

The LOCAL GOVERNMENT REVIEW

Approved by the Secretary of Finance, the Director of Public Schools, the Director of Private Schools, the Director of Public Libraries and the Department of the Interior.

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ONE PESO

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GOVERNORS, MAYORS, TREASURERS, AUDITORS, FISCALS, DIVISION SUPERINTENDENTS OF SCHOOLS, DISTRICT ENGINEERS, DISTRICT HEALTH OFFICERS, AND AGRICULTURAL SUPERVISORS—Contributing Staff

SUCCESS

He has achieved success who has lived well, laughed often and loved much; who has gained the respect of intelligent men, the trust of pure women and the love of little children; who has filled his niche and accomplished his task, who has left the world better than he found it, whether by an improved poppy, a perfect poem, or a rescued soul; who has never lacked appreciation of earth's beauty or failed to express it; who has looked for the best in others and given them the best he had; whose life has been an inspiration, his memory a benediction.

Bessie A. Stanley.

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THE PSALM OF LIFE

Henry Longfellow

TELL me not, in mournful numbers,
Life is but an empty dream!

For the soul is dead that slumbers,
And things are not what they seem.

Life is real! Life is earnest!!
And the grave is not its goal;

Dust thou art, to dust returnest,
Was not spoken of the soul.

Not enjoyment, and not sorrow,
Is our destined end or way;

But to act, that each to-morrow
Finds us further than to-day.

Art is long, and Time is fleeting,
And our hearts, though stout and brave,
Still, like muffled drums, are beating
Funeral marches to the grave.

In the world's broad field of battle,
In the bivouac of life,

Be not like dumb, driven cattle!
Be a hero in the strife!

Trust no Future, how'er pleasant!
Let the dead Past bury its dead;

Act — act in the living Present!
Heart within and God o'erhead.

Lives of great men all remind us
We make our lives sublime,
And, departing, leave behind us
Footprints on the sands of time.

Footprints, that perhaps another,
Sailing o'er life's solemn main,
A forlorn and shipwrecked brother,
Seeing, shall take heart again.

Let us, then be up and doing,
With a heart for any fate;

Still achieving, still pursuing,
Learn to labor and to wait.

Message

The publication of the THE LOCAL GOVERNMENT REVIEW will reduce, as has been demonstrated in its first seven numbers, the red tape that is being experienced by nearly everybody concerned in the operation and administration of the provincial, city and municipal governments. On one hand, it makes available to the local officials and employees decisions, rulings and opinions which are important aids in solving problems that need not be forwarded to the National authorities for advice. On the other hand, the magazine publishes activities of the local governments and their officials, thereby bringing them to the attention of the authorities concerned for consideration and appropriate action.

Besides, this magazine has shown by its editorials an avowed purpose to fight for the improvement of the local governments and of their local officials and employees. This has been reflected in its editorial concerning higher compensation for provincial officials, due to which the introduction of a bill on the matter has been facilitated. It has also an editorial advocating more gubernatorial powers. I hope that the authorities concerned would heed that editorial in due time, so that we, provincial governors, may be vested with the necessary powers to serve better our respective constituents.

I urge, therefore, all my colleagues to give the "The Local Government Review" all the support that such a publication should need from us so that it may continue uninterruptedly to pursue its noble purposes which in the final course of things, are those of our political wards.

PERFECTO FAYPON

Provincial Governor of Ilocos Sur

September 14, 1949.

PROVINCIAL AFFAIRS SUBJECT TO APPROVAL OR AUTHORIZATION BY NATIONAL AUTHORITIES

Compiled by J.F.K.

1. Execution of deeds and contracts conveying title of real property—subject to approval of the President of the Philippines. (Sec. 2068, Adm. Code.)
2. Permission for official to absent himself from province—to be secured from Department Head. (Sec. 2073, Adm. Code; see Ex. Ord. 75, s. 1945.)
3. Vacancy in elective provincial office—temporary vacancy to be filled by appointment by the President; vacancy as a result of the death, resignation, removal or cessation of the incumbent, by appointment by the President of a suitable person belonging to the political party of the officer to be replaced upon the recommendation of said party; due to failure of election or failure to elect, by special elections; due to death of officer-elect before assumption of office, by special election or by appointment by President; due to failure to elect in special election, by appointment by the President. (Sec. 21, Election Code.)
4. Compensation for person appointed to temporary service—President of the Philippines or officer having power to fill position may, in his discretion, order payment of compensation, or additional compensation, to any Government officer or employee designated or appointed temporarily to fill the place. (Sec. 2077, Adm. Code.)
5. Suspension and removal of provincial officer by the President of the Philippines for disloyalty, dishonesty, oppression, or misconduct in office. (Sec. 2078, Adm. Code.)
6. Upon subsequent reinstatement of the suspended person or upon his exoneration, if death should render reinstatement impossible, any salary withheld may be paid in whole or in part upon order of the Department Head approved by the President of the Philippines. (Sec. 2079, Adm. Code.)
7. Subject to regulation by the Secretary of Finance, the provincial board shall fix the number of assistants, deputies, clerks, and other employees for the various branches of the provincial government and the rates of salary wage they shall receive. (Sec. 2081, Adm. Code; see C. A. 78 and Ex. Ord. 167, s. 1938.)
8. Approval of appointments by Department Head. (Ex. Ord. 63, s. 1917 and Sec. 253, Adm. Code.)
9. The provincial board, with the previous approval of the Department Head, may in its discretion provide quarters for the provincial governor, or allow the value thereof, in addition to his salary. (Sec. 2086, Adm. Code, last paragraph.)
10. Assistant provincial treasurer to be appointed by provincial treasurer subject to approval of Secretary of Finance. (Sec. 2088 (A), Adm. Code.)
11. Compensation of Assistant Provincial Treasurer to be fixed by provincial board with the approval of Sec. of Finance. (Sec. 2088 (A), Adm. Code.)
12. Provincial Treasurer shall act, with the approval of the Department Head as agent of the Philippine National Bank, subject to such conditions as the board of directors of the Philippine National Bank may confer and impose upon him. (Sec. 2089 (h), Adm. Code.)
13. By unanimous resolution of the provincial board, approved by the Department Head, either elective member may be required, for the

- time specified in such resolution, to perform the duties of any other provincial officer or to perform any ministerial duty required by the board. (Sec. 2096, Adm. Code.)
14. The provincial board shall keep in such form and manner as shall be prescribed by the Secretary of the Interior a complete, permanent, and carefully written record, arranged in proper chronological sequence, showing the proceedings at its various meetings. Sec. 2100, Adm. Code.)
 15. Copies of minutes and of executive orders to be supplied to Secretary of the Interior under such regulations as he may prescribe. (Sec. 2101, Adm. Code.)
 16. Decision of controversy as to sufficiency of accommodations for courts to be rendered by President of the Philippines. (Sec. 2103, Adm. Code.)
 17. Appropriation for purchase and maintenance of draft animals for breeding purposes, to be used under such regulations as the provincial board shall prescribe and the Director of Animal Industry approve. (Sec. 2105 (b), Adm. Code.)
 18. Appropriation for purposes not specified by law but for general welfare of province and inhabitants subject to approval of Department Head. (Sec. 2106 (a), Adm. Code.)
 19. Fixing of salary of lieutenant-governor of any sub-province is subject to approval of Dept. Head. (Sec. 2106 (b), Adm. Code.)
 20. Loans to municipalities or municipal districts subject to approval of Dept. Head. (Sec. 2106(c), id.)
 21. Investment of fixed deposits in possession of the Philippine National Bank to rural banks or rural credit associations to be approved by Department Head. (Sec. 2106 (d), Adm. Code.)
 22. Fixing of salaries, in excess of authorized rates, of municipal officers of capitals of provinces. (Sec. 2106 (e), Adm. Code.)
 23. Exercise of the power of eminent domain subject to approval of Dept. Head for: the construction or extension of roads, streets, sidewalks, bridges, ferries, levees, wharves, or piers; the construction of public buildings, including schoolhouses, and the making of the necessary improvements in connection therewith; the establishment of parks, playgrounds, plazas, market places, artesian wells, or systems for the supply of water and the establishment of cemeteries, crematories, drainage systems, cesspools or sewage systems. (Sec. 2106 (f), Adm. Code.)
 24. Construction and maintenance, for private use, of railways, conduits, and telephone lines across public thoroughfares, streets, roads, and other public property in the province to be approved by the Department Head upon favorable recommendation by the Secretary of Public Works and Communications. (Sec. 2106 (g), Adm. Code.)
 25. Convocation of mayors for more than four in any one year is subject to approval of Dept. Head. (Sec. 2108, Adm. Code.)
 26. Deposit of surplus funds in any bank duly designated as a Government depository other than the Philippine National Bank is subject to approval by the Dept. Head. (Sec. 2110, Adm. Code.)
 27. Disestablishment of exhibition fund is subject to approval of the Secretary of the Interior. (Sec. 2112, Adm. Code.)
 28. Appropriation from the road and bridge fund for wharves, piers, and docks is subject to approval of Department Head. (Sec. 2113 (b), Adm., Code.)
 29. Appropriation from the road and bridge fund for acquiring, subsidizing, operating, and maintaining means of water transportation within the province or between

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HISTORY OF ILOCOS SUR

Ilocos Sur was once a part of the old province of Ilocos, which included all of the Ilocos provinces (now) and part of the mountain country, but due to the rapid increase in population, it was deemed necessary to divide this region into two provinces; namely, Ilocos Norte and Ilocos Sur. The division was made in 1818 and the capital of the new province was Vigan.

Vigan is named after a plant growing abundantly around the region of the town. It is said that when the Spaniards asked the name of the Ilocano settlement, the natives answered "Biga," the name of the plant grow grew in the place. Captain Juan de Salcedo in his conquest of the Ilocos Region founded the Spanish city of Fernandina in the heart of the ancient and prosperous Ilocano settlement of Vigan. However, the name of Fernandina was later discarded and the town finally became known as "Vigan."

Ilocos Sur embraces within its limits some of the oldest towns in the Philippines. Besides ancient Vigan, several towns already existed in this region before the close of the sixteenth century namely Santa, Bantay, Narvacan, Candon and Sinait.

In the revolutionary history of the province, only two uprisings stand out prominently. These uprisings were the Malong rebellion of 1660 and the Silang rebellion of 1763. Diego Silang who led the rebellion in 1763 dominated the greater part of Ilocos Sur. He fought pitched battles with the Spanish forces at Vigan and Cabugao and practically succeeded in establishing a government of his own in Ilocos Sur.

Ilocos Sur, a typhoon-swept region, is the narrowest of all the Ilocano provinces. It is located between Ilocos Norte and La Union. It has a reefy coast so that there are only a few places that offer safe shelter for vessels. Pandan is the principal port.

The harbor of Salomague to the north is a sheltered port but it is only sought for during typhoons. Another port is the little but sheltered port of San Esteban. It is a lumber port and before the outbreak of the war it was an unloading point for the sugar produce of the Candon Sugar Central.

The mountains of Ilocos Sur are almost bare of timber so that the rainfall is scanty and the land is sandy. Rice is produced. The yearly harvest, however, is not enough to meet the needs of the province so that the much needed cereal has to be imported from Pangasinan and Cagayan. The land is adapted to the growth of maguey, a fiber which two decades ago was the principal source of wealth and export. Coconuts are grown in large individual patches in Candon and in the towns around Candon.

Because the soil cannot support the people, a great number of its inhabitants turn to other industries. Those along the coast extract salt from the sea water and export it in great quantities to the inland provinces, notably Mt. Province. In San Esteban, there is a quarry of stone from which mortars and grindstones are made. San Vicente, San Idefonso and Vigan specialize in woodworking; the first in carved wooden boxes and images and the others in household furniture. Most of the wood used in these handicrafts are imported from Abra and Cagayan. Bantay is the home of silversmiths. In the other towns saddles, harness, slippers, mats, pottery and hats are made and exported to some extent. Santa makes bolos which are exported to Pangasinan. Candon on the coast exports great quantities of coconuts to Ilocos Norte. Sisal and hemp fiber extraction and weaving of cotton cloth are common household industries throughout the province.

Most of the people are Ilocanos but there are also some Tinguianes, Igorots, and Negritos living on the slopes

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EXECUTIVE DETERMINATION

NATIONAL ALLOTMENTS FOR SPECIFIC PROJECTS NEED NOT BE TAKEN UP IN PROVINCIAL BUDGET.—Your supplemental budget No. 25, road and bridge fund, is not necessary as the national allotments therein taken up are for specific projects and they do not need budgetary action on your part in accordance with the provisions of Section 310 of the Manual of Instructions of Treasurers. *Letter dated July 6, 1947, of Undersecretary of Finance to Provincial Board of Lanao.*

DESIGNATION OF PROVINCIAL BOARD MEMBER TO PERFORM MINISTERIAL DUTY—REQUISITES.

— With reference to your Resolution No. 973, current series, authorizing members Ramon Soler and Ramon Ingente of that body to make a trip to Manila beginning September 6, 1946, for the purpose therein stated, attention is invited to Section 2096 of the Revised Administrative Code, which provides that "either elective Member may be required, for the time specified in such resolution, to perform the duties of any provincial officer or to perform any ministerial duty required by the Board." This provision of the law has been construed to mean that only one member may be so designated at a time and for a specified period. Our records show that Member Ingente made a trip to Manila covering the period from September 6 to 10, 1946. As evidently said trip was made pursuant to the above-mentioned resolution, the same resolution is hereby approved under Section 2096 of the Administrative Code insofar as Mr. Ingente is concerned. Hereafter, in making similar designation, the inclusive period of such designation should be given in the resolution as required by the law mentioned herein.—*Letter dated Sept. 24, 1946 of Sec. of the Int. to the Provincial Board of Quezon.*

RURAL POLICEMEN, STATUS OF.

