

[Act No. 1980, April 19, 1910]

AN ACT TO PROVIDE FOR THE CREATION OF A COMMISSIONED AND ENLISTED SERVICE WITHIN THE BUREAU OF NAVIGATION, THE CREATION OF A PENSION FUND IN CONNECTION THEREWITH, AND FOR THE PUNISHMENT OF OFFENSES AGAINST GOOD ORDER AND DISCIPLINE WITHIN SUCH SERVICE.

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

SECTION 1. The Director of Navigation shall appoint the necessary petty officers and suit petty officers and crews for the proper maintenance and operation of all vessels belonging to or under the charge of the Bureau of Navigation, and the necessary officers, light keepers and apprentices for the proper performance of the light-house service in the Philippine Islands, subject to such rules, regulations, and examinations as the Director of Navigation, subject to the approval of the Secretary of Commerce and Police, may prescribe.

Captains, first lieutenants, second lieutenants, and third lieutenants, Bureau of Navigation, shall be recommended by the Director of Navigation, with the approval of the Secretary of Commerce and Police, and appointed and commissioned by the Governor-General, by and with the advice and consent of the Philippine Commission, and they shall perform such duties as may be assigned to them by the Director of Navigation: *Provided, however,* That no officer shall be commissioned who is not a citizen of the United States or of the Philippine Islands and who has not taken the oath of allegiance to the United States.

SEC. 2. In addition to the regular pay of commissioned officers of the Bureau of Navigation, there shall be allowed and paid to each such officer an increase of ten per centum of his current annual pay for each five years faithful and efficient service as a commissioned officer: *Provided,* That the amount of such increase shall not exceed forty per centum of the yearly pay of the grade as provided by law.

SEC. 3. The Director of Navigation is hereby authorized, subject to such rules regulations, and examinations as the Director of Navigation, subject to the approval of the Secretary of Commerce and Police, may prescribe, to enlist men for service in the Bureau of Navigation, and the term of such enlistment for all petty officers and crews of vessels, consisting of patrons, boatswains, quartermasters, cockswains, sailors, stewards, cooks, guess boys, carpenters, engineers, machinists, others, firemen, coal passers, and for light keepers, apprentices, and so forth, shall be two years; and to each petty officer, enlisted man, light keeper, apprentice, and so forth, there shall be paid, in addition to his regular pay, the sum of one peso per month and two pesos per month, respectively, for the second and third enlistment: *Provided, however,* That the Director of Navigation shall not enlist any petty officer or member of the crew of any vessel who is not a citizen of the United States or of the Philippine Islands or who has not taken the oath of allegiance to the United States.

SEC. 4. Each officer, enlisted man, light keeper, and light-house apprentice of the Bureau of Navigation shall, before entering upon the duties of his office or position, make and subscribe the following oath:

"I....., having been appointed as..... in the Bureau of Navigation, do solemnly swear (or affirm) that I am a citizen of....., that I recognize and accept the supreme authority of the United States of America in the Philippine Islands, and will maintain true faith and allegiance thereto; that I will obey the laws, legal orders, and decrees promulgated by its duly constituted authorities; that I impose upon myself these obligations voluntarily, without mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office upon which I am about to enter: so help me God. (The last four words to be stricken out in case of affirmation.)

.....
(Signature of officer or member.)

"Subscribed and sworn to (or affirmed) before me this.....day of.....19....."

The oath may be taken before any judge, justice of the peace, notary public, or other officer authorized to administer oaths, and when taken shall be filed in the office of the Bureau of Navigation.

SEC. 5. It shall be. and hereby is made the duty of the Director of Navigation to see that the officers and crews of any vessel belonging to or under the charge or direction of the Bureau of Navigation, and the light keepers and apprentices of the light-house service, are suitably uniformed, equipped, governed, and disciplined for the performance of necessary duty, under such rules and regulations as the Director of Navigation shall prescribe, subject to the approval of the Secretary of Commerce and Police, and, when in his judgment necessary, shall be suitably armed. The Director of Navigation is also empowered to suspend, and for sufficient cause and upon the approval of the Secretary of Commerce and Police, to punish or remove any officer or member of any crew and any light keeper or apprentice of the light-house service, for inefficiency, misconduct, or disloyalty to the Government of the United States, or the commission of any of the offenses enumerated in section nine of this Act; and when any officer or member of any crew, light keeper or apprentice of the light-house service, shall have been convicted and sentenced by a court of competent jurisdiction of a criminal offense, or of any of the offenses hereinafter named, other than such offenses as are hereinafter made punishable in and by the summary court hereinafter provided, the Director of Navigation, with the approval of the Secretary of Commerce and Police, may order his dishonorable discharge and the forfeiture of all pay and allowances due or to become due: *Provided, however,* That such removal of commissioned officers shall not be effective until approved by the Governor-General. The Director of Navigation is also hereby empowered to fill temporarily any and all vacancies occurring by reason of suspension, removal, discharge, resignation, death, or disability, or by transfer, promotion, or, in case of said crews, light keepers or light-house apprentices, by enlistment, as may seem to him advisable. The Director of Navigation is hereby also empowered to make any and all necessary and proper rules and regulations governing the selection and promotion of members of crews of vessels and light keepers and apprentices of the light-house service.

