalf of the government of the Department of Mindanao and Sulu and of any political subdivision thereof when it is necessary or advantageous to exercise the right of eminent domain. He may, in his discretion, direct the department attorney to cause condemnation proceedings to be begun in the court having jurisdiction. The right of condemnation or eminent domain herein granted shall otherwise be exercised in accordance with general laws at the time being in force.

(r) *Harbor lines, to harves, and so forth.*—To establish by executive order harbor lines in the department beyond which no piers, wharves, bulkheads, or other works shall be extended or deposits made, except under such regulations as he may prescribe from time to time, and to control and regulate the use of, or to operate, all piers, wharves, bulkheads, and other like improvements together with their arrastre plants and other equipment for the public service.

(s) *Rides for general welfare.*—Ho make and prescribe, and from time to time to change, with the approval of the administrative council, such rules and regulations as he in his discretion may deem most conducive to the public interest, the security of life and property, and the general welfare. It shall not be necessary that such rules and regulations be uniform for the entire department, but they may be different for each political subdivision. Such rules and regulations may provide penalties not exceeding a fine of two hundred pesos or six months' imprisonment or both. Such rules and regulations may be suspended, modified, or annulled by the Philippine Commission.

(t) *Elections, postponed.*—To postpone, by executive order, any