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templated in the Revised Administrative Code refers only to members, regular or special, who have been duly appointed pursuant to Sec. 2259 of the Revised Administrative Code and Executive Order No. 175, s. 1938. Rural policemen are those who assist in the maintenance of peace and order in their respective localities. More or less, they fall in the category of temporary policemen who are generally appointed with the nominal salary of ₱1.00 per annum, although they may receive aid in the form of cash, rice and other foodstuffs voluntarily donated by civic-spirited inhabitants of the municipality when authority to solicit contribution has been previously secured from proper authorities (Par. 2 & r, Prov. Cir. (Unnumbered) dated 31 March 1947). Their designation as such rural policemen carries with it no police authority of any kind. On the query whether rural police falls within the purview of the municipal police as defined in the Revised Administrative Code, the answer is in the negative.—*Opinion of Staff Judge Advocate of the Philippine Constabulary quoted in 3rd Ind., Oct. 23, 1948 of the Chief of Constabulary to the Sec. of the Interior.*

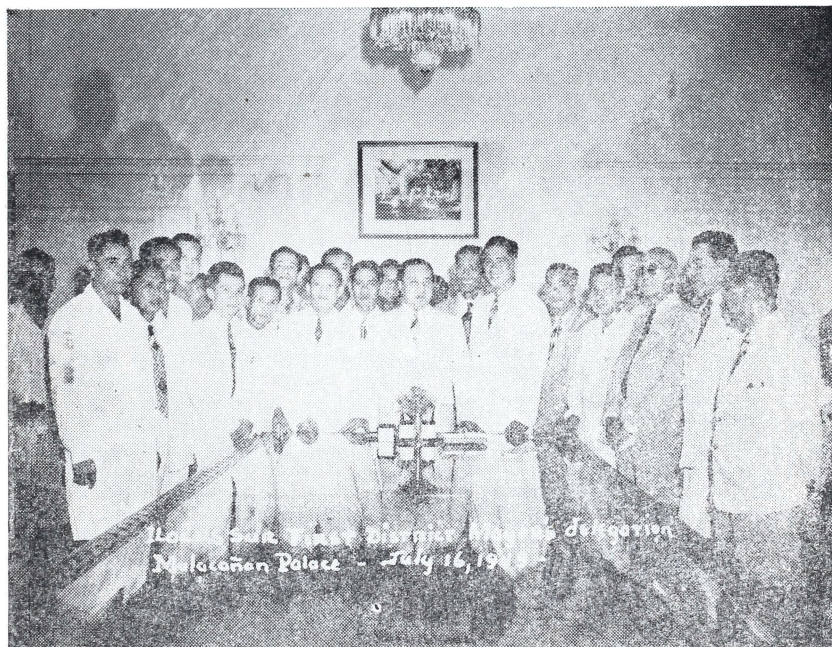
MINIMUM STANDARD AREAS FOR INTOWN PARK, PLAZA AND SCHOOL SITES. We are recommending a minimum standard of two hectares per thousand population to be set aside for intown park and plaza purposes, exclusive of playgrounds and playfields. An elementary school site for a neighborhood unit having a population of 5,000 should be centrally located. It should contain an area of at least one and one-half hectares (1.5 Ha.) and should be so located that children would not have to pass through roads traversed by heavy traffic.—*From 6th Ind., Nov. 15, 1946, of Adviser to the President on Planning to the Sec. of the Int.*

PETIT CARNIVAL AND BEAUTY CONTESTS, HOLDING OF BY MUN-

ICIPALITY CANNOT BE AUTHORIZED.—Respectfully returned to the Provincial Board, Dipolog, Zamboanga, inviting attention to the attached copy of the 2nd Indorsement, dated November 11, 1946, of the Auditor General, regarding the holding of carnival; to Executive Order No. 20, series of 1907, prohibiting public officials and employees from taking part directly or indirectly in the solicitation of voluntary contributions, and to Administrative Order No. 11, dated June 4, 1936, prohibiting public officials and employees from taking part directly or indirectly in beauty, popularity and other contests. In view thereof, favorable consideration of the proposed holding by the municipality of Pagadian of petit carnival and beauty contests and the solicitation by municipal officials and employees of voluntary contributions for that purpose cannot be given by

this Department.—1st Ind., March 12, 1947, of Sec. of the Int.

AUTOMOBILE ALLOWANCE, WHEN MAY BE GRANTED.—It appears from the attached Resolution No. 144, current series of that body that the automobile being utilized by the Provincial Governor in his official travels is government-owned. For this reason, allowance therefor is not necessary, inasmuch as under the provisions of Executive Order No. 172 series of 1938, as amended by Executive Order No. 51, current series, said vehicle should be operated under the provincial garage, and the salary of the driver from the garage fund. In other words, transportation allowance may be granted only at the rates provided in said Executive Order, if the official concerned owns an automobile. In this case, the official concerned has to employ a driver and pay the



Ilocos Sur's District Mayors

salary thereof as well as the gasoline consumed and the maintenance of the car out of the allowance granted him.—*3rd Ind., May 2, 1947, of Sec. of the Int. to the Provincial Board of Bulacan.*

DONATION OF GOVERNMENT FUNDS IN RECOGNITION OF SERVICE TO PROVINCE NOT AUTHORIZED BY LAW.—Respectfully returned to the Provincial Board, Naga, Camarines Sur, regretting that favorable action cannot be taken by this Department on the proposition made in its attached Resolution No. 653, current series, to donate the amount of P500 to Mr. Roque Alba, principal of the Camarines Sur High School, in "recognition of his work and service" to the province, there being no law sanctioning the proposed donation.—*1st Ind., No. 21, 1946, Sec. of the Int.*

PAYMASTER AND INSPECTOR-CHECKER, EMPLOYMENT OF CHARGEABLE AGAINST THE ENGINEERING FUND.—This Department can not view with favor the permanent appointment by a Provincial Treasurer of a paymaster or by a Provincial Auditor of an inspector-checker, whose salaries will be chargeable against the engineering fund. The legality of such appointments is open to serious doubts. But the principal reason for this view is that the engineering fund is a special fund, which may be spent exclusively for the particular purpose or purposes for which it has been created. The expenditure of that fund for the payment of salaries of employees or laborers appointed by officials other than the District Engineer is not among those purposes.

However, it is a matter of common knowledge that in not a few cases the general fund of a province is not sufficient for the purposes for which it has been created while ordinarily the engineering fund is more than enough to meet the expenses of the District Engineer's Office. Consequently, there are times when, for lack of necessary personnel, the Office of the Provincial Treasurer is unable to pay on time the wages of laborers of the District En-

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gineer and the office of the Provincial Auditor is delayed in the checking and inspection of materials and supplies for public works and in the latter the execution of public works projects suffers delays that are damaging to the public interest.

It would, therefore, seem obvious that, in the interest of the public welfare, District Engineers may agree, under proper limitations and conditions, to the expenditure of the engineering fund for the payment of salaries and/or wages of employees or laborers appointed by the Provincial Treasurer or Provincial Auditor and whose duties are discharged in connection with the activities of the office of the District Engineer. If the District Engineer of a particular province considers that the engineering fund thereof is more than sufficient to meet the expenditures of his office and its general fund is not sufficient to serve the purposes for which it has been created, this Department will not object to his agreeing to the expenditure of the engineering fund for the payment of the salaries of a paymaster appointed by the Provincial Treasurer and inspector-checker appointed by the Provincial Auditor. However, for obvious reasons, such arrangement can be of a temporary nature only. It should be made only when the engineering fund is more than sufficient to meet the expenditures of the Office of the District Engineer and the general fund is insufficient for the purposes for which it has been created, and the appointments of the paymaster and the inspector-checker should be effective only as long as these conditions exist and their duties are principally performed in connection with the activities of the office of the District Engineer.

In view of what has been stated, where the arrangement above described is agreeable to the District Engineer of a particular province, he should see to it that the appointments issued by the Provincial Treasurer and the Provincial Auditor expressly state that they

shall be effective only as long as he, the District Engineer, does not certify that the interests of his office demand that the effectivity of those appointments ceases.—*22nd Ind., April 21, 1947 of Sec. of Public Works and Communications to the Director of Public Works.*

P O L I C Y ON NAMING OF SCHOOLS.—Respectfully returned to the Honorable, the Secretary of Instruction, Manila. This Office has consistently adhered to the policy of naming the school after the barrio, town, or city in which it is located, as it is believed that this is the most practical way of identifying and locating a school. It is, therefore, regretted that this Office cannot indorse favorably the changes in the names of the schools referred to in the attached Resolution No. 10 of the Municipal Council of Santo Tomas, La Union. This, however, should not be construed as a lack of appreciation and reverence for the Filipino heroes in whose honor the schools listed are to be re-named.—*4th Ind., June 5, 1947, of Director of Education.*

DISTRIBUTION OF FOREST CHARGES, DOCUMENTARY STAMP TAXES, RESIDENCE TAXES AND JUSTICE OF THE PEACE FEES.—Forest charges and documentary stamp taxes are among those included in the general allotment of internal revenue taxes under Section 363 of the National Internal Revenue Code, as amended by Section 8 of Commonwealth Act No. 586. Under said Section of the Code, as amended, municipalities do not receive any share in said collections.

Residence taxes are allotted under Section 8 of Commonwealth Act No. 465, as amended by Section 8 of Commonwealth Act No. 586, by virtue of which municipalities receive as share under their general fund, 25% of the total collections of residence taxes, in proportion to the population of each municipality as shown by the Official Census of 1939.

Justice of the peace fees accrue to the National Government with certain exceptions. The collection and disposi-

tion of these fees are provided in Section 8 of Act No. 2041 and Sections 225, 226, 2751 and 2752 of the Revised Administrative Code (Act 2711).

Unless, therefore, the above stated provisions of laws are amended, this Office sees no way whereby the present distribution of said taxes and fees may be changed. *3rd Ind., April 21, 1947, of Collector of Internal Revenue to the Sec. of Finance.*

SALARY PERCENTAGE ALLOWABLE, NATIONAL AIDS TO REPLACE LOCAL REVENUE CONSIDERED IN DETERMINATION OF.—National aids granted to the local governments to help them meet their ordinary expenses for essential services are to be considered for the purposes of Section 2299 of the Administrative Code for the reason that such aids are given to replace the loss in revenue suffered by the local governments as a result of the war.—*2nd., Dec. 5, 1946, of the Undersecretary of Finance, DIF 210, Neg. Occ., Himigan.*

HOLDING OF SPECIAL SESSIONS BY PROVINCIAL BOARDS—WHEN MAY BE AUTHORIZED—... this Department is not inclined, as a matter of general policy, to grant such authority (to hold six special sessions a month) considering that important matters can conveniently be deliberated upon during the scheduled four regular sessions and the two special sessions already authorized a month.

In strictly emergency cases, however, the Provincial Board may be authorized to hold special sessions, in addition to the two special sessions just mentioned, provided authority therefor is first secured from this Office, accompanied with a statement to the effect that the matters to be taken up in each of the proposed special sessions require such action which, if deferred till the next session (either regular or special session already authorized), would adversely affect the public service.—*From letter dated July 18, 1949, of Undersecretary of the Interior to the Provincial Board of Laguna.*

SALARY INCREASES — CONDITIONS FOR GRANTING; TRANSFER OF FUND TO PUERICULTURE CENTER.—The salary increases proposed therein are hereby approved subject to the conditions that all mandatory obligations of the municipality are duly provided for and that the legal percentage expendable for salaries and wages is not exceeded. Under the same conditions the transfer of ₱300 to the Puericulture Center is also approved provided that the Center is under the supervision of the Bureau of Health.—*From letter dated June 16, 1949, of Undersecretary of Finance to Mun. Council of Catbalogan, Samar.*

FISHING, CLOSE-SEASON ORDER—PURPOSE.—...your petition to exclude the coastal waters of your municipality from the provisions of the Fish and Game Administrative Order No. 13-1, as amended, cannot be favorably considered because of the following reasons:

1. The close-season order was promulgated for the sole purpose of protecting the herrings and sardines (*tabogac, tuloy, balantiong* and *haulhaul*) during their spawning season and their offspring at the state when they are still very small. The adult or sexually matured fish are thereby given a chance to reproduce freely. The extent of the period includes the time at which stage the offspring will have grown to such a size when the fish are big enough and capable of wider dispersion in the fishing ground.

2. By the promulgation of the above-mentioned order, this Office has made one more step toward the conservation of one of our principal commercial fisheries, which is one of the main functions of the Division of Fisheries as guardian of the Philippine fishery resources. This Office will fall short of the people's expectation if the interests of a few are to be considered paramount to the interests of the majority (fishermen as well as laborers of all sorts, transportation men and the consumers) who will, no doubt, be benefited by the measure.

3. Furthermore, the close-season order does not entirely prohibit fishing. In other words the fishermen can go on with their usual occupation provided that they do not catch the species being protected by the Order

In view of the above considerations, this Office regrets to state that your petition will have to be, as hereby it is, denied. — *Letter dated March 12, 1947 of the Sec. of Agr. & Com. to Mun. Council of Estancia, Iloilo.*

GASOLINE ALLOWANCE — MUNICIPAL MAYOR NOT ENTITLED.—The appropriation of ₱150 for gasoline allowance of the municipal mayor provided for in supplemental budget No. 2, general fund, cannot be approved, in view of the fact that municipal mayors are not authorized to collect this nature of expenses.—*From letter dated May 24, 1949, of Undersecretary of Finance to Municipal Council of Caoayan, I. Sur.*

DONATION OF PROVINCIAL PROPERTY TO WEATHER BUREAU.—Respectfully returned to the Provincial Board, Basco, Batanes, with the information that under the provisions of Section 570 of the Revised Administrative Code that body is empowered to authorize the Provincial Governor to convey by way of donation, for weather station site purposes, the lot mentioned in its attached current Resolution No. 128, without the necessity of securing approval of this Department—*1st Ind., April 23, 1949, Undersecretary of the Interior.*

PROVINCIAL EXPOSITION AND FAIR, MUNICIPALITY'S PARTICIPATION IS APPROVED; CONDITION.—The appropriations of ₱100 and ₱370 set aside in supplemental budgets Nos. 1 and 2, general fund, to defray the expenses in connection with the municipality's participation in the Ilocos Sur Provincial Exposition and Fair are hereby approved, provided that all the essential services of the municipality during the current fiscal year are fully provided for. — *From letter dated May 24, 1949, of Undersecretary of Finance to Municipal Coun-*

cil of Caoayan, I. Sur.

