

# [ Act No. 355, February 06, 1902 ]

## **AN ACT TO CONSTITUTE THE CUSTOMS SERVICE OF THE PHILIPPINE ARCHIPELAGO AND TO PROVIDE FOR THE ADMINISTRATION THEREOF.**

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

### CHAPTER I

SECTION 1. This Act shall be known and referred to as the Philippine Customs Administrative Act.

SEC. 2. There is hereby created and shall be maintained in the government of the Philippine Islands an executive branch to be known as the Customs Service, under the general supervision and control of the Secretary of Finance and Justice.

SEC. 3. The general duties, powers, and jurisdiction of the Customs Service shall embrace:

1. The documenting of vessels built or owned in the Philippine Islands, in proof of nationality and ownership, subject to the regulations hereinafter prescribed.
2. The maintenance of the laws and treaties of the United States concerning commercial intercourse.
3. The exclusion of foreign vessels from the coastwise trade.
4. The entry and clearance of vessels.
5. The shipping, protection, and care of merchant seamen.
6. The collection or securing of the lawful revenue from importations of dutiable merchandise and from the exportation of dutiable merchandise and from tonnage dues, wharf charges, and such others as may, from time to time, be duly established.
7. The suppression and prevention of smuggling and other frauds on the customs revenue.
8. The collection of the duties, dues, fees, fines, and penalties, accruing under the laws relating to customs, navigation, and commerce, by sea.
9. The execution of the laws relating to immigration.
10. The enforcement of such regulation of commerce, foreign and coastwise, as shall be established by competent authority.
11. The regulation of the carriage of passengers by water and the licensing of vessels therefor.
12. The compilation of the returns of the commerce, navigation, and immigration of the Islands.

13. The recording of all sales or transfers of vessels belonging to the port and of all vessels built within the port.

SEC. 4. The official title of the head of the Customs Service shall be Collector of Customs for the Philippine Archipelago. In this Act said officer, for the sake of brevity, is designated as the Insular Collector.

He shall be appointed by the Civil Governor, with the advice and consent of the United States Philippine Commission, and shall be entitled to receive an annual salary of six thousand dollars, payable monthly.

SEC. 5. Upon the appointment of the Insular Collector by the Civil Governor, as hereinbefore provided, the Civil Governor of the Philippine Islands is authorized and directed to instruct the Captain of the Port of Manila to turn over to the said Insular Collector all public records pertaining to the office of Captain of the Port, except those pertaining to the duties hereinafter provided to be retained by the Captain of the Port of Manila, upon proper receipts therefor, and thereupon all the duties of said office of Captain of the Port shall devolve upon the Insular Collector and upon the officers hereinafter provided for, except the following duties, which shall be performed as heretofore by the Captain of the Port of Manila:

1. The duties of harbor commissioner, pertaining to the berthing and mooring of vessels in and about the port of Manila.
2. Supervision of the harbor pilots department at the port of Manila.
3. Supervision of the fisheries in and about the port of Manila in so far as they may affect navigation.
4. General harbor police duties, in concurrence with the municipal harbor police.
5. The inspection of boilers and hulls.
6. The examination and licensing of masters and other subordinate officers of coastwise vessels.

SEC. 6. In the office of the Insular Collector, the Civil Governor, with the advice and consent of the Commission, shall appoint two officers who shall be respectively known as the "Deputy Collector of Customs for the Philippine Archipelago," and the "Surveyor of Customs for the Philippine Archipelago," who, for the sake of brevity, in this Act are respectively designated as Insular Deputy Collector and Insular Surveyor, who shall be entitled to receive an annual salary of four thousand five hundred dollars and four thousand dollars, respectively, payable monthly.

SEC. 7. The Insular Deputy Collector shall assist the Insular Collector in the performance of his duties in all matters pertaining to the collection of the customs revenue throughout the Islands, and such other matters as said Collector shall direct. The Insular Surveyor shall assist the Insular Collector in the performance of his duties throughout the Islands in such matters as are not directly connected with the customs revenue, and such other matters as said Collector shall direct.

In case of the illness, absence, or incapacity of the Insular Collector, the Insular Deputy Collector shall act in his place and stead, and in case of the illness, absence, or incapacity of the Collector and Deputy Collector, the Insular Surveyor shall act in the place and stead of said Collector.

The Insular Collector shall have general authority throughout the Philippine Islands in all matters embraced within the jurisdiction of the Customs Service.

SEC. 8. Except officers appointed in the first instance by the Civil Governor, all civilian officers in said service, and the successors of said officers so appointed by the Civil Governor, shall be appointed and commissioned by said Insular Collector, subject to the provisions and requirements of the Civil Service Act.

SEC. 9. All civilian officers in said service appointed by the Insular Collector shall be removable by the Insular Collector for cause, such cause to be stated in the order of removal, and all appointments and all removals shall be reported to the Civil Governor of the Islands and to the Civil Service Board, and shall be subject to the approval of the Civil Governor.

SEC. 10. There shall be in the Philippine Islands five collection districts, as follows:

First. The District of Manila, comprising the Islands of Luzon, Marinduque, Mindoro, Paragua, and all islands in the Archipelago southwest of Manila, and all the other islands in the geographical districts covering the islands named; in which Manila shall be the port of entry.

Second. The District of Iloilo, comprising the Islands of Panay, Masbate, Tablas, Romblon, the Province of Occidental Negros, and all the other islands in the geographical district covering the same; in which Iloilo shall be the port of entry.

Third. The District of Cebu, comprising the Islands of Cebu, Bohol, Samar, Leyte, Dinagat, the Province of Oriental Negros, and all the other islands in the geographical district covering the same; in which Cebu shall be the port of entry.