SEC. 6. When an officer, enlisted man, light keeper, or light-house apprentice of the Bureau of Navigation shall have had twenty or more years of continuous, faithful, and satisfactory service, he may, upon making application therefor, be retired from active service by the Secretary of Commerce and Police, and when so retired he shall receive until his death an annual pension equal to two and one-half per centum of the total sum of the pay and allowances received by him up to the time he is retired: *Provided, however,* That no officer, enlisted man, light keeper, or light-house apprentice shall receive an annual pension equivalent to more than seventy-five per centum of the amount of his current pay and allowances received by him at the time he is retired.

The Government of the Philippine Islands shall not be responsible for any pension provided by this section to be paid to any retired officer, enlisted man, light keeper, or light-house apprentice of the Bureau of Navigation, but the same shall be paid from a fund created in accordance with the provisions of section seven hereof.

The service of any officer, enlisted man, light keeper, or lighthouse apprentice shall be considered continuous for the purposes of this section if he be not separated from the service at any time for a longer period than one year.

SEC. 7. In order that a fund may be provided for the purpose set forth in section six there shall be deducted and retained two per centum of the monthly pay of all officers, petty officers, and enlisted men, light keepers, and apprentices. The deductions and retentions shall be noted on the pay roll and the cashier of the Bureau of Navigation shall pay each officer, petty officer, enlisted man, light keeper, and apprentice only the net amount due, the same being his total pay less such retentions and deductions as may have been made pursuant to this Act. The cashier shall keep a record in duplicate of all such retentions and deductions showing the amount thereof and the name of the officer, petty officer, enlisted man, light keeper, or apprentice, as the case may be, and shall forward one copy to the Insular Auditor at the end of each month, retaining the duplicate copy on file in his office. The amount of these deductions and retentions shall be deposited in the Insular Treasury to the credit of the fund hereby created, which shall be known as "The Pension Fund, Bureau of Navigation," and these deposits shall constitute a special fund for the payment of pensions as hereinbefore provided and shall not be considered general revenues of the Philippine Islands. This fund may also be expended for the relief of officers, enlisted men, light keepers, and apprentices injured or incapacitated in line of duty, or for the benefit of the widows and orphans of such officers, enlisted men, light keepers, and apprentices as may have lost their Lives in the line of duty. The Director of Navigation is hereby authorized to recommend to the Governor-General the disposition of this fund for such purposes and it may be so expended upon the authorization and approval of, and under such regulations as may be prescribed by, the Governor-General.

SEC. 8. The investment of the said pension fund of the Bureau of Navigation shall be in chaise of the Postal Savings Bank Investment Board provided for by section eighteen (a) of Act Numbered Fourteen hundred and ninety-three, and said fund may be invested in the securities authorized in said section, as amended, for funds of the Postal Savings Bank without, however, the limitations in regard to the proportion of the funds which may be invested in different classes of securities.

SEC. 9. Any officer, enlisted man, light keeper, or apprentice of the Bureau of Navigation—

(a) Who participates in, incites, or encourages any mutinous uprising, or begins, incites, causes, or joins in any mutiny, opposition or resistance to, or defiance of, any superior authority in said Bureau with intent to usurp, subvert, or override the same, or who being present, does not use his utmost endeavors to suppress all such mutiny, opposition, resistance, or defiance, or who, having knowledge of any such mutiny, opposition, resistance, or defiance being intended, does not without delay give information thereof to such superior authority, shall, upon conviction, be punished by a fine not exceeding five thousand pesos, or by imprisonment not exceeding two years, or by both such fine and imprisonment in the discretion of the court.

(b) Who willfully disobeys the lawful command of his superior officer shall, upon conviction, be punished by a fine not exceeding one thousand pesos, or by imprisonment not exceeding one year, or by both such fine and imprisonment in the discretion of the court.

(c) Who, being duly enlisted therein, absents himself from duty without leave and with intent not to return, or advises or persuades others to do the like, shall, upon conviction, be punished by a fine not exceeding one thousand pesos, or by imprisonment not exceeding one year, or by both such fine and imprisonment in the discretion of the court.

(d) Who misbehaves himself before any outlaw, robber, pirate, or other enemy, shamefully abandons his ship or light station, or advises or persuades others to do the like, or quits his post to plunder or pillage, shall, upon conviction be punished by a fine not exceeding two thousand pesos, or by imprisonment not exceeding one year, or by both such fine and imprisonment in the discretion of the court.

SEC. 10. Any petty officer, enlisted man, light keeper, or apprentice, who willfully, or through neglect, wastes, loses, or spoils property put in his charge, his clothing, or accouterments, or behaves himself with disrespect toward his superior officer, or advises or persuades any other enlisted man, light keeper, or apprentice to be disrespectful to his superior officer, or absents himself from his ship or light station without leave from his superior officer, or hires another to do his duty for him, or is found drunk on duty, or advises or persuades any other petty officer, enlisted man, light keeper, or apprentice to desert from his ship or light station, or is guilty of any petty offense, disorder, or neglect to the prejudice of good order and discipline not hereinbefore mentioned, shall be punished as the summary court hereinafter provided for shall direct, subject to the provisions and limitations hereinafter contained.

SEC. 11. For the purpose of carrying out the provisions of section ten hereof, the Director of Navigation, the Assistant Director of Navigation, the Second Assistant Director of Navigation, and the Marine Superintendent of the Bureau of Navigation are each hereby designated as summary court officers before any one of whom offenders under the