NATIONAL ROADS, USE OF AND TRAFFIC ON; WHEN MUNICIPAL COUNCIL MAY REGULATE SPEED OF MOTOR VEHICLE AND USE OF PROVINCIAL ROAD. — Respectfully returned to the District Engineer, Dumaguete, Oriental Negros, with the information that the use of and traffic on National roads is regulated and controlled by the rules and regulations promulgated by the Director of Public Works on July 16, 1940 and approved by the Secretary of Public Works and Communications on August 15, 1940 under the provisions of Commonwealth Act No. 548. Generally, National roads are designed to accommodate two ways and the Municipal Council of Larena is not authorized to make national road one way traffic. The Municipal Council, however, may regulate the speed of motor vehicle by ordinance provided such regulations are not contrary to the provisions of the Motor Vehicle Law. The Municipal Council may also regulate the use of the portion of the provincial road located within its ter-

PRONUNCIAMENTOS

MANUEL L. QUEZON—He who tries to curry favor with the masses by appealing to the passions of the people, stirring up their prejudices, or capitalizing discontent or human suffering, is unworthy of public trust.

MARCELO H. DEL PILAR—Improve your trade, young man. If you know how to grow *zacate* now, try to raise rice tomorrow.

JOSE RIZAL—The Filipino idolizes justice, like every race in its youth: he asks for punishment when he has done wrong; just as he is exasperated when he has not deserved it.

PRUDENCIO LANGCAUON—Happiness and contentment are rarely possible without physical health; and
(Continued on page 475)

itorial jurisdiction in the exercise of its police power to provide for public peace, order and safety, pursuant to Section 2242 (e) of the Revised Administrative Code.—*3rd Ind., Nov. 26, 1946. of Director of Public Works.*

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RULINGS OF THE GENERAL AUDITING OFFICE

APPOINTIVE MAYOR NOT ENTITLED TO HIS PENSION UNDER ACT 3173 IF HE ELECTS TO RECEIVE HIS SALARY AS MAYOR.

—Respectfully returned to the Honorable, the Secretary of the Interior, Manila, with the information that, inasmuch as Mayor Mariano Mendoza of Katipunan, Zamboanga, was not elected but appointed to his present position, this Office believes that, under the provisions of Section 7-1-(9) of Commonwealth Act No. 246, as pensioner under Act No. 3173, he has the option to receive either the compensation of the position he is now holding or his pension, but he is not entitled to receive both.—*2nd Ind., Aug. 16, 1946, Aud. Gen.*

ID.; RIGHT TO PENSION NOT LOST; WAIVER ENDS UPON EXPIRATION OF TERM OR TENURE.

—Respectfully returned, thru the Provincial Auditor, to the Provincial Governor, Dipolog, Zamboanga, with the information that under Section 7-1 (9-) of Commonwealth Act No. 246, Mayor Mariano Mendoza of Katipunan, that province may at his option either continue to receive his monthly pension of ₱28.00 or draw the salary of Mayor at ₱66.66 per month, but not both. If he decides to continue receiving his pension, he cannot be paid the difference of ₱38.66 because the same is not provided for in the law above-mentioned. However, if he elects to receive the salary attached to the position of Mayor instead of his pension, this Office believes that he will not lose his right to the said pension which may again be continued when he will cease to be Mayor inasmuch as the waiver thereto is only for the duration or during the period of his incumbency.—*6th Ind., Dec. 9, 1946, of Aud. Gen.*

SUBSISTENCE ALLOWANCE TO MUNICIPAL EMPLOYEES FOR OVERTIME SERVICE NOT ALLOWED.—In view of the absence of a law authorizing the payment of subsistence allowance to municipal em-

ployees on account of overtime service, it is regretted that the herein appropriation of ₱308.00 by the Municipal Council of San Juan, Rizal, for such purpose cannot be allowed in audit.—*4th Ind., Feb. 10, 1947, of Dep. Aud. Gen. to Undersecretary of the Interior.*

QUARTERS FOR CHIEF OF FIRE DEPARTMENT.—Inasmuch as the nature of the duties of the Chief of the Fire Department of Davao City requires his presence at the station 24 hours of the day, he and his family may be provided with quarters as granted in Resolution No. 678, series of 1947, of the City Council of Davao.—*2nd Ind., Nov. 12, 1948, of Aud. Gen. to Undersecretary of the Interior.*

CITY COUNCILORS WHO ARE MEMBERS OF THE BOARD OF TAX APPEALS NOT ENTITLED TO PER DIEMS FOR ATTENDANCE AT LATTER.—Respectfully returned to the Acting City Auditor, Davao, Davao, with the information that in view of the stringent provisions of section 259 of the Revised Administrative Code and section 3, Article XI of the Philippine Constitution, prohibiting the payment of additional compensation, and in the absence of special provision in Commonwealth Act No. 51 (Charter of City of Davao) authorizing the payment of compensation to members of the Board of Tax Appeals, this Office believes that councilors of that city while attending sessions of said Board are not entitled to per diems.—*1st Ind., March 3, 1939, of Aud. Gen.*

PRINCIPAL CLERK WHEN ACTING AS MUNICIPAL TREASURER MAY SIGN HIS OWN PROMOTIONAL APPOINTMENT AS PRINCIPAL CLERK.—On account of irregularities committed by the Municipal Treasurer of San Jacinto, Masbate, the Provincial Treasurer designated the principal clerk of the former, Mr. Rafael L. Carranza, as acting municipal treasurer without additional compen-

sation. He was receiving a monthly salary of P28 as such principal clerk. With the promulgation of Executive Order No. 50, series of 1936, fixing P30.00 as the minimum monthly salary to be paid to employees of the National Government unless otherwise specifically provided by law, effective September 1, 1936, the Municipal Council of San Jacinto increased the salary of the principal clerk to P35.00 a month by its Resolution No. 67, series of 1936. Pursuant to said resolution and upon the prior approval of the Provincial Treasurer, the said Mr. Carranza, as Acting Municipal Treasurer, extended to himself, as principal clerk, the promotional appointment necessary to carry into effect the salary increase granted him by the council, as under the first paragraph of section 2207 of the Revised Administrative Code, "the municipal treasurer shall appoint the clerks and other employees necessary to aid him in the discharge of his duties, the number and salaries thereof being determined by the municipal council as in the case of other employees."

The question submitted is whether or not the actuation of Mr. Carranza in this case was proper.

Admittedly, "it is contrary to public policy to permit an officer, having the power to appoint to an office, to exercise that power in his own interest by appointing himself." (Mechem, Law of Public Offices and Officers, Sec. 112, p. 46). In this case, however, Mr. Carranza did not in fact appoint himself. The municipal council, in which is vested the power to determine the salaries of municipal employees, voted an increase in his salary as principal clerk of the municipal treasurer. Unfortunately, he happened to be discharging the functions of municipal treasurer in the absence of the regular incumbent who was then under suspension, and according to law, he was the one required to sign the appointment in his favor. He signed that appointment only upon the prior approval of the Provincial Treasurer and in doing so

PUTTING FAITH IN A FORT

RAJAH MAMAGTAL

(Defiance to the Camucones, Buglasan, Negros, in 1372; from Pavon MS.)

Lugib-sang-Kabilagoan, our fort, fears not sea rovers from Malaca. Its walls are mighty rocks, its floors of coral. Two hundred defences does it present. Seven stout bulwarks surround it. And if these all should be taken still there would remain fifteen secret passages for our escape.

Here Datu Kamatel and I with our followers shall make our stand, in a fortress as inaccessible to you as Mount Marapara, the highest peak of yonder distant mountains.

WHY THE CEBUANS BECAME CHRISTIANS

Rajah Muda FERNANDO

(Address of welcome by the Crown Prince, to Magellan, Cebu, April 19, 1521, as reported by Pigafetta)

In the name of my uncle King Tupas, I greet you and pledge peace to you.

His Majesty has no sons, but I, as the husband of his eldest daughter, am the heir apparent, or Rajah Muda.

Your leader tells of a God Who made sky, earth, sea, and all else there is, and Who commands us to honor our parents. Such has not been the custom of our country for when our fathers and our mothers grow old they receive no further honor from us but we, their children, command them. Your way, we realize, is the better, and we shall be glad to learn of the religion which teaches it, if you will leave us teachers here.

But first we must tell these things to our king, and obtain his permission.

Of our own free will and accord we are becoming Christians, not just to please you or at your command.

We place ourselves in your hands, and ask that you make use of us as your most faithful servants.

He merely complied with a formality imposed by law. He did not take ad-

OUR LOCAL OFFICIALS



ANATOLIO YNCLINO

City Treasurer of the City of Cebu
Personal Circumstances.—Born in Boljoon, Cebu, on July 9, 1900, and married to B. Colmenaries of Valhermoso of Negros Occidental with two children.

Education.—Associate of Commercial Science, 1939-40 (Salutatorian), Visayan Institute; Bachelor of Laws, 1947-48 (Salutatorian), University of the Visayas, Cebu City.

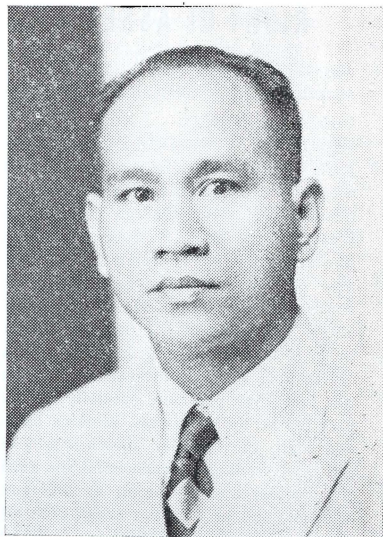
Previous positions.—Municipal Treasurer of Aloguinsan, Alcoy, and Boljoon; Traveling Deputy Provincial Treasurer of Cebu; Chief, Internal Revenue Division, Provincial Treasury of Cebu; Chief, Assessment and Land Tax Division, same office; and Cashier and Bookkeeper, P.N.B. Agency, Cebu. Member, Cebu Planning Board.

Hobby.—Poultry raising.

Motto.—Be hardworking and honest.

vantage of the power to appoint by exercising it in his own interest.

(Continued on page 484)



PERFECTO P. LINGAN

Municipal Treasurer of Solana, Cagayan

Personal Circumstances.—Born on March 15, 1906 in Solana, Cagayan, and married to Estefania Usita with whom he has nine children.

Schools attended.—Solana Elementary School, 1915-1921; Cagayan High School, class of 1925; and took up teaching course in the Philippine Normal School in 1926 & 1928.

Activities and positions held.—Platoon sergeant, Adduru Guerilla Unit and Member and Actual Worshipful Master of Gonzaga Lodge No. 66 of Free and Accepted Masons. Formerly regular teacher, Bureau of Education, 1925-'31; principal clerk, 1931-1937; and deputy provincial and municipal treasurer and postmaster from 1937 to-date.

Hobbies.—Poultry and hog raising and hunting.

Motto.—Strive to make dreams (ambitions) come true (realized or attained).

(Continued on page 474)

Supreme Court Decision—

RIGHT OF ASSEMBLY AND FREEDOM OF SPEECH

Cipriano P. Primicias, as Gen. Campaign Manager of the Coalesced Minority Parties, petitioner, vs. Valeriano E. Fugoso, as Mayor of City of Manila, respondent, G. R. N. L-1800, Jan. 27, 1948. FERIA, J.

1. **CONSTITUTIONAL LAW; PUBLIC MEETING; ASSEMBLAGE; MANDAMUS.**—Action for mandamus was instituted by the campaign manager of the Coalesced Minority Parties against the Mayor of the City of Manila to compel the latter to issue a permit for the purpose of petitioning the government for redress of grievances. The reason of the Mayor for refusing the permit is, "that there is a reasonable ground to believe, basing upon previous utterances and upon the fact that passions, specially on the part of the losing groups, remains bitter and high, that similar speeches will be delivered tending to undermine the faith and confidence of the people in their government, and in the duly constituted authorities, which might threaten breaches of the peace and a disruption of public order." *Held:* As the request of the petition was for a permit "to hold a peaceful public meeting," and there is no denial of that fact or any doubt that it was to be a lawful assemblage, the reason given for the refusal of the permit can not be given any consideration. The petition for mandamus was granted.
2. **ID.; FREEDOM OF SPEECH; ASSEMBLAGE; POLICE POWER; DELEGATION OF POLICE POWER.**—The right to freedom of speech, and to peacefully assemble and petition the government for redress of grievances, are fundamental personal rights of the people recognized and guaranteed by the constitutions of democratic countries. But it is a settled principle growing out of the nature of well ordered civil societies that the exercise of these rights is not absolute for it may be so regulated that it shall not be injurious, to the equal enjoyment of other having equal rights, nor injurious to the rights of the community or society. The power to regulate the exercise of such and other constitutional rights is termed the sovereign "police power"

which is the power to prescribe regulations, to promote the health, morals, peace, education, good order or safety, and general welfare of the people. This sovereign police power is exercised by the government through its legislative branch by the enactment of laws regulating those and other constitutional and civil rights, and it may be delegated to political subdivisions, such as towns, municipalities and cities by authorizing their legislative bodies called municipal and city councils to enact ordinances for the purpose.

