

[Act No. 48, November 22, 1900]

AN ACT PROVIDING FOR THE ESTABLISHMENT OF LOCAL CIVIL GOVERNMENTS IN THE TOWNSHIPS OF THE PROVINCE OF BENGUET.

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

SECTION 1. Whereas the inhabitants of the Province of Benguet are at present almost entirely Igorrotes, and a large amount of control and direction by officers appointed by the Insular Government is deemed best suited to present conditions there, the following simple form of municipal government is adopted, to remain in force until such time as the Igorrotes develop greater capacity for self-government, or the civilized population becomes sufficiently numerous to require new and more liberal provisions. This Act shall apply to all the townships of the province, namely: Baguio, Trinidad, Galiano, Itogon, Tublay, Atok, Kapangan, Balakbak, Palina, Ampusungan, Loo, Buguias, Kabayan, Adaoay, Bokod, Daklan, Sablan, Kibungan, and Ambuklao.

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 provided in section twenty-five. The barrio of the township in which the "tribunal" was formerly situated shall be known as the chief barrio.

SEC. 3. All property vested in any pueblo under its former organization shall continue to be vested in the same township after its organization under this Act.

SEC. 4. The government of each township established under this Act is hereby vested in a president and a council composed of one representative from each barrio of the township, who shall be designated "councilor."

SEC. 5. In addition to the officers provided for in section, four, there shall be in each township a secretary, a constable, a messenger, and such other nonelective officers and employees as the council shall deem necessary and provide for and the provincial governor shall authorize.

SEC. 6. The salaries of all officers and employees, whether elective or appointive (except councilors, who shall receive no salary), shall be fixed by the council, subject to the approval of the provincial governor, provided, that no secretary shall receive less than fifteen dollars Mexican per month.

SEC. 7. The term of office of the president, secretary, councilors, constable, and messenger shall be for one year, and until their successors shall have been duly chosen: *Provided, however,* that those first elected shall hold office until the first Monday in January, nineteen hundred and two, and until their successors shall have been duly chosen.

SEC. 8. The president and vice-president shall be elected at large by a plurality vote of the duly qualified electors of the township. The councilors shall be elected by a plurality vote of the duly qualified electors of each of the several barrios. The secretary, the constable, and the messenger shall be appointed by the president, by and with the consent of a majority of all the members of the council.

SEC. 9. A person elected by the people to fill any municipal office shall not be permitted to decline the same but shall discharge the duties thereof, unless before election he shall claim exemption on the ground: (a) That he has discharged the duties of the same office for two previous terms; or (b) that he is physically disabled. Any person who shall violate the foregoing provision or who shall willfully misrepresent his physical condition in order to secure exemption from holding municipal office shall, "upon conviction in a court of competent jurisdiction, suffer imprisonment for the term of three months.

SEC. 10. 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 suffrage for a period of six months immediately preceding the election, and who are not citizens or subjects of any foreign power.

SEC. 11. Each elector shall, before voting, take the following affirmation, which shall be administered by the provincial secretary:

"ELECTOR'S AFFIRMATION.

"I, _____, do solemnly affirm that I am a male resident of the township of _____, in the Province of Benguet, 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; furthermore, 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 this obligation voluntarily and without mental reservation or purpose of evasion."

SEC. 12. The following persons shall be disqualified from voting:

1. Those who are delinquent in payment of public taxes assessed subsequently to December first, nineteen hundred.
2. Those who shall have been deprived of the right to vote by sentence of a court of competent jurisdiction since August thirteenth, eighteen hundred and ninety-eight.
3. Insane or feeble-minded persons.

SEC. 13. The first election in each township shall be held in its chief barrio at the time which the provincial governor shall designate, and the officers elected thereat shall immediately enter upon their duties. Subsequent elections shall be held in the chief barrio on the first Tuesday in December of each year, beginning with nineteen hundred and one, and the officers elected thereat shall enter upon the discharge of

their duties on the first Monday of the January following.

SEC. 14. A president, vice-president, councilor, constable, or messenger shall be a duly qualified elector of the province, and shall have had a legal residence therein for one year prior to the election.

SEC. 15. A secretary shall be able to read, write, and speak intelligently the Ilocano and the Spanish or English languages. He need not be a native of the province or a resident therein at the time of his appointment.

SEC. 16. In no case shall there be elected or appointed to a township office ecclesiastics; soldiers in active service; persons receiving salaries from provincial, departmental, or government funds; those who are delinquent in the payment of public taxes assessed after December first, nineteen hundred; or contractors for public works within the province.

SEC. 17. The president shall be the chief executive of the township.

