

[Act No. 387, April 09, 1902]

AN ACT PROVIDING FOR THE ESTABLISHMENT OF LOCAL CIVIL GOVERNMENT IN THE TOWNSHIPS AND SETTLEMENTS OF NUEVA VIZCAYA.

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

Whereas the conditions which prevail in the pueblos of the province of Nueva Vizcaya are such that it is not deemed expedited at present to organize them under the Municipal Code, the following form of municipal government is adopted for them:

GENERAL PROVISIONS.

SECTION 1. The pueblos of the Province of Nueva Vizcaya namely, Bayombong, Bambang, Dupar, Aritao, Solano, and Bagabag, shall be recognized as municipal corporations with the same boundaries as now exist de jure or de facto upon organizations under the provisions of this Act. They shall be designated as townships, and shall be known respectively by the names heretofore adopted. Under such names they may sue and be sued, contract and be contracted with, acquire and hold real estate and personal property for the general interests of the township, and exercise all the powers hereinafter conferred upon them. All property and property rights vested in any pueblo under its former organization shall continue to be vested in the same township after its incorporation under this Act.

SEC. 2. Each of these townships shall be divided into barrios. For the purposes of the first election, the barrios as established under Spanish sovereignty shall be recognized; but, when local civil government shall have been established in any township, this government shall readjust the division of the township into barrios, definitely fixing the boundaries of these barrios, as hereinafter provided. The barrio of the township in which the "tribunal" was formerly situated shall be known as the chief barrio.

SEC. 3. The government of each of the townships named in section one is hereby vested in a president, a vice-president, and a council, composed of one representative from each barrio of the township, who shall be designated "councilor."

SEC. 4. There shall be in each township a secretary, a treasurer, and such other nonelective and provide for, and the provincial board shall authorize.

SEC. 5. The president and vice-president shall be chosen at large by the qualified electors of the township; the councilor of each barrio shall be chosen by the qualified electors of the barrio. The term of office of the president, vice-president, and councilors shall be for two years from and after the first Monday in January next after their election, and until their successors are duly chosen and qualified: *Provided*, That the president, vice-president, and councilors elected in nineteen hundred and two shall hold office until the first Monday in January, nineteen

hundred and four, or until their successors are duly chosen and qualified.

QUALIFICATIONS OF ELECTORS—ELECTIONS.

SEC. 6. The electors exercising the privilege of choosing elective officers shall be male persons eighteen or more years of age, who have had a legal residence in the township in which they exercise the right of suffrage for a period of six months immediately preceding the election, and who are not citizens or subjects of any foreign power: *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 township for the required six months.

SEC. 7. Each elector shall, before voting, take and subscribe the following elector's oath, which shall be administered by a member of the board of election judges, or by the township secretary. Electors' oaths shall be filed with the township secretary:

"ELECTOR'S OATH.

"I, _____, do solemnly swear (or affirm) that I am a male resident of the township of _____, in the Province of Nueva Vizcaya; and shall have resided therein for the period of six months next preceding the next township election; that at the date of said election I shall be eighteen or more years of age; that I am not a citizen or subject of any foreign power; that I recognize and accept the supreme authority of the United States of America, and will maintain true faith and allegiance thereto; that I will obey the laws, legal orders, and decrees duly promulgated by its authority; and that I impose upon myself this obligation voluntarily and without mental reservation or purpose of evasion. So help me God. (In case of affirmation the words "So help me God" should be stricken out.)

"(Signature of elector.)

"Subscribed and sworn to (or affirmed) before me this _____ day of _____, 190____.

"(Signature of officer administering oath.)"

SEC. 8. The following persons shall be disqualified from voting:

(a) Any person who is delinquent in the payment of public taxes assessed subsequently to the passage of this Act.

(b) Any person who has been deprived of the right to vote by the sentence of a court of competent jurisdiction since August thirteenth, eighteen hundred and ninety-eight.

(c) Any person who has taken and violated the oath of allegiance to the United States.

(d) Any person who, after the passage of this Act, shall be in arms in the Philippine Islands against the authority or sovereignty of the United States, whether such person be an officer, soldier, or civilian.

(e) Any person who, after the passage of this Act, shall make contribution of money or other valuable thing in aid of any person or organization against the authority or sovereignty of the United States, or who shall demand or receive such contribution from others, or who shall make any contribution to any person or organization hostile to or in arms against the authority or sovereignty of the United States for the purpose of securing any protection, immunity, or benefit.

(f) Any person who, after the passage of this Act, shall in any manner whatsoever give aid and comfort to any person or organization in the Philippine Islands in opposition to or in arms against the authority or sovereignty of the United States.

(g) Insane or feeble-minded persons.

SEC. 9. The provincial board shall formulate rules for the holding of elections, and shall appoint for each township a board of five election judges to preside over the election and report its result.

(a) Immediately after the close of the election, the result of the voting shall be canvassed by the board of election judges, a certificate of the result of the election shall be prepared in duplicate, and signed by the members of the board, and this certificate shall be a sufficient warrant for those elected to assume their offices, unless objections are filed as follows: A duplicate containing the additional statement that a term of three days is granted in which any resident of the township can present to the board, or to the chairman thereof, in writing, such objections as he may deem just and legal against those declared elected, shall be prepared by the board and posted at the main entrance of the township building.