3. **ID.; PUBLIC MEETING; DISCRETION OF MAYOR IN ISSUING PERMIT TO HOLD PUBLIC MEETING; CONSTRUCTION AND INTERPRETATION.**—The provision of Sec. 1119, Revised Ordinances, City of Manila does not confer upon the Mayor the power to refuse to grant the permit, but only the discretion, in issuing the permit, to determine or specify the streets or public places where the parade or procession may pass or the meeting may be held. This provision can not be construed as conferring upon the Mayor power to grant or refuse to grant the permit, which would be tantamount to authorizing him to prohibit the use of the streets and other public places for holding of meetings, parades or processions, because such a construction would make the ordinance invalid and void or violative of the constitutional limitations.
4. **ID.; RIGHT OF ASSEMBLY; FREEDOM OF SPEECH AND PRESS; PARADE OR PROCESSION; CONSTRUCTION AND INTERPRETATION.**—A statute requiring persons using the public streets for a parade or procession to procure a special license therefor from the local authorities is not unconstitutional abridgment of the rights of assembly or of freedom of speech and press, where, as the statute is construed by the state courts, the licensing authorities are

strictly limited, in the issuance of licenses, to a consideration of the time, place, and manner of the parade or procession, with a view to conserving the public convenience and of affording an opportunity to provide proper policing, and are not invested with arbitrary discretion to issue or refuse license.

5. ID.; DELEGATION OF LEGISLATIVE POWER TO THE EXECUTIVE.—The Municipal Board can not grant the Mayor a power which it does not have. The powers and duties of the Mayor as the Chief Executive of the City are executive, and one of them is "to comply with and enforce and give the necessary orders for the faithful performance" (Sec. 2434 (b) of the Revised Administrative Code), the legislative police power of the municipal board to enact ordinances regulating reasonably the exercise of the fundamental personal right of the citizens in the streets and other public places, can not be delegated to the mayor or any other officer by conferring upon him unregulated discretion or without laying down rules to guide and control his action by which its impartial execution can be secured or partiality and oppression prevented.
6. ID.; ORDINANCE; REQUISITES OF A VALID ORDINANCE.—Ordinances to be valid must be reasonable; they must not be oppressive; they must be fair and impartial; they must not be so framed as to allow their enforcement to rest in official discretion.
7. ID.; STREETS; PRIVILEGE OF CITIZEN TO USE PUBLIC STREETS MAY BE REGULATED.—The privilege of a citizen to use the streets may be regulated in the interest of all, it is not absolute, but relative, and must be exercised in subordination to the general comfort and convenience, and in consonance with peace and good order; but it must not, in the guise of regulation, be abridged or denied.
8. ID.; FREEDOM OF SPEECH AND ASSEMBLY.—The fact that speech is likely to result in some violence or in destruction of property is not enough to justify its suppression. There must be the probability of serious injury to the state.

Among freemen, the deterrents ordinarily to be applied to prevent crime are education and punishment for violations of the law, not abridgment of the rights of free speech and assembly.

Ramon Diokno for the petitioner.

The City Fiscal for the respondent.

DECISION

FERIA, J.:

This is an action of mandamus instituted by the petitioner, Cipriano Primicias, a campaign manager of the Coalesced Minority Parties against Valeriano Fugoso, as Mayor of the City of Manila, to compel the latter to issue a permit for the holding of a public meeting at Plaza Miranda on Sunday afternoon, November 16, 1947, for the purpose of petitioning the government for redress of grievances on the ground that the respondent refused to grant such permit. Due to the urgency of the case, this Court, after mature deliberation, issued a writ of mandamus, as prayed for in the petition on November 15, 1947, without prejudice to writing later an extended and reasoned decision.

The right to freedom of speech, and to peacefully assemble and petition the government for redress of grievances, are fundamental personal rights of the people recognized and guaranteed by the constitutions of democratic countries. But it is a settled principle growing out of the nature of well-ordered civil societies that the exercise of these rights is not absolute or it maybe so regulated that it shall not be injurious to the equal enjoyment of others having equal rights, nor injurious to the rights of the community or society. The power to regulate the exercise of such and other constitutional rights is termed the sovereign "police power," which is the power to prescribe regulations, to promote the health, morals, peace, education, good order or safety, and general welfare of the people. This sovereign police power is exercised by the government through its legislative branch by the enactment of laws regulating those and other constitutional and civil rights,

and it may be delegated to political subdivisions, such as towns, municipalities and cities by authorizing their legislative bodies called municipal and city councils to enact ordinances for the purpose.

The Philippine Legislature has delegated the exercise of the police power to the Municipal Board of the City of Manila, which according to Sec. 2439 of the Administrative Code is the legislative body of the City. Sec. 2444 of the same Code grants the Municipal Board, among others, the following legislative powers, to wit: "(p) to provide for the prohibition and suppression of riots, affrays, disturbances and disorderly assemblies," (u) to regulate the use of streets, avenues, . . . parks, cemeteries and other public places" and "for the abatement of nuisance in the same," and "(ee) to enact all ordinances it may deem necessary and proper for sanitation and safety, the furtherance of prosperity and the promotion of morality, peace, good order, comfort, convenience, and general welfare of the city and its inhabitants."

Under the above delegated power, the Municipal Board of the City of Manila, enacted Secs. 844 and 1119, Sec. 844 of the Revised Ordinances of 1927 prohibits as an offense against public peace, and Sec. 1262 of the same Revised Ordinance penalizes as a misdemeanor, "any act, in any public place, meeting, or procession, tending to disturb the peace or excite a riot; or collect with other persons in a body or crowd for any unlawful purpose; or disturb or disquiet any congregation engaged in any lawful assembly." And Sec. 1119 provides the following:

"Sec. 119. *Free for use of public.*

—The streets and public places of the city shall be kept free and clear for the use of the public, and the sidewalks and crossings for the pedestrians, and the same shall only be used or occupied for other purposes as provided by ordinance or regulation: Provided, That the holding of athletic games, sports, or exercises during the celebration of

national holidays in any streets or public places of the city and on the patron saint day of any district in question, may be permitted by means of a permit issued by the Mayor, who shall determine the streets or public places, or portions thereof, where such athletic games, sports, or exercises may be held: *And provided, further,* That the holding of any parade or procession in any streets or public places is prohibited unless a permit therefor is secured from the Mayor, who shall, on every such occasion, determine or specify the streets or public places for the formation, route, and dismissal of such parade or procession: *And provided finally,* That all applications to hold a parade or procession shall be submitted to the Mayor not less than twenty-four hours prior to the holding of such parade or procession."

As there is no express and separate provision in the Revised Ordinances of the City regulating the holding of public meeting or assembly at any street or public places, the provision of said Sec. 1119 regarding the holding of any parade or procession in any street or public places may be applied by analogy to meeting and assembly in any street or public places.

Said provision is susceptible of two constructions: one is that the Mayor of the City of Manila is vested with unregulated discretion to grant or refuse to grant permit for the holding of a lawful assembly or meeting, parade, or procession in the streets and other public places of the City of Manila; and the other is that the applicant has the right to a permit which shall be granted by the Mayor, subject only to the latter's reasonable discretion to determine or specify the streets or public places to be used for the purpose, with a view to preventing confusion by overlapping to secure convenient use of the streets and public places by others, and to provide adequate and proper policing to minimize the risk of disorder.

After a mature deliberation, we have arrived at the conclusion that we must

adopt the second construction, that is, construe the provisions of the said ordinance to mean that it does not confer upon the Mayor the power to refuse to grant the permit, but only the discretion, in issuing the permit, to determine or specify the streets or public places where the parade or procession may pass or the meeting may be held.

Our conclusion finds support in the decision in the case of *Willis Cox v. State of New Hampshire*, 312 U. S. 569. In that case, the statute of New Hampshire P. L. chap. 145, Sec. 2, providing that "no parade or procession upon any ground abutting thereon, shall be permitted unless a special license therefor shall first be obtained from the selectmen of the town or from licensing committee," was construed by the Supreme Court of New Hampshire as not conferring upon the licensing board unfettered discretion to refuse to grant the license, and held valid. And the Supreme Court of the United States, in its decision (1941) penned by Chief Justice Hughes affirming the judgment of the State Supreme Court, held that "a statute requiring persons using the public streets for a parade or procession to procure a special license therefor from the local authorities is not an unconstitutional abridgment of the rights of assembly or of freedom of speech and press, where, as the statute is construed by the state courts, the licensing authorities are strictly limited, in the issuance of licenses, to a consideration of the time, place, and manner of the parade or procession, with a view to conserving the public convenience and of affording an opportunity to provide proper policing, and are not invested with arbitrary discretion to issue or refuse license, x x x."

We cannot adopt the other alternative construction or construe the ordinance under consideration as conferring upon the Mayor power to grant or refuse to grant the permit, which would be tantamount to authorizing him to prohibit the use of the streets and other public places for holding of meetings, parades or processions, be-

cause such a construction would make the ordinance invalid and void or violative of the constitutional limitations. As the Municipal Board is empowered only to regulate the use of streets, parks, and other public places and the word "regulate," as used in Sec. 2444 of the Revised Administrative Code, means and includes the power to control, to govern and to restrain, but can not be construed as synonymous with "suppress" or "prohibit" (*Kwong Sing v. City of Manila*, 41 Phil. 103), the Municipal Board can not grant the Mayor a power which it does not have. Besides, as the powers and duties of the Mayor as the Chief Executive of the City are executive, and one of them is "to comply with and enforce and give the necessary orders for the faithful performances and execution of the laws and ordinances" (Sec. 2434 (b) of the Revised Administrative Code), the legislative police power of the municipal board to enact ordinances regulating reasonably the exercise of the fundamental personal right of the citizens in the streets and other public places, can not be delegated to the mayor or any other officer by conferring upon him unregulated discretion or without laying down rules to guide and control his action by which its impartial execution can be secured or partiality and oppression prevented.

In *City of Chicago v. Trotter*, 136 Ill. 430, it was held by the Supreme Court of Illinois that, under Rev. St. Ill. c. 24, art. 5, Sec. 1, which empowers city councils to regulate the use of the public streets, the council has no power to ordain that no processions shall be allowed upon the streets until a permit shall be obtained from the superintendent of police, leaving the issuance of such permits to his discretion, since the powers conferred on the council cannot be delegated by them.

The Supreme Court of Wisconsin in *Wis. 585*, 54 N. W. 1104, held the following:

"The objections urged in the case of *City of Baltimore v. Radecke*, 49 Md. 217, were also, in substance, the

same, for the ordinance in that case upon its face committed to the unrestrained will of a single public officer the power to determine the rights of parties under it, when there was nothing in the ordinance to guide or control his action, and it was held void because 'it lays down no rules by which its impartial execution can be secured, or partiality and oppression prevented,' and that 'when we remember that action or nonaction may proceed from enmity or prejudice, from partisan zeal or animosity, from favoritism and other improper influences and motives easy of concealment and difficult to be detected and exposed, it becomes unnecessary to suggest or to comment upon the injustice capable of being wrought under cover of such a power, for that becomes apparent to every one who gives to the subject a moment's consideration. In fact, an ordinance which clothes a single individual with such power hardly falls within the domain of law, and we are constrained to pronounce it inoperative and void.' x x x In the exercise of the police power, the common council may, in its discretion, regulate the exercise of such rights in a reasonable manner, but can not suppress them, directly or indirectly, by attempting to commit the power of doing so to the mayor or any other officer. The discretion, to be exercised within the limits of the law, and not a discretion to transcend it or to confer upon any city officer an arbitrary authority, making him in its exercise a petty tyrant."

In *Re Frazee*, 63 Michigan 399, 30 N. W. 72, a city ordinance providing that "no person or persons, associations or organizations shall march, parade, ride, or drive, in or upon or through the public streets of the City of Grand Rapids with musical instrument, banners, flags, * * * without having first obtained the consent of the mayor or common council of said City;" was held by the Supreme Court of Michigan to be unreasonable and void. Said Su-

preme Court in the course of its decision held:

"*** We must therefore construe this charter, and the powers it assumes to grant, so far as it is not plainly unconstitutional, as only conferring such power over the subjects referred to as will enable the city to keep order, and suppress mischief, in accordance with the limitations and conditions required by the rights of the people themselves, as secured by the principles of law, which cannot be less careful of private rights under a constitution than under the common law.

"It is quite possible that some things have a greater tendency to produce danger and disorder in the cities than in smaller towns or in rural places. This may justify reasonable precautionary measures, but nothing further, and no interference can extend beyond the fair scope of powers granted for such a purpose, and no grant of absolute discretion to suppress lawful action altogether can be granted at all. ***

"It has been customary, from time immemorial, in all free countries, and in most civilized countries, for people who are assembled for common purposes to parade together, by day or reasonable hours at night, with banners and other paraphernalia, and with music of various kinds. These processions for political, religious, and social demonstrations are resorted to for the express purpose of keeping unity of feeling and enthusiasm, and frequently to produce some effect on the public mind by the spectacle of union and numbers. They are a natural product and exponent of common aims, and valuable factors in furthering them. *** When people assemble in riotous mobs, and move for purposes opposed to private or public security, they become unlawful, and their members and abettors become punishable. ***

"It is only when political, religious, social, or other demonstrations

create public disturbances, or operate as nuisance, or create or manifestly threaten some tangible public or private mischief, that the law interferes.

"This by-law is unreasonable, because it suppresses what is in general perfectly lawful, and because it leaves the power of permitting or restraining processions, and their courses, to an unregulated official discretion, when the whole matter, if regulated at all, must be by permanent, legal provisions, operating generally and impartially."