1. He shall cause the local ordinances and the orders of the provincial governor to be executed, and shall supervise the discharge of official duties by all subordinates.
2. He shall receive, receipt for, and keep in the town house or presidencia all moneys accruing from taxes, license or other fees, and fines.
3. He shall pay on the last day of each month the salaries of all regularly appointed local officers and employees, and, upon an order passed by a majority vote of the council and approved by the provincial governor, shall make such other payments as may be thus duly authorized.
4. He shall render to the council during the first week of each month a true account of all collections and disbursements made during the preceding month. If said account is approved by the council, a true copy of it shall be forwarded to the provincial governor for his information. Should any member or members of the council disapprove of the account, the reasons for such disapproval shall be indorsed thereon by the secretary, and a true copy of the account with the indorsement thereon shall then be forwarded as above provided.
5. He shall be the presiding officer of a court consisting of himself and two councilors to be chosen as hereinafter provided in section twenty-four. The secretary shall be the recording officer of this court, which shall hear and adjudge alleged violations of local ordinances and, after hearing the accused and his witnesses, shall, upon conviction by a majority vote of its members, impose punishment not exceeding a fine of fifteen dollars Mexican. 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.
6. The president shall receipt for every fine or fee or tax collected by him on official paper, stamped for convenient amounts by the governor of the province

and furnished by the governor to the president. The amount stamped on the receipt shall be equal to the amount paid, and the liability of the president shall be determined by the aggregate amounts of the stamps on the official paper furnished to him and not returned.

7. This court shall have no jurisdiction in civil cases, except on the application of the 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 exceeding in value the sum of two hundred dollars Mexican. The judgment shall be recorded by the secretary and shall be final.
8. The members of this court shall receive no compensation for their services.
9. Whenever it shall come to the knowledge of the president that a crime or misdemeanor not within the jurisdiction of the court provided for in section seventeen, paragraph five, has been committed within the township, the president shall direct the seizure of the alleged offender, shall make a preliminary investigation into the facts and if the guilt of the prisoner shall appear probable, shall order the arresting officer to proceed immediately with the prisoner and the president's report of his investigation to the governor of the province.
10. He shall preside at all meetings of the council; but he shall not vote, except in the case of a tie, when he shall give the casting vote.
11. He shall appoint, by and with the consent of a majority of all the members of the council, the secretary, the constable. The messenger and any other nonelective officers or employees, that may be provided for by general law or by duly approved ordinance; and, at anytime, for cause, he may suspend any such officer or employee for a period not exceeding ten days, which suspension may be continued for a longer period by the council; and, by and with the consent of a majority of the council, he may discharge any such officer or employee.
12. He shall make all such appointments at the first meeting of the council after his election, except for those offices in which a vacancy may occur during his term. In case the council shall reject any such appointments made by him, he shall submit the names of other persons for appointment at the next regular meeting of the council. In case a vacancy occurs in any of the above-named offices during the term of office of the president, he shall submit; an appointment to the council at the first regular meeting after the occurrence of the vacancy.

SEC. 18. The vice-president shall act as substitute for the president in case of the absence of the latter, or of his temporary inability to discharge the duties of his office. Should a permanent vacancy in the office of president occur, the vice-president, shall fill the post for the unexpired portion of the term, and a new vice-president shall be chosen by a majority vote of all the members of the council.

SEC. 19. 1. The secretary shall be the recording officer of the court provided for in section seventeen, paragraph five, and shall make and keep a record of all its proceedings and findings.

1. He shall be the clerk of the council, whose meetings it shall be his duty to attend. He shall, make and keep a journal of all proceedings and acts of the council.
2. He shall keep a civil register for the township and shall record therein all births, marriages, and deaths, with their respective dates. Marriages celebrated in accordance with Igorrote customs shall be registered, but it is not hereby intended to change existing law as to lawful marriages.
3. He shall issue a true copy of any single record in the civil register upon application and the presentation by the applicant of official stamped paper bearing stamps to the value of five cents, Mexican, on which the copy of the record shall be inscribed. Stamped paper to be used for such records shall be purchased from the president, who shall be supplied with it for this purpose by the provincial governor.
4. He shall read all communications and orders from the provincial governor to the president and the council at its next regular meeting after they are received, unless the matter treated of be urgent, in which case he shall lay the facts before the president and request him to call a special meeting of the council, at which the communication shall be read.
5. Upon the request of the president, he shall prepare at his dictation and for his signature any official communications which the president may desire to send, or any documents or reports which the president is required to furnish. The secretary shall also prepare for the signature of the president receipts for all taxes, license fees, and fines paid in.
6. During the first week of every month he shall forward to the provincial governor true copies of all records made and receipts pro-pared by him during the preceding month.
7. He shall each year prepare a list of the persons from whom taxes are due, as provided in section thirty-four.
8. On or before the thirty-first of December of each year, he shall prepare a list of the inhabitants of the township, grouping them by barrios and families. This list shall give the name, sex, and approximate age of each person, the amount of taxes paid by him during the current year, and such other details as the provincial governor shall direct. The fact that a man's name has been entered on this list as an inhabitant of a given township shall not restrict his right to transfer his residence to another township.
9. He shall forward to the provincial secretary, on or before the fifteenth of January of each year, a complete copy of the entries in the civil register for the township during the year ending on the preceding thirty-first of December, and a true copy of the list provided for in paragraph nine for the same year, and shall certify the same as true copies of the original records in his office.
10. He shall perform all such other duties as may be imposed by general legislation, or by the direction of the provincial governor, communicated through the president of the township.