(b) On the day following that said term of three days, a duplicate of the election certificate and the objections made, if any, shall be sent by the chairman of the board of judges to the provincial board. Should the provincial board, upon investigation and after hearing of evidence, if necessary, find the election legal, they shall, within seven days after the receipt of said documents, direct the newly elected officers to qualify and enter upon their duties on the day fixed by this Act; but if the provincial board determines that there has been an illegality committed in the election of any officer, or that any candidate returned is not eligible, they shall so declare in writing, with the reason therefor, and shall order a special election to fill the vacancy thus occasioned, and shall certify their finding and order to the township secretary, who shall spread the same on the records of the council. In determining the legality of the election, the provincial board shall ignore irregularities or informalities which do not prevent the declared result from being the actual will of the electors.

SEC. 10. The provincial governor shall issue to each legally elected township officer a certificate of election. Certificates of election in blank, sufficient in number for the needs of the province, shall be supplied to the provincial governor by the provincial supervisor, who shall purchase them from the Treasurer of the Philippine Archipelago.

SEC. 11. Upon the election of a new president and vice-president an accounting shall be had between the incoming and the outgoing township officers, and each to the latter shall turn over to the former all township books, records, accounts, and moneys. The incoming officials shall inform the provincial fiscal of any irregularities in the management of the township funds which they may discover.

SEC. 12. A plurality of votes shall be sufficient to elect.

OFFICERS—THEIR QUALIFICATIONS, DUTIES, AND COMPENSATION.

SEC. 13. A president, vice-president, or councilor shall be a duly qualified elector of the province, and shall have a legal residence therein for one year prior to the election.

SEC. 14. A secretary shall be able to read, write, and speak intelligently a local dialect generally understood in the township, and the Spanish or English language.

SEC. 15. In no case shall there be elected or appointed to a township office ecclesiasties, soldiers in active service, persons receiving salaries from provincial, departmental, or governmental funds; those who are delinquent in the payment of public taxes assessed after the passage of this Act, or contractors for public works within the province.

SEC. 16. (a) Every person elected or appointed to a township office under the provisions of this Act shall, before entering upon the duties thereof, take and subscribe before the president or secretary the following oath of office: *Provided*, That oaths of office shall be administered by members of boards of election judges to officers chosen at the first election:

"OATH OF OFFICE.

"I, _____, having been
_____ as _____ of the township
of _____, in the Province of
_____, do solemnly swear (or affirm) that I
have the prescribed qualifications to hold office in said township; that I
recognize and accept the supreme authority of the United States of
America and will maintain true faith and allegiance therto; that I will
obey the laws, legal orders, and decrees duly promulgated by its
authority; and that I impose upon myself this obligation voluntarily,
without mental reservation or purpose of evasion; and that will I well and
faithfully discharge the duties of the office upon which I am about to
enter. So help me God. (Last four words to be stricken out in case of
affirmation.)

"(Signature of officer.)

"Subscribed and sworn to (or affirmed) before me this
_____ day of _____, 190____.

"(Signature of president or secretary.)"

(b) Such oaths shall be filed in the office of the secretary.

SEC. 17. Every township officer charged with the custody of public funds shall, before entering upon the duties of his office, executed a bond to the township with two or more sureties, the amount of which bond and the sufficiency of which sureties shall be approved by the president and by the provincial secretary-treasurer in writing indorsed thereon, and by the council by a recorded vote. A copy of the bond and the approval of the same shall be spread upon the minutes of the council. The bond shall be fixed at a penal sum of not less than half of the amount to the aggregate revenue which will probably come into the custody of such officer during the current year, and shall be conditioned for the faithful performance of the duties to the office and the payment as required by law of all moneys received by such officer for and in behalf to the township. The bond shall be filed in the office of the secretary, who shall carefully preserve the same. Should suit be brought on this bond, it shall be no defense to those signing the bond that the above requirements for approval have not been complied with, if in fact, by virtue of such bond, the township officer had entered upon the discharge of his official duties.

SEC. 18. The president shall be the chief executive of this township.

(a) He shall cause the ordinances of the township to be executed and shall supervise the discharge of official duties of all subordinates.

(b) He shall examine and inspect the books, records, and papers of every officer or agent of the township.

(c) He shall issue orders relating to the police to public safety, and orders for the purpose of avoiding conflagrations, floods, and the effects of storms or other public calamities.

(d) He shall draw warrants upon the treasurer for the legitimate payments authorized by the council.

(e) He shall assist the provincial secretary-treasurer and his deputies in the collection of taxes.

(f) He shall be the presiding officer of a court consisting of himself and two councilors to be chosen as hereinafter provided in section thirty-eight. The secretary shall be the recording officer of this court, which shall hear and adjudge alleged violations of public ordinance, upon complaint filed by his direction, or by a police officer, or a private citizen; and, after due trial, in which the accused and his witnesses shall be heard, shall, upon conviction by a majority vote of the members, impose such punishment, either by admonition or by fine or imprisonment, or both such fine and imprisonment, in his discretion, as is provided in subsection (q) of section thirty-one. In case the person convicted is unable or unwilling to pay this fine, he shall satisfy its amount by labor upon public works within the township at the rate of twenty cents, Mexican, per day: *Provided*, That females shall not be compelled to perform work unsuitable for their sex.

(g) This court shall have no jurisdiction in civil cases, except on the application of interested parties and upon their making an agreement in writing to accept the award of the court, when it may hear and adjudge any case not involving property