In *Rich v. Naperville*, 42 Ill App. 222, the question was raised as to the validity of the city ordinance which made it unlawful for any person, society or club, or association of any kind, to parade any of the streets, with flags, banners, or transparencies, drums, horns, or other musical instruments, without the permission of the city council first had and obtained. The appellants were members of the Salvation Army, and were prosecuted for a violation of the ordinance, and court in holding the ordinance invalid said. "Ordinances to be valid must be reasonable; they must not be oppressive; they must be fair and impartial; they must not be so framed as to allow their enforcement to rest in official discretion . . . Ever since the landing of the Pilgrims from the Mayflower the right to assemble and worship according to the dictates of one's conscience, and the right to parade in a peaceable manner and for a lawful purpose, have been fostered and regarded as among the fundamental rights of a free people. The spirit of our free institutions allows great latitude in public parades and demonstrations whether religious or political If this ordinance is valid, then may the city council shut off the parades of those whose notions do not suit their views and tastes in politics or religion, and permit like parades of those whose notions do. When men in authority are permitted in their discretion to exercise power so arbitrary, liberty is subverted, and

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the spirit of our free institution violated. . . . Where the granting of the permit is left to the unregulated discretion of a small body of city aldermen, the ordinance cannot be other than partial and discriminating in its practical operation. The law abhors partiality and discrimination. * * *

(19 L. R. A. p. 861)

In the case of *Trujillo v. City of Walsenburg*, 108 Col. 427, 118 P. (2d) 1081, the Supreme Court of Colorado, in construing the provision of Sec. 1 of Ordinance No. 273 of the City of Walsenburg, which provides: "That it shall be unlawful for any person or persons or association to use the street of the City of Walsenburg, Colorado, for any parade, procession or assemblage without first obtaining a permit from the Chief of Police of the City of Walsenburg so to do," held the following:

"1. The power of municipalities, under our state law, to regulate the use of public streets is conceded. 35 C.S.A., chapter 163, section 10, subparagraph 7. The privilege of a citizen of the United States to use the streets . . . may be regulated in the interest of all, it is not absolute, but relative, and must be exercised in subordination to the general comfort and convenience, and in consonance with peace and good order; but it must not, in the guise of regulation, be abridged or denied. *Hague, Mayor, v. Committee for Industrial Organization*, 307 U. S. 496, 516, 59 S. Ct. 954, 964, 83 L. Ed. 1423.

2, 3 An excellent statement of the power of a municipality to impose regulations in the use of public streets is found in the recent case of *Cox v. New Hampshire*, 312 U. S. 569, 61 S. Ct. 762, 765, 85 L. Ed. 1049, 133 A.L.R. 1936, in which the following appears: "The authority of a municipality to impose regulations in order to assure the safety and convenience of the people in the use of public highways has never been regarded as inconsistent

with civil liberties but rather as one of the means of safeguarding the good order upon which they ultimately depend. The control of travel on the streets of cities is the most familiar illustration of this recognition of social need. Where a restriction of the use of highways in that relations is designed to promote the public convenience in the interest of all, it cannot be disregarded by the attempted exercise of some civil right which in other circumstances would be entitled to protection. One would not be justified in ignoring the familiar red traffic light because he thought it his religious duty to disobey the municipal command or sought by that means to direct public attention to an announcement of his opinions. As regulation of the use of the streets for parades and processions is a traditional exercise of control by local government, the question in a particular case is whether that control is exerted so as not to deny or unwarrantedly abridge the right of assembly and the opportunities for the communication of thought and the discussion in public places. *Lovel v. Griffin*, 303 U. S. 444, 451, 58 S. Ct. 666, 668, 82 L. Ed. 949 /953, *Hague v. Committee for Industrial Organization*, 307 U. S. 496, 515, 516, 59 S. Ct. 954, 963, 964, 83 L. Ed. 1423 /1436, 1437/; *Schneider v. State of New Jersey /Town of Irvington/*, 308 U. S. 147, 160, 60 S. Ct. 146, 150, 84 L. E. 155 /164/; *Cantwell v. Connecticut*, 310 U. S. 296, 306, 307, 60 S. Ct. 900, 904, 84 L. Ed. 1213 /1219, 1220/, 128 A. L. R. 1352.

"4/ Our concern here is the validity or non-validity of an ordinance which leaves to the uncontrolled official discretion of the chief of police of a municipal corporation to say who shall, and who shall not, be accorded the privilege of parading on its public streets. No standard of regulation is even remotely suggested. Moreover, under the ordin-

ance as drawn, the chief of police may for any reason which he may entertain arbitrarily deny this privilege to any group. This is authorization of the exercise of arbitrary power by a governmental agency which violates the Fourteenth Amendments. *People v. Harris*, 104 Colo. 386, 394, 91 P. 2d 989, 122 A.L.R. 1034. Such an ordinance is unreasonable and void on its face. *City of Chicago v. Trotter*, 136 Ill. 430, 26 N. E. 359. See, also, *Anderson v. City of Wellington*, 40 Kan. 173, 19 P. 719, 2 L.R.A. 110, 10 Om. St. Om. St. Rep. 175; *State ex rel. v. Dering*, 84 Wis. 585, 54 N. W. 1104, 19 L.R.A. 858, 36 Am. St. Rep. 948; *Anderson v. Tedford*, 80 Fla. 376, 85 So. 673, 10 A.L.R. 1481; *State v. Coleman*, 96 Conn. 190, 113 A. 385, 387; 43 C.J. p. 419, Sec. 549; 44 C.J., p. 1036, Sec. 3885. * * *

"In the instant case the uncontrolled official suppression of the privilege of using the public streets in a lawful manner clearly is apparent from the face of the ordinance before us, and we therefore hold it null and void."

The Supreme Court of the United States in *Hague vs. Committee for Industrial Organization* 307 U. S. 496, 515, 516; 83 Law. ed. 1423, declared that a municipal ordinance requiring the obtaining of a permit for a public assembly in or upon the public streets, highways, public parks, or public buildings of the city and authorizing the director of public safety, for the purpose of preventing riots, disturbances, or disorderly assemblage, to refuse to issue a permit when after investigation of all the facts and circumstances pertinent to the application he believes it to be proper to refuse to issue a permit, is not a valid exercise of the police power. Said Court in the course of its opinion in support of the conclusion said:

"* * * Wherever the title of streets and parks may rest, they have immemorially been held in trust for

the use of the public and, time out of mind, have been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions. Such use of the streets and public places has, from ancient times, been a part of the privileges, immunities, rights, and liberties of citizens. The privilege of a citizen of the United States to use the streets and parks for communication of views on national questions may be regulated in the interest of all; it is not absolute, but relative, and must be exercised in subordination to the general comfort and convenience, and in consonance with peace and good order; but it must not, in the guise of regulation, be abridged or denied.

"We think the court below was right in holding the ordinance quoted in Note 1 void upon its face. It does not make comfort or convenience in the use of streets or parks the standard of official action. It enables the Director of Safety to refuse a permit on his mere opinion that such refusal will prevent riots, disturbances or disorderly assemblage.' It can thus, as the record discloses, be made the instrument or arbitrary suppression of free expression of views on national affairs for the prohibition of all speaking will undoubtedly 'prevent' such eventualities. But uncontrolled official suppression of the privilege cannot be made a substitute for the duty to maintain order in connection with the exercise of this right."

Sec. 2434 of the Administrative Code, a part of the Charter of the City of Manila, which provides that the mayor shall have the power to grant and refuse municipal licenses or permits of all classes, cannot be cited as an authority for the Mayor to deny the application of the petitioner, for the simple reason that said general power is predicated upon the ordinances enacted by the Municipal Board requiring licenses or permits to be issued by the Mayor, such as those

found in Chapters 40 to 87 of the Revised Ordinances of the City of Manila., It is not a specific or substantive power independent from the corresponding municipal ordinances which the Mayor, as Chief Executive of the City, is required to enforce under the same Sec. 2434. Moreover, "one of the settled maxims in constitutional law is that the power conferred upon the legislature to make laws cannot be delegated by that department to any other body or authority," except certain policy of local government, specially of police regulation which are conferred upon the legislative body of a municipal corporate. Taking this into consideration, and that the police power to regulate the use of streets and other public places has been delegated or rather conferred by the Legislature upon the Municipal Board of the City (Sec. 2444 (u) of the Administrative Code) it is to be presumed that the Legislature has not, in the same breath, conferred upon the Mayor in Sec. 2434(m) the same power, specially if we take into account that its exercise may be in conflict with the exercise of the same power by the Municipal Board.

Besides assuming *arguendo* that the Legislature has the power to confer, and in fact has conferred, upon the mayor the power to grant or refuse licenses and permits of all classes, independent from the ordinances enacted by the Municipal Board on the matter, and the provisions of Sec. 2444 (u) of the same Code and of Sec. 1119 of the Revised Ordinances to the contrary notwithstanding, such grant of unregulated and unlimited power to grant or refuse a permit for the use of streets and other public places for processions, parades, or meetings, would be null and void, for the same reasons stated in the decisions in the cases above quoted, specially in *Willis Cox v. New Hampshire supra*, wherein the question involved was also the validity of a similar statute of New Hampshire. Because the same constitutional limitation applicable to ordinances apply

to statutes, and the same objections to a municipal ordinance which grants unrestrained discretion upon a city officer are applicable to a law or statute that confers unlimited power to any officer either of the municipal or state governments. Under our democratic system of government no such unlimited power may be validly granted to any officer of the government, except perhaps in cases of national emergency. As stated in *State ex rel. Garrabad v. David. supra*, The discretion with which the council is vested is a legal discretion to be exercised within the limits of the law, and not a discretion to transcend it or to confer upon any city officer an arbitrary authority making in its exercise a petty tyrant."

It is true that Mr. Justice Ostrand cited said provision of Art. 2434 (m) of the Administrative Code apparently in support of the decision in the case of *Evangelista v. Earnshaw*, 57 Phil. 255-261, but evidently the quotation of said provision was made by the writer of the decision under a mistaken conception of its purview and is an *obiter dictum*, for it was not necessary for the decision rendered. The popular meeting or assemblage intended to be held therein by the Communist Party of the Philippines was clearly an unlawful one, and therefore the Mayor of the City of Manila had no power to grant the permit applied for. On the contrary, had the meeting been held, it was his duty to have the promoters thereof prosecuted for violation of Sec. 844, which is punishable as misdemeanor by Sec. 1262 of the Revised Ordinances of the City of Manila. For, according to the decision, "the doctrine and principles advocated and urged in the Constitution and by-laws of the said Communist Party of the Philippines, and the speeches uttered, delivered, and made by its members in the public meetings or gatherings, as above stated, are highly seditious, in that they suggest and incite rebellious conspiracies and disturb and obstruct the lawful authorities in their duty.

The reason alleged by the respondent in his defense for refusing the permit is, "that there is a reasonable ground to believe, basing upon previous utterances and upon the fact that passions, specially on the part of the losing groups, remains bitter and high, that similar speeches will be delivered tending to undermine the faith and confidence of the people in their government, and in the duly constituted authorities, which might threaten breaches of the peace and a disruption of public order." As the request of the petition was for a permit "to hold a peaceful public meeting," and there is no denial of that fact or any doubt that it was to be a lawful assemblage, the reason given for the refusal of the permit can not be given any consideration. As stated in the portion of the decision in *Hague v. Committee on Industrial organization supra*, "It does not make comfort and convenience in the use of streets or parks the standard of official action. It enables the Director of Safety to refuse the permit on his mere opinion that such refusal will prevent riots, disturbances or disorderly assemblage. It can thus, as the record discloses, be made the instrument of arbitrary suppression of free expression of views on national affairs, for the prohibition of all speaking, will undoubtedly 'prevent' such eventualities." To this we may add the following, which we make our own, said by Mr. Justice Brandeis in his concurring opinion in *Whitney v. California*, 71 U. S. Law 5d. 1105-1107:

"Fear of serious injury cannot alone justify suppression of free speech and assembly. Men feared witches and burned women. It is the function of speech to free men from the bondage of irrational fears. To justify suppression of free speech there must be reasonable ground to fear that serious evil will result if free speech is practiced. There must be reasonable ground to believe that the danger

(Continued on page 474)

ACTIVITIES OF THE LOCAL GOVERNMENTS AND THEIR OFFICIALS

Minutes of the Convention of Governors and City Mayors held at the Mansion House, Baguio, City on May 5-6, 1949

PRESENT:

Hon. Manuel Cuenco	President
" Jose B. Lingad	Vice-President
" Perfecto Faypon.....	Secretary
" Sixto Antonio	Treasurer
" Manuel de la Fuente	Auditor
Governors and City Mayors	Members

The meeting were called to order by the Chairman at 10:00 o'clock Ante Meridian. The minutes of the last Convention were read and signed

No. 1

WHEREAS, Honorable Icasiano Bernardo, while in the company of Doña Aurora Aragon-Quezon and her party on their way to Baler to inaugurate the new Hospital in Baler, was brutally and treacherously murdered on April 28, 1949, in Bongabon, Nueva Ecija;

WHEREAS, Mayor Bernardo, aside from being an active member in good standing and Treasurer of the Conference of Governors and City Mayors, was also a national figure in his own right, having been identified with a number of important undertakings of nationwide appeal and importance;

WHEREAS, the untimely demise of Mayor Bernardo at a time when the Conference of Governors and City Mayors is mostly in need of his valuable services;

NOW, THEREFORE,

Be it resolved, as it is hereby resolved, by the Conference of Governors and City Mayors in convention assembled to express, as it hereby expresses, the profound grief of this Body on the death of Mayor Ponciano Bernardo;

Be it finally resolved, that a copy of this resolution be sent to the bereaved widow and children of the late Mayor Ponciano Bernardo and another copy to the Municipal Board of Quezon City.

Carried unanimously.

WHEREAS, Doña Aurora Aragon Quezon, widow of the first President

of the Commonwealth of the Philippines, Manuel Luis Quezon, her oldest daughter, Maria Aurora Quezon, and son-in-law, Felipe Buencamino II, were victims of a brutal murder at Bongabon, Nueva Ecija, on April 28, 1949, while on their way to Baler to inaugurate the new Hospital in Baler;

WHEREAS, Mrs. Quezon was not only the Chairman of the Philippine Red Cross, but was also a great social worker who devoted the greater part of her time and efforts to alleviate the sufferings of those in need:

WHEREAS, Mrs. Quezon for many years was the chief counselor and adviser of her husband, the late President Quezon; was a dutiful wife and loving mother; and was the embodiment of typical Filipino womanhood;

NOW, THEREFORE,

Be it resolved, by the Governors and City mayors in convention assembled, as it is hereby resolved, to convey to the members of her family its condolence;

Resolved, further, that this convention devote a minute of silent prayer for the peaceful repose of their departed souls;

Resolved, finally, that copies of this resolution be sent to the surviving family members of the late Mrs. Aurora Aragon Quezon.

