

# [ Act No. 215, August 31, 1901 ]

## **AN ACT ESTABLISHING AND REGULATING ACCOUNTABILITY FOR PUBLIC PROPERTY IN THE PHILIPPINE ARCHIPELAGO.**

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

### RESPONSIBILITY FOR PUBLIC PROPERTY.

SECTION 1. Every officer or agent who has public property in his charge shall be deemed to be responsible for the value of the same, until relieved from such responsibility pursuant to the provisions of this Act.

### RETURNS, HOW MADE.

SEC. 2. Every officer or agent accountable for public property shall make returns of the same to the Auditor for the Archipelago, in such manner as may be prescribed, quarterly as of the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December of each year, and within ten days after the close of the period for which rendered.

### RELIEVED OFFICER SHALL RENDER FINAL ACCOUNT.

SEC. 3. When an officer or agent is relieved, he shall likewise render an account of all property with which he may be chargeable at; the time of such relief, showing by proper returns and vouchers the disposition of the same.

### RESPONSIBILITY FOR LOSS OR DAMAGE.

SEC. 4. An officer or agent responsible for public property will be charged for any damage to or for loss or destruction of the same, until he shows to the satisfaction of the Auditor by his own affidavit or certificate, or by one or more depositions, or by the report of an inspector or committee designated as hereinafter provided, that the damage, loss, or destruction was occasioned by unavoidable causes, without fault or neglect on his part.

### CAUSES OF DAMAGE AND LOSS DEFINED.

SEC. 5. Causes of damage to and of loss and destruction of property shall be classified as follows: First, unavoidable causes, being those over which the responsible officers had and could have had no control; second, avoidable causes, being those due to carelessness, willfulness, or neglect.

### HOW LOSSES AND DAMAGES SHALL BE COLLECTED.

SEC. 6. The money value of the property for which such officer or agent is held responsible shall be collected as follows: In case of an officer or agent paid from insular or provincial funds the money will be deducted from his pay by the proper disbursing officer, upon written notice by the Auditor for the Archipelago to make such deduction. Money so deducted will be deposited by the disbursing officer, in the

case of insular property, with the Treasurer of the Archipelago, as a miscellaneous receipt, a proper account thereof being rendered to the Auditor. In the case of provincial property the deduction will be deposited with the provincial treasurer, and a report made thereof to the Auditor.

When a bonded officer is held responsible for the loss or destruction of property, suit may be instituted for the recovery of the value of the same, as provided in rule thirty of Act Numbered Ninety, in case of the failure of the proper disbursing officer to recover the amount for which such bonded officer, is liable within three months after notice has been given by the Auditor to such disbursing officer, as provided in this section.

In case of an officer or agent paid from the United States Army appropriations, report will be made by the Auditor for the Archipelago to the Secretary of War in order that proper action may be taken for the collection of the amount in which such officer is held responsible.

An officer or agent may voluntarily pay to an officer designated by the Auditor to receive the same, the full amount of his liability for property lost or destroyed, and thereby remove all stoppage of his pay.

#### PROPERTY CHARGEABLE AGAINST A DECEASED OFFICER.

SEC. 7. In case of the death of an officer or agent accountable for public property, the civil or the provincial governor, as the property may pertain, shall appoint a committee or an inspector to make an inventory of the public property for which the deceased was accountable and make the necessarily returns to the Auditor. The civil or provincial governor, as the case may relate, will designate an official to take charge of such property until a successor is appointed. In case the officer was bonded, his sureties shall have the right of representation on any such committees or to cooperate with an inspector.

#### HOW PROPERTY MAY BE DROPPED.

SEC. 8. Articles of minor value, or of a destructible nature, such as brooms, brushes, stationery, and so forth, may be dropped from returns in reasonable quantities on the certificate of the accountable officer or agent that such articles have been worn out or expended in the service.

#### ACTION BY COMMITTEE.

SEC. 9. When property has become unserviceable through fair wear and tear, or otherwise, the same will be submitted for the action of a committee of not less than three disinterested persons, to be appointed by the civil or by the provincial governor, as the property may relate, who will investigate, report upon, and fix the responsibility. The committee will rigidly scrutinize the evidence, and will not recommend the relief of officers or agents from responsibility unless fully satisfied that the person charged with the care and custody of the property has performed his whole duty in endeavoring to protect or preserve it. The proceedings of the committee will be prepared in triplicate and forwarded direct to the civil or to the provincial governor, as the business may relate, for consideration, who, upon approval or otherwise, will forward one copy to the Auditor and two copies to the

accountable officer.

#### ACTION BY AN INSPECTOR.

SEC. 10. When it is not practicable to convene a committee of three in very remote places, as provided by the preceding section, the accountable officer or agent may make application to the civil or to the provincial governor, as the property may pertain, who may appoint a disinterested person as inspector to act as provided in the preceding section.

#### ARTICLES DROPPED TO BE ENUMERATED AND PRICE STATED.

SEC. 11. When such committee or inspector recommends that the accountable officer or agent be allowed to drop any property, or that he be relieved from responsibility therefor, the articles shall be specially enumerated in the proceedings and the price of each article acted upon and the total value of all the articles shall be stated in the proceedings.

#### HOW CONDEMNED PROPERTY MAY BE SOLD.

SEC. 12. Such committee or inspector is authorized to condemn and order any unserviceable property sold. In such case the property will be disposed of by an officer designated by the civil or provincial governor, as the business may relate, at auction, for cash, on due public notice conspicuously posted in four or more public places for ten days, to the highest bidder and in such market as the public interest may require, in case the civil or provincial governor shall so order, the sale of the property shall also be advertised one or more times in a newspaper of general circulation, if any, in the province or city in which the sale is to be made. The official making the sale may suspend it when in his opinion better prices may be obtained, except in case of condemned animals, the disposition of which is hereinafter provided for.

The auctioneer's certified, detailed account of the sale, giving the name of the purchaser of each article and the price paid therefor, with the vouchers for the reasonable and necessary expense attending it, which should be deducted from the proceeds, will be reported, on the forms prescribed, to the Auditor, through the head of the Department, Bureau, or Office to which the property pertained.

#### WHO SHALL NOT BUY CONDEMNED PROPERTY.

SEC. 13. Property which has been condemned and ordered sold by a committee or inspector shall not be purchased by an officer or agent who was responsible therefor at the time of condemnation, or by any officer or agent who bore any part in such condemnation.

#### ANIMALS, HOW SOLD.

SEC. 14. Horses, mules, carabao, or other public animals inspected and condemned as unfit for service shall be advertised for sale and disposed of within fifteen days from date of advertisement.

#### DISEASED ANIMALS MAY BE KILLED.