Fourth. The District of Zamboanga comprising the Islands of Mindanao, Basilan, and all the other islands contiguous thereto; in which Zamboanga shall be the port of entry.

Fifth. The District of Jolo, comprising the Islands of Jolo, Siassi, and all the other islands in the Archipelago southwest of the Island of Basilan; in which Jolo shall be the principal port of entry.

The Insular Collector is authorized to change these limits whenever the good of the service may require.

SEC. 11. The Insular Collector shall reside and have his office in Manila, and shall be also Collector of that port; the Insular Deputy Collector shall also be the deputy collector of customs at the port of Manila, and the Insular Surveyor shall, also be the surveyor of customs at the port of Manila, but none of said officers shall be entitled to receive any additional salary by reason thereof. Said Deputy Collector shall give his bond in the penal sum of twenty thousand dollars for the faithful performance of his duties as such; and he shall, under the direction of the Collector, be assigned to the charge of matters connected with the general work of the Customs Service at said port. Said Surveyor of Customs shall give his bond in the penal sum of twenty thousand dollars for the faithful performance of his duties as such, and shall be assigned to the outdoor work of said service, unless the Insular Collector shall otherwise direct.

SEC. 12. The chief customs official of a collection district shall be designated as the collector of customs at the port of entry thereof. Collectors of customs shall, under

the immediate supervision and direction of the Insular Collector, have general authority of the collection of the customs and the enforcement of laws relating to navigation, commerce, and immigration, and all other matters within the jurisdiction of the Customs Service in their respective districts. Such collectors shall, in the first instance, be appointed by the Civil Governor, with the advice and consent of the United States Philippine Commission. They may be temporarily suspended by the Insular Collector when he shall believe such suspension in the interest of the public service. In case of the suspension or removal of the collector of any port other than Manila, the Insular Collector may designate some proper person to perform the duties of said office until such suspended officer shall be restored to duty, or until the vacancy shall be filled according to law, as the case may be, and the said insular Collector may require such person, so acting temporarily, to give his bond in such penalty as he may deem proper for the faithful performance of his duties.

SEC. 13. Collectors shall be entitled respectively to receive yearly salaries as follows:

At Iloilo, four thousand dollars;

At Cebu, three thousand five hundred dollars;

At Zamboanga, two thousand dollars;

At Jolo, two thousand five hundred dollars.

Before assuming office the Insular Collector and each of the said subcollectors shall take and subscribe the oath of office prescribed by law, and shall give his bond, with one or more sureties, for the faithful performance of the duties of his office, in the respective penal sums of:

Fifty thousand dollars at Manila;

Fifteen thousand dollars at Iloilo;

Twelve thousand dollars at Cebu;

Six thousand dollars at Zamboanga; and

Six thousand dollars at Jolo;

and all bonds required under this Act shall be recorded and filed in the Office of the Insular Treasurer.

SEC. 14. At the port of Manila there shall be in the Collectors office a cashier who shall give bond in the penal sum of forty thousand dollars for the faithful performance of his duties as such; one additional deputy collector, for the performance of such duties as the collector shall direct, and in the Surveyor's office at said port there shall be such number of deputy surveyors, not exceeding two, as the Insular Collector shall deem necessary.

At the port of Iloilo and at the port of Cebu there shall be a deputy collector, a surveyor, and a cashier. Other duties not inconsistent with the duties of such officers may be imposed by the collector upon such officers without additional compensation therefor.

SEC. 15. At the ports of Jolo and Zamboanga the respective collectors of customs may from time to time, if the public business requires, designate proper officers from the force under their charge for the performance of such of the duties of a surveyor as said collectors may deem necessary and shall direct, for which service no additional compensation shall be allowed.

SEC. 16. At Siassi, in the District of Jolo there shall be a deputy collector, who, for the purpose of customs administration, shall be subject to the orders of the collector at Jolo. Said deputy collector shall give his bond in the penal sum of six thousand dollars for the faithful performance of his duty as such and shall be entitled to receive an annual salary of two thousand dollars, payable monthly.

SEC. 17. At each of the ports of entry of Zamboanga and Jolo the collector thereof shall have power under his hand and seal to designate and appoint from among the officers under his direction a special deputy collector, who shall have authority to act in his absence, and for whose acts the collector shall be responsible under his official bond. Such special deputy collector shall not be entitled to receive any additional salary by reason of such designation or appointment. Upon making such designation or appointment the collector shall report the same without delay to the insular Collector and Auditor, and shall forward to them signature of the person so designated.

SEC. 18. Collectors of customs may, with the approval of the Insular Collector, appoint such "acting deputy collectors" or "acting deputy surveyors" as may be in their judgment necessary for the proper conduct of the public business, and they shall be authorized to sign such documents in connection with their duties as may be designated to them by the collector. Acting deputies so appointed shall receive no additional compensation for work performed by them as such.

## CHAPTER II.

### THE INSULAR

SEC. 19. The Insular Collector shall, from time to time, make and promulgate general rules and regulations, not inconsistent with law subject to the approval of the Secretary of Finance and Justice:

1. Directing the manner of execution of the customs law and laws relating to commerce, navigation, and immigration.
2. Prescribing the duties of the different classes of officers, clerks, and subordinates employed in such service, conferring upon such classes of officers as he may deem proper the right to make arrests seizures.
3. Prescribing the forms of oaths, bonds, entries, declarations, permits, accounts, returns, statements, certificates, and other papers to be used in the execution of the laws relating to customs and to commerce, immigration, and navigation.
4. Directing the manner of keeping books, records, and accounts in such service and the preservation thereof, and the safe-keeping of public property through proper custodians.
5. Prescribing the conditions under which licenses for customhouse brokerage shall be granted and revoked.