CARRIED UNANIMOUSLY.

No. 3

WHEREAS, Col. Primitivo San Agustin, Lt. Col. Antonio San Agustin. Lt. Diosdado Lacson, Lt. D. M. Arabejo, Lt. Col Antonio San Agustin Almerino, Pfc. Brigido Valdes and Mr. Pedro Payumo, while in the company of Doña Aurora Aragon Que-

zon and her party as their escort, were brutally and treacherously murdered on April 28, 1949, in Bongabon, Nueva Ecija;;

WHEREAS, these brave men lost their lives while giving protection to our most revered, most respected and most beloved Chairman of the Philippine Red Cross;

NOW THEREFORE,

RESOLVED, as it is hereby resolved, by the Governors and City Mayors in convention assembled in the City of Baguio, to convey to the members of their family its condolence,

RESOLVED FURTHER, that this convention of Governors and City Mayors devote a minute of silent prayer for the peaceful repose of their departed souls;

RESOLVED FINALLY, that a copy of this resolution be forwarded to each of the surviving family members of the late brave men through the good offices of the Chief, Philippine Constabulary, Camp Crame, Quezon City.

CARRIED UNANIMOUSLY.

No. 4

WHEREAS, by the provisions of the constitution and By-Laws of the Conference of Governors and City Mayors provides that the tenure of office of the Officers will be for a period of one year; and

WHEREAS, the tenure of office of the elective Officers of the Conference of Governors and City Mayors will last until today necessitating the election of new officers; and

WHEREAS, there is an imperative need to elect the officers before the conference can proceed to act on new business;

NOW, THEREFORE,

UPON motion of Governor Jose del Gallego and seconded by Mayor Jose Cariño,

RESOLVED, as it is hereby resolved, to nominate and reelect the old officers and to elect Governor Sixto Antonio as the new Treasurer, vice the late Honorable Ponciano Bernardo, as follows

1. Gov. Manuel Cuenco—President
2. " Jose B. Lingad—Vice-Pres.
3. " Perfecto Faypon—Secretary
4. " Sixto Antonio—Treasurer
5. " Manuel de la Fuente—Auditor

DIRECTORS

1. Gov. Jacinto Borja
2. " Gregorio Santayana
3. " Maria Feñalflorida
4. " Nicasio Arranz
5. " Paciencia Ysalina
6. " Jose del Gallego
7. " Jose Madarang
8. " Enrique Braganza
9. " Vicente Pimentel
10. Mayor Jose Cariño
11. " Vicente Suarez

RESOLVED FURTHER, that a copy of this Resolution be forwarded to each of the above-mentioned elected officers of the Conference of Governors and City Mayors for their information.

CARRIED UNANIMOUSLY.

No. 5

WHEREAS, the country is now aware of the courage, sincerity of purpose of His Excellency, President Elpidio Quirino to strengthen the confidence of the people in the government;

WHEREAS, in his honest desire to strengthen that confidence, his political enemies are condemning him of mal-administration to besmirch his sterling integrity and to belittle his capabilities as the pilot of the ship of state;

WHEREAS, inspite of the censure and rebuff that his political detractors are concocting, just only to drug down the good name of the President due to personal lust for power which is in contravention to the exalted policy of President Quirino to establish a clean and honest government";

WHEREAS, in the internecine strife the President had with his envious political detractors, he came out more revered, more esteemed and more determined to follow his good policies; now therefore,

Upon motion of Governor Pimentel Seconded by Governor Madarang

THE LOCAL GOVERNMENT REVIEW

RESOLVED, as it is hereby resolved, to reassert and reaffirm the confidence, cooperation and total support of the Conference of Governors and City Mayors to the administration of His Excellency, President Elpidio Quirino,

RESOLVED FURTHER, to forward copies of this resolution to His Excellency, President Elpidio Quirino for his information.

CARRIED UNANIMOUSLY.

No. 6

WHEREAS, His Excellency, the President of the Philippines has given the assurance that peace and order is already established in the country;

WHEREAS, a certain number of his detractors have made assertions and charges to the contrary merely for the purpose of political expediency and to frustrate the well-intentioned aims of the administration for the attainment of such ends;

WHEREAS, this Body censures and condemns the unwarranted act of these Congressmen who presented a resolution in Congress to demand the resignation of the Honorable, the Secretary of the Interior and the Chief, Philippine Constabulary, for alleged failure to restore peace and order;

WHEREAS, this assertion of the unwarranted resolution is contradictory to the actual state of peace and order as being confirmed by this Body who are more responsible of the peace and order situation in our respective provinces and cities; and therefore,

Upon motion of Governor Chioco of Nueva Ecija and seconded by Governor Madarang of Nueva Vizcaya be it

RESOLVED, as it is hereby resolved, to assert and affirm full confidence of this Body to Honorable Sotero Baluyut, Secretary of the Interior and to General Alberto Ramos, Chief, Philippine Constabulary,

RESOLVED FURTHER, to forward with copies of this resolution to the Honorable, the Secretary of the Interior, Manila, and to the Chief, Philippine Constabulary, Camp Crame, Quezon City, for their information.

Carried unanimously.

No. 7

WHEREAS, there is room for improvement of the state of peace and order in Central Luzon by strengthening and reinforcing the Philippine Constabulary;

WHEREAS, it is known that the budget of the Constabulary is likely to be reduced by the Congress of the Philippines with the result that a great number of the Constabulary and members of the Philippine Army may be laid off and its equipment and supplies correspondingly reduced;

WHEREAS, the Constabulary deserves, more than any branch of the Government, a bigger budget for its operation and expenses, taking into account the sporadic restlessness in certain parts of the country;

WHEREAS, it is necessary, for reasons of national security that the members of the law-enforcing agencies should not only be given the necessary superior arms and equipment for military operation but also radios, tanks, jeeps, trucks, and airplanes, to maintain peace and order, all these things being indispensable to an effective military force to combat lawlessness and banditry sporadically occurring in some of the Central Luzon province; now therefore,

On motion of Governor Chioco, seconded by Governor Madarang,

RESOLVED, as it is hereby resolved, that the Honorable, the Secretary of the Interior, make the necessary representation to His Excellency, the President of the Philippines, in order that the latter may prevail upon the Congress of the Philippines to increase the present budget of the Constabulary, in order that these entities may be able to acquire all the necessary military equipment aforementioned to be able to maintain peace and order,

RESOLVED FINALLY, that a copy of this resolution be forwarded to the Honorable, the Speaker of the House of Representatives, and the Honorable, the President of the Senate, Ma-

nila.

Carried unanimously.

No. 8

WHEREAS, the Administration is always amenable to the policy of granting greater autonomy to the Provincial and City Government in the exercise of their prerogatives;

WHEREAS, it has been always the desire of the Governors and City Mayors to be granted more local autonomy in the exercise of their powers and prerogatives over matters affecting their respective provinces and cities;

WHEREAS, the Provincial or City Boards charged with the preparation of the budget of the province or city, may create, abolish, increase or diminish appropriations in the provincial or city budget;

WHEREAS, the Governor or City Mayor, being the Chief Executive of the province or city has great sway for the creation, appropriation, and authorization of any of the provincial or city funds of the province or city; now therefore,

Upon motion of Governor Pimentel and seconded by Governor Ribo;

RESOLVED, as it is hereby resolved, to request the Honorable, the Secretary of the Interior, Manila, to draft a Bill to amend Section 2681 of the Revised Administrative Code empowering the Governor or City Mayor to appoint all employees drawing salaries or wages from any of the provincial or city funds,

RESOLVED FURTHER, to forward copies of this resolution to the Honorable, the Secretary of the Interior, Manila, for his information and favorable consideration.

Carried unanimously.

No. 9

WHEREAS, we are aware of the unquestionable character, integrity and sincerity of President Elpidio Quirino, both as a citizen and as the Chief Magistrate of the land, coupled with his brilliance and distinguished abilities in the administration of the government affairs of our Republic;

WHEREAS, we are in full accord with the policies of His Excellency the President with respect to the internal as well as the external relations and foreign policies of the government;

WHEREAS, we believe in the wisdom of the means adopted by His Excellency the President in the restoration and maintenance of peace and order throughout the country as well as in the restoration and strengthening of the confidence and faith of the people in this government;

WHEREAS, through the "complete and concrete economic and industrialization program" of His Excellency the President we foresee progress and prosperity in the future of our country, conducive to the happiness, contentment and honor of the Filipino people, thereby making the election of President Quirino a public necessity;

WHEREAS, by virtue of the manifest and sincere desire and effort of His Excellency the President to clean the government of graft and corruption he has earned for himself the respect, admiration and faith of our people in his leadership;

NOW THEREFORE,

Be it resolved, as it is hereby resolved, that the Governors and City Mayors in conference assembled, nominate and endorse, as they hereby nominate and endorse, His Excellency President Elpidio Quirino as their official candidate for the Presidency of the Republic of the Philippines in the forthcoming national elections;

Resolved further, that each and every member of the Conference of Governors and City Mayors will spare no effort in the furtherance and carrying into effect this resolution upon their respective constituencies;

Resolved finally, that copies of this resolution be furnished to the President of the Philippines, His Excellency Elpidio Quirino, to the Honorable Senate President Mariano Jesus Cuenco, and to the Honorable Speaker of the House of Representatives Eugenio Perez, and that this resolution be given the widest publicity possible.

(To be continued)

Opinion of Secretary of Justice—

Retirement under Act 4183

In reply to yours of September 24 requesting my comment and recommendation on the interpretation and application of Act No. 4183, as amended by Commonwealth Act No. 623, in relation to the proposed retirement of Mr. Sisenando Ferriols, Administrative Deputy in the office of the Provincial Treasurer of Batangas, I beg to say:

"In order to grant a gratuity to provincial, municipal and city officers and employees who resign or are separated from the service by reason of a reorganization thereof, the provincial boards, municipal and city boards or councils may, with the approval of the Secretary of the Interior, retire their officers and employees, granting them, in consideration of satisfactory service rendered, a gratuity . . ."

Referring to these provisions, as well as to Act No. 4270, authorizing the retirement, under similar conditions, of officers and employees of the City of Manila, this Department has consistently held that the retirement gratuity provided in said Acts "may be demanded only if the claimant is retired or separated from the service as a result of the reorganization" of the local government. (Op. No. 150, series 1941, Op. No. 46, series 1939, of the Secretary of Justice.)

Thus, in one case this Office stated:

"Having been separated from the service by his death—which took place before the approval of Commonwealth Act No. 623—and not by reorganization, of the Government of the City of Manila, Mr. Revilla is not entitled to the retirement gratuity provided in said act." (Op. of the Sec. of Justice, July 15, 1946; underscoring supplied.)

You state that in approving Act No. 4183 the then Governor General laid down the policy that no local official or employee shall be allowed to retire unless his position is abolished

and that no position so abolished shall be recreated, and cautioned against the conversion of the said Act into a pension law, inasmuch as this legislation was passed apparently for the purpose of facilitating the reorganization of the local government with the retrenchment policy in view.

Conformably to that policy and to the opinions of this Department hereinbefore mentioned, I recommend that no provincial, municipal, or city officer or employee be retired with gratuity unless his retirement or separation from the service should arise from or should become necessary by reason of a reorganization of the service.—*Letter dated Oct. 16, 1946 of the Sec. of Justice to the Chief of the Executive Office.*

—oOo—

Provincial Affairs. . .

(Continued from page 449)

the province and neighboring provinces or islands or to dredge rivers and provide facilities for communication and transportation by river, and for establishing and operating telephone systems is subject to approval of Dept. Head. (Sec. 2113(c), Adm. Code.)

20. Expenditures for the benefit of non-Christian inhabitants are subject to approval of Secretary of the Interior. (Sec. 2114, Adm. Code. Note: Such expenditures now come from the general fund, the so-called Non-Christian inhabitants' fund having been disestablished inasmuch as the inhabitants concerned are no longer enumerated as non-Christians.—Ed.)

Compliments of

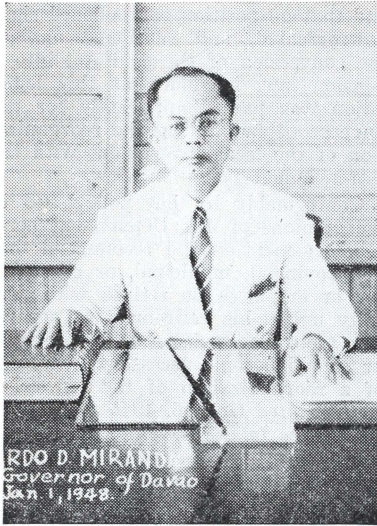
Del Mundo Welding Shop

Come and see our shop.

2321 Misericordia, Manila

Our Local...

(Continued from page 459)



HON. RICARDO D. MIRANDA Provincial Governor of Davao

Personal Circumstances.—Born in Loon, Bohol, on January 11, 1904; married to Leonor Francisco with whom he has so far no child.

Educational Attainments.—Loon Primary School graduate, 1916, valedictorian; Loon Intermediate School graduate, 1919, valedictorian; Bohol High School graduate, 1926, valedictorian; Associate in Arts, University of Manila, 1934, valedictorian; Bachelor of Laws, same university, 1938, salutatorian; and admitted to Philippine Bar in 1938.

Experiences and Activities:—Barrio school teacher and elementary school principal; clerk and acting municipal treasurer in Loon, Bohol, 1927; clerk in the former Bureau of Audits and field audit clerk in Negros Occidental and Davao, 1928-1933; clerk, General Land Registration Office and Department of Justice from 1934 to 1937; Secretary to Assemblyman Quimpo of Davao in

Supreme Court...

(Continued from page 468)

apprehended is imminent. There must be reasonable ground to believe that the evil to be prevented is a serious one * * *.

"Those who won our independence by revolution were not cowards. They did not fear political change. They did not exalt order at the cost of liberty. * * *

"Moreover, even imminent danger cannot justify resort to prohibition of these functions essential to effective democracy, unless the evil apprehended is relatively serious. Prohibition of free speech and assembly is a measure so stringent that it would be inappropriate as the means for averting a relatively trivial harm to society. * * * The fact that speech is likely to result in some violence or in destruction of property is not enough to justify its suppression. There must be the probability of serious injury to the state. Among freemen, the deterrents ordinarily to be applied to prevent crime are education and punishment for violations of the law, not abridgment of the rights of free speech and assembly." (Whitney v. California, U. S. Sup. Ct. Rep., 71 Law. Ed., pp. 1106-1107.)

In view of all the foregoing, the petition for mandamus is granted and, there appearing no reasonable objec-

(Continued on page 475)

1938; Member, Provincial Board of Davao in 1941; Acting Governor of Davao at outbreak of war on Dec. 8, 1941, and of Free Davao up to September, 1942; and Acting Governor of Davao during the Osmeña Administration (up to June 15, 1946). Practised law up to the elections on November 11, 1947, when he was elected Provincial Governor of Davao for a term expiring in 1951.

Hobbies.—Reading and bowling.

Motto.—Work, work and work.

ANCIENT JUSTICE IN THE BISAYAS

RAJAH BENDA HARAH KALANTIAW

These are the laws which I lay at the feet of the Rajah Besar and request that they be established for the government of the Bisayas and their posterity.

Competent men, knowing the ancient ways of the Bisayas, were assembled and, after consulting and advising relative to the old usages, compiled in conformity thereto this code of Undang Undang or Institutes.

Let them be known and descend to posterity, that men may not act according to their own wills and inclinations, but that order and regularity may prevail, as well during prosperity as adversity, and that what is established be not done away.

If these laws are attended to, no one can question the authority of the datos for authority will have been conferred upon them by the Rajah Besar, the highest authority in the land, that they may administer the law in their respective towns, and whoever shall not admit this authority will offend against the law of the land.

THE BEGINNING OF MANILA'S LAST ROYAL DYNASTY SULTAN-EMPEROR NAKODA RAGAM

I am the Sultan Bulkeiah in Borneo where I rule from the city of peace, Dares Salam, on the river Brunei. In Magindanaw, and in Sulu, whence comes my incomparable wife, Empress Lela Men Chanei, men call me Rajah Baguindia. And now in Maynila I am Sultan and Emperor.

Twice have my fleets attacked Selurung, which you style Lusung, and this time I have conquered. The boastful Dato Gambang, your late ruler, lies dead, and a princess from his house shall become a wife of mine to carry on the dynasty of Pasig. Our son will be your lord, and, because you es-

(Continued on page 489)

PRONUNCIAMENTOS

(Continued from page 456)

conversely physical health is hard to keep unless one is happy and contented.

* * *

FERNANDO CALDERON—Money alone does not make life worth living. Nay, in most instances it blinds and renders him insensible to agony and suffering of his fellowmen. There can be no genuine feeling of satisfaction without the honest thought of having served faithfully and well, regardless of financial return.

* * *

«O»

New Legislation...

(Continued from page 485)

ditor or district health officer as herein fixed shall not take effect until after one-half thereof shall have been provided for in the General Appropriation Act.

Sec. 3. All acts and regulations inconsistent with the provisions of this Act are repealed.

Sec. 4. This Act shall take effect on July 1, 1949.

Approved, June 10, 1949.

oOo

SUPREME COURT

(Continued from page 474)

tion to the use of the Plaza Miranda, Quiapo, for the meeting applied for, the respondent is ordered to issue the corresponding permit, as requested.

So ordered.

Moran, C.J., Pablo, Perfecto and Benzon, JJ., concur.

Paras, J., concurs in a separate opinion.

Briones, J., concurs in a separate opinion.

Hilado, J., dissents in a separate opinion.

Tuason, J., dissents in a separate opinion.

Padilla, J., takes no part.

:-o:-

Youth is a blunder; Manhood a struggle; Old Age a regret.—Disraeli—

In youth the days are short and the years long; in old age the years are short and the days long.—Panin.—

HOW TO SECURE LOANS FROM THE REHABILITATION FINANCE CORPORATION

Manila, Philippines

List of papers to be submitted in connection with the application of Loans to Provinces, Municipalities and chartered cities for public markets, waterworks and electric plants.

(R.F.C. Gov't Loans Form No. 5)

1. An application for loan patterned after the model resolution (R.F.C. Gov't. Loans Form No. 1 or 1-A) and signed by the members of that Council or Board present at its adoption.

2. The approval of the application by the Provincial Board in case of municipalities, or that of the Mayor, in case of Cities.

3. A financial statement (R.F.C. Gov't Loans Form No. 2) of the applicant municipality, province or city, showing its income and expenditures for the last five years, from 1939 to 1948, if available, Japanese occupation excluded. If not, those for the last preceding three years may be given.

(a) A financial statement of market operations, (R.F.C. Gov't Loans Form No. 3); of waterworks operation (R.F.C. Gov't Loans Form No. 4); or of electric plans (R.F.C. Loans Form No. 6), as the project may be.

4. Sketch plans of the site showing its dimensions, boundaries and ownership; township, indicating therein location of main lines, etc.; buildings to be constructed.

5. The report of chemical and biological analysis of the water, showing its portability, etc. in case of waterworks loan.

6. The comments and recommendations of the following offices and officials:

(a) The Provincial Treasurer on the paying capacity of the applicant;

(b) The District Engineer or the City Engineer on the feasibility

of the project, including detailed list of project and individual estimated cost.

(c) The District Health Officer on sanitation, in case of applications concerning waterworks, sewerage systems, etc.

(d) The Director of Public Works.

(e) (The Auditor General certification of the paying capacity of the applicant.

(f) The Director, National Urban Planning Commission, Malacañan, Manila (for an assurance that the site for the proposed building will be retained in the new plans of the applicant municipality or city.)

(g) The Secretary of the Interior for the approval of the site.

(h) The Secretary of Finance.

Suggestion:

Before the Provincial Board or any Municipal Council adopts the enclosed resolution which will serve as the contract for the loan that may be granted, we suggest that it consult the District Engineer regarding the estimated cost of the project to be constructed, which should be the amount of the loan to be applied for.

In case of a loan for a market project, the application, together with R.F.C. Gov't Loans Forms Nos. 2 and 3, duly accomplished by the Municipal Treasurer, should be coured through the Provincial Board for approval of the application, and the Provincial Treasurer for verification of the financial statement, (Form No. 2). In case of a loan for a waterworks system, Form No. 4, prepared by the District Engineer should be submitted therewith instead of Form No. 3. All the papers should then be sent to the General Auditing Office for the certification of the paying capacity of the applicant, with the request to forward them after

certification to the Department of Finance, thru the Department of the Interior, the National Urban Planning Commission and the Bureau of Public Works.

All papers should be submitted in duplicate to this Corporation, and to avoid delay in the transmission of the application through the foregoing offices, enough copies of the forms should be enclosed.

RFC Gov't. Loans Form No. 1 A
Application for Loan for the Construction of Market Buildings, Republic Act. No. 85

Excerpt from the Minutes of the Municipal Council of in its meeting held on , 194.....

Present:
.....
.....
.....
.....

Absent:
.....
.....
.....

Resolution No.

Whereas, the public interest so requiring, the Municipality of proposes to construct on the site described as follows:

(NOTE:—State if site is owned by Municipality and whether it has been approved by the Secretary of the Interior; or, in the absence of such approval, that steps are being taken to secure it. Location plan to be attached.)

Whereas, the said Municipality does not have sufficient funds with which to carry out such project;

Therefore, on motion, duly seconded:

Be it resolved, That the Municipality of hereby applies to the REHABILITATION FINANCE CORPORATION, in accordance with the provisions of Republic Act No. 85, for a loan of

(P.....);
That in case said loan or part thereof is granted, the Municipality of binds itself to comply with the following conditions:

1. That the loan shall be paid in ten (10) annual amortizations including interest at four per centum (4%) per annum, the first amortization to be paid one year after the date of completion of the project, which date shall be certified to the REHABILITATION FINANCE CORPORATION by the Provincial Treasurer having jurisdiction thereon;
2. That the loan shall be released only upon receipt in the REHABILITATION FINANCE CORPORATION of information that the site of the project has been approved by the Secretary of the Interior, and as the loan is needed for the project, upon request of the District Engineer having jurisdiction thereon;
3. That the loan shall be paid from the gross income of this project, and in case its income shall not be sufficient to pay the annual amortization due, the Municipality of shall set aside from its general fund annually an amount equal to the yearly amortization including principal and interest at the rate of ₱123.29 per ₱1,000.00 applied for until the loan herein requested and all interests due thereon are entirely repaid;
4. That in case of default, the Collector of Internal Revenue and the Auditor General shall withhold from the next allotment of internal revenues of the Municipality the amortizations due and remit the same to the REHABILITATION FINANCE CORPORATION and shall continue to withhold such amount until the arrearages shall have been fully paid;
5. That in case the amount of loan requested is not sufficient to finance the project ₱..... will

- immediately be appropriated from the municipal funds to be used for the purpose subject to the same restrictions as to expenditures as the loan herein applied for;
6. That the whole amount of the loan, together with other loans or allotments granted to or received by, the Municipality of for the purpose herein specified, shall be deposited with the Provincial Treasurer of to constitute a special fund to be known as
 7. That it shall impose the maximum rate of land tax for general purposes, and that no general reduction of assessment values for taxation purposes shall be authorized until this loan and all interests due thereon are entirely repaid;
 8. That the plans and specifications of the project shall be prepared by the Bureau of Public Works after consultation with the authorities concerned and its construction shall be done under the supervision of the Director of Public Works and/or his authorized representative;
 9. That the contract relative to said project shall not be awarded unless bids for the same are advertised in accordance with the provisions of Section 1917, as amended, of the Revised Administrative Code and the regulations of the Bureau of Public Works based thereon. All vouchers covering payments shall be subject to the approval of the Director of Public Works and/or the District Engineer and the Provincial Auditor;
 10. That no part of the fund herein applied for shall be used except for the project for which the loan is granted and the unexpected balance, if there be any after the work is completed shall not be used for other purposes without the express authorization of the REHABILITATION FINANCE CORPORATION;
 11. That proceedings to register the real property under Act No. 496, as amended, shall be instituted at once;
 12. That immediately upon completion, it shall have the structure insured, if insurable, under the provisions of Chapter 16 of the Revised Administrative Code, for the total amount of the loan invested therein and the insurance shall be kept in force until the loan and all interests thereon shall have been entirely repaid. The Municipal or Provincial Treasurer is hereby authorized to pay the premiums of the insurance from any unappropriated fund of the municipality;
 13. That no recommendation shall be made for the reduction of the territory of the present municipality without the knowledge and consent of the REHABILITATION FINANCE CORPORATION until this loan and all interests due thereon are entirely repaid;
 14. That this Municipal Council, shall immediately, by ordinance, prohibit the erection of buildings for residential purpose on the market site and any structure of light materials within thirty meters of the curb line facing the market site, or any structure bounding such site, or within thirty meters of such site and not bounded by streets, and shall also prohibit the repair of such light material structures as are now erected within such limits; and shall declare the market site and the land within thirty meters of such site when not bounded by a street, a fire zone, within which light material buildings may not be erected;
 15. That until such time as the principal and interest of the loan shall have been fully repaid, the Provincial Treasurer, acting on behalf of the National Government, shall have full control and supervision of the operation of the market and slaughterhouse as well as the custody and the control of all land and all other buildings comprising

the same, and all ordinances, resolution, orders and other regulations that may be promulgated by the Municipal Council or any municipal official in any manner pertaining to the operation or control thereof shall require the prior approval of the Provincial Treasurer and shall conform with the provisions of Republic Act No. 37 as well as with the rules promulgated thereunder. Appeal may be made by the corresponding council from a decision of the Provincial Treasurer disapproving a proposed ordinance, resolution, order or regulation, to the Secretary of the Interior whose decision shall be final, provided, that in the event of difference of opinion between the Treasurer and the Council as to the tariff to be charged for the use of the market and/or slaughterhouse, the tariff approved by both the Secretary of the Interior and the Secretary of Finance shall be adopted;

We hereby certify that at a meeting by the Municipal Council, held on the day of, 194..... the foregoing resolution was approved by the affirmative vote of all or the majority of all the members of the Council.

Mayor
 Councilor
 "
 "
 "
 "
 "
 "

I hereby certify that the sum of P..... mentioned in paragraph 5 appropriated for has been deposited in this office, and is available for the construction above contemplated.

.....
Provincial Treasurer
 FRC Gov't. Loans Form No. 1 B
 Application for Loan for the Construction of a Waterworks system, Republic Act No. 85

Excerpt from the Minutes of the Provincial Board-City-Municipal Council of in its Meeting held on, 194....

Present:

 Absent:

Resolution No.

Whereas, the public interest so requiring, the Province-City-Municipality of proposes to construct

.....

 on the site described as follows:

(NOTE:—State if site is owned by Province-City-Municipality and whether it has been approved by the Secretary of the Interior; or, in the absence of such approval, that steps are being taken to secure it. Location plan to be attached.)

Whereas, the said Province-City-Municipality does not have sufficient funds with which to carry out such project;

Therefore, on motion, duly seconded:

Be it resolved, That the Province-City-Municipality of hereby applies to the REHABILITATION FINANCE CORPORATION, in accordance with the provisions of Republic Act No. 85, for a loan of (P.....);

That in case said loan or part thereof is granted, the Province-City-Municipality of binds itself to comply with the following conditions:

1. That the loan shall be paid in ten (10) annual amortizations including interest at four per centum (4%) per annum, the first amortization to be paid one year after the date of completion of the project, which date shall be certified to the REHABILITATION FINANCE CORPORATION by the

- District-City Engineer having jurisdiction thereon;
2. That the loan shall be released only upon receipt in the REHABILITATION FINANCE CORPORATION of information that the site of the project has been approved by the Secretary of the Interior, and as the loan is needed for the project, upon request of the District-City Engineer having jurisdiction thereon;
 3. That the loan shall be paid from the gross income of this project, and in case its income shall not be sufficient to pay the annual amortization said Municipality of shall set aside from its general fund annually an amount equal to the yearly amortization including principal and interest at the rate ₱123.29 per ₱1,000.00 applied for until the loan herein requested and all interests due thereon are entirely repaid;
 4. That in case of default, the Collector of Internal Revenue and the Auditor General shall withhold from the next allotment of internal revenues of the Province-City-Municipality the amortization due and remit the same to the REHABILITATION FINANCE CORPORATION and shall continue to withhold such amount until the arrearages shall have been fully paid;
 5. That in case the amount of loan requested is not sufficient to finance the project ₱ will immediately be appropriated from the province-city-municipal fund to be used for the purpose subject to the same restrictions as to expenditures as the loan herein applied for;
 6. That the whole amount of the loan, together with other loans or allotments granted to or received by the Province-City-Municipality of for the purpose herein specified, shall be deposited with the Provincial-City Treasurer of, to constitute a special fund to be known as
 7. That it shall impose the maximum rate of land tax for general purposes, and that no general reduction of assessment values for taxation purposes shall be authorized until this loan and all interests due thereon are entirely repaid;
 8. That the plans and specifications of the project shall be prepared by the Bureau of Public Works after consultation with the authorities concerned and its construction shall be done under the supervision of the Director of Public Works and/or his authorized representative;
 9. That the contract relative to said project shall not be awarded unless bids for the same are advertised in accordance with the provisions of Section 1917, as amended, of the Revised Administrative Code and the regulations of the Bureau of Public Works based thereon. All vouchers covering payments shall be subject to the approval of the Director of Public Works and/or the District Engineer and the Provincial Auditor;
 10. That no part of the fund herein applied for shall be used except for the project for which the loan is granted and the unexpected balance, if there be any, after the work is completed shall not be used for other purposes without the express authorization of the REHABILITATION FINANCE CORPORATION;
 11. That no recommendation shall be made for the reduction of the territory of the present municipality without the knowledge and consent of the REHABILITATION FINANCE CORPORATION until this loan and all interests due thereon are entirely repaid;
 12. That upon completion of the construction of the waterworks system, the same shall be administered in accordance with the "General Regulations Governing the Administration, Operation, and Maintenance of Waterworks Systems."

nance of "Municipal and Provincial Waterworks" jointly promulgated by the Director of Public Works and the Chief of the former Executive Bureau, pursuant to Executive Order No. 6, series of 1925, as amended by Executive Order No. 7, Series of 1926, of the Governor General, and section 1916 of the Administrative Code as amended.

We hereby certify that at a meeting by the Provincial Board-City-Municipal Council, held on the day of....., 194..... the foregoing resolution was approved by the affirmative vote of all or the majority of all the members of the Board-Council.

Mayor
 Councilor
 "
 "
 "
 "

or

Governor
 Member
 Member

I hereby certify that the sum of P..... mentioned in paragraph 5 appropriated for has been deposited in this office, and is available for the construction above contemplated.

Provincial-City Treasurer

RFC Gov't. Loans Form No. 2
 Financial Statement of the Province-City-Municipality of in connection with its Loan Application of P.....

APPLICANT: Province-City-Municipality

Population

Class

Seven per cent (7%) of Amount:—P.....

Purpose:—

1. Borrowing Capacity:—
 Assessed value of taxable real property on June 30, 1948 P.....

above P.....
 Deduct outstanding loans and other indebtedness P.....
 Legal borrowing capacity P.....

General Fund

2. Paying capacity:—
 1940 Gross revenue P.....
 Total budget charges (less sinking fund installment, repayment of loans and capital outlays) P.....
 Excess P.....
 1941 Gross revenue P.....
 Total budget charges (less sinking fund installment, repayment of loans and capital outlays) P.....
 Excess P.....
 1945 Gross revenue P.....
 Total budget charges (less sinking fund installment, repayment of loans and capital outlays) P.....
 Excess P.....
 1946 Gross revenue P.....
 Total budget charges (less sinking fund installment, repayment of loans and capital outlays) P.....
 Excess P.....
 1947 Gross revenue P.....
 Total budget charges (less sinking fund installment, repayment of loans and capital outlays) P.....
 Excess P.....
 1948 Gross revenue P.....
 Total budget charges (less sinking fund installment, repayment of loans and capital outlays) P.....
 Excess P.....
 a. Total excess in years and months P.....
 b. Average yearly excess (total excess divided by (—)) P.....
 c. Gross paying capacity for

- loans (average yearly excess divided by 14; loan payable in 10 years with interest at 4%) P.....
- d. 60% of gross paying capacity P.....
- e. Deduct total amount of outstanding loans and other indebtedness P.....
- f. Net paying capacity for loans payable in 10 years with interest at 4% per annum P.....

Attested by:

Provincial Treasurer

Date:

Submitted by:

City or Municipal Treasurer

Date:

Submitted by:

Provincial-City Treasurer

Date:

RFC Gov't. Loans Form No. 3

Market and/or Slaughterhouse projects to be financed from the Rehabilitation fund, Republic Act No. 85
Financial Statement

1. Province
2. Municipality or City
3. Estimated cost P.....
4. (a) Amount recommended from the Rehabilitation Fund P.....
(b) Amount of City-Municipal Funds for construction of project P.....
5. Annual Operating Expense and Reimbursement:
(a) Cost of operation and maintenance, including salary of personnel P.....
(b) Repairs to the buildings P.....
(c) Annual amortization on the loan including interest of 4% for 10 years /123.29 per P1,000.00 P.....
(d) Miscellaneous P.....
6. Proposed rates for market
(a) Market tiendas, per door P.....
(b) Stall space per square

meter/.....

(c) Slaughterhouse fees for hogs, cattle, etc. P.....

(d) Other space P.....

7. Estimated annual income of the market and/or slaughterhouse based upon the proposed rates in Item 6:

(a) From market tiendas @ P..... per month for 12 months P.....

(b) From stall space @ P..... per sq. m. daily average, for 365 days, or per month, as the case may be P.....

(c) From average slaughter of hogs per month P....., for 12 months, etc., P.....

From average slaughter of cattle per month P....., for 12 months, etc. P.....

8. Estimated Profit or Deficit (Item 7 minus Item 5) P.....

(In case of deficit, give steps that would be taken to remedy same)

9. (a) Actual net income of market and/or slaughterhouse for the year 1945 P.....
(b) Actual net income of market and/or slaughterhouse for the year 1946 P.....

10. Total amount of outstanding loans of Municipality-City P.....

11. Annual repayment on outstanding loans including interest P.....

Attested by:

Provincial-City Treasurer

Submitted by:

Municipal Treasurer

NOTE:—The Provincial or City Treasurer shall certify whether the estimated income would be sufficient to cover the annual amortization and the expenses for the

(Continued on page 484)

THE MAURA LAW

Royal Decree of May 19, 1893
(Continued from August Number)

Section 22. The Provincial Board shall have charge of the safe in which the "Income of the Towns" is deposited, the keepers of the keys being the district attorney, the collector of revenue, and one of the members of the *Principalia*, elected by the captains of the towns, who shall be designated by lot from among the members of the Board.

In order to regulate cash transactions and those of the accounting of receipts and disbursements, by accounts current which must be kept for each town, and other details of this service, as well as for the work of the office of the Secretary, the Board shall order the appointment of a person sufficiently competent, with an adequate stipend, which shall be paid *pro rata* from the "Income of the Towns".

The same person shall act as the Secretary of the Board, without voice or vote, keeping the book of minutes signed by all those attending each session.

The three keepers of the keys shall be personally and principally liable for the "Income of the Towns" which is deposited in the special safe of the provincial governments; and the other members of the Board shall be subsidiarily liable.

Any member of the Board may demand an accounting any day he may see fit, so as to ascertain the condition of the treasury and of the balance it may contain; and such an examination must thereupon be made without any excuse or pretext whatsoever.

Section 23. The observations or recommendations, occasioned by the task of inspection and of review entrusted to the Board, shall be communicated officially to the Governor of the Province, together with the documents or data pertinent thereto, so that the said authority may determine what may be proper.

The Board may also address to the Governor-General, through the Governor of the Province, any statements,

memorials, or recommendations it may adjudge conducive to the welfare of the towns or to an orderly conduct of the administration.

CHAPTER TWO—ADMINISTRATION AND FINANCES OF THE TOWNS

Section 24. The "Income or Funds of the Towns", exclusively destined to community needs, shall be made up of the proceeds from the following taxes and imposts:

1. Fisheries.
2. Certificates of ownership of cattle.
3. Certificates of transfer.
4. Rents and products of city or rural property belonging to the town.
5. Billiard-tables.
6. Theatrical performances and horse-races.
7. Markets.
8. Slaughter-houses.
9. Turnpike-duties and ferry tolls.
10. Pounds for animals.
11. Tax for lighting and cleaning streets.
12. Surtax of 10 per cent, on the urban tax.
13. Municipal fines.
14. Tax on rural property establishment be created according to law.
15. Fifteen days' personal service tax.
16. Other sources of revenue which may be created according to the conditions of each town.

Each municipal tribunal, with the presence of the delegates of the *Principalia* and the Reverend Parish Priest, shall of course establish such impost or taxes mentioned under Numbers 1 to 15, as it may deem advisable; but the resolution creating new imposts, according to Number 16, must be submitted to the Governor of the Province before its discussion. The Governor may or may not authorize them, after hearing the Provincial Board, according as he may adjudge it expedient for the general and the town's interests.

Section 25. Every municipal tribunal, once constituted in accordance with this provision, shall—with the presence of the delegates of the *Principalia* and of the Reverend Parish Priest—prepare a statement of the fixed sources of revenue with which it is to meet the current expenses of the town. In this statement no amount can be embodied when it accrues from the tax which may be placed upon rural property, in accordance with Number 14 of the preceding Section; as a separate account and statement must be kept of all the receipts relative thereto, which shall be used exclusively to defray the cost of local community public works.

The statement of permanent ordinary sources of revenue, referred to in the preceding Section, shall be the budget of annual receipts of the town. It shall continue in force indefinitely, with the additions or alterations which may be introduced therein in a legitimate manner and true and duly certified copies shall always be on file with the Municipal Tribunal and the Provincial Board.

Every three years the estimate of the revenues appearing in the statement shall be revised by the Board and each revenue item shall be set down only to denote the amount collected annually, in accordance with the average collections calculated from the accounts of the previous years.

Section 26. The imposts and taxes which constitute the "Income or Funds of the Towns," with the exception of those which may be placed upon rural property, may be farmed out by the municipal tribunals at a public auction, in the manner prescribed in Section 12 and for periods not exceeding three years.

The imposts and taxes not farmed out shall be collected by the *cabezas de barangay* or by the other persons entrusted therewith who may be designated in writing, and at the periods and intervals which the Municipal Tribunal may determine, under the personal responsibility of its members.

At the end of the period of collection, the person in charge thereof shall

deposit with the Municipal Tribunal the receipts which he may not have been able to turn into specie. He shall not be held accountable for the failure to make the collection, when such a failure is not due to negligence or bad faith.

The Tribunal shall take such action as may be contributive to the payment by the delinquents of the amounts which they have come to owe.

Section 27. To each taxpayer and for the amount collected, there shall be issued a receipt signed by the Captain and by the person in charge of the collection.

This person shall make his deposits weekly, during the period of the collection, with the Municipal Tribunal, the Captain giving him receipts for the amounts deposited with a statement of the items to which they pertain.

The Captain shall retain, at the time of the deposit, a duplicate of the receipt, with the signature of the collector, in order to make a record at the proper time of the deposit of the collection in the safe of the "Income of the Towns."

The person in charge of the collection shall also prepare a detailed statement of the collections, by items, for transmission to the Provincial Board at the times specified in the regulations.

—oOo—

How to Secure . . .

(Continued from page 482)

administration, operation and maintenance of the market and/or slaughterhouse, and if the income is not sufficient to cover same, whether the deficiency could be covered from the regular income of the applicant entity.

—«O»—

Ruling of the

(Cont. from page 459)

In view of the foregoing, therefore, this Office believes that payment of the salary increase of Mr. Rafael L. Carranza may be allowed in audit. *3rd Ind., June 23, 1937, of Aud. Gen. to Prov'l Aud., Masbate, Masbate; G.A.O. File No. 390.*

New Legislation

First Congress of the Republic)
of the Philippines)
Fourth Session)

H. No. 1977
S. No. 421

[Republic Act No. 368]

AN ACT TO FIX THE SALARIES OF PROVINCIAL GOVERNORS, PROVINCIAL TREASURERS, PROVINCIAL AUDITORS, DIS- TRICT HEALTH OFFICERS, AND PROVINCIAL ASSESSORS.

*Be it enacted by the Senate and House of Representatives of the Philip-
pines in Congress assembled:*

Section 1. The annual salaries of provincial governors, provincial treasurers, provincial auditors, district health officers, and provincial assessors shall be as hereinbelow fixed:

In first class A provinces: for provincial governors, eight thousand four hundred pesos; for provincial treasurers, six thousand six hundred pesos; for provincial auditors and district health officers, five thousand seven hundred pesos; and for provincial assessors, four thousand eight hundred pesos.

In first class B provinces: for provincial governors, seven thousand eight hundred pesos; for provincial treasurers, six thousand three hundred pesos; for provincial auditors and district health officers, five thousand four hundred pesos; and for provincial assessors, four thousand five hundred pesos.

In regular first class provinces: for provincial governors, seven thousand two hundred pesos; for provincial treasurers, six thousand pesos; for provincial auditors and district health officers, five thousand one hundred pesos; and for provincial assessors, four thousand two hundred pesos.

In second class provinces: for provincial governors, six thousand six hundred pesos; for provincial treasurers, five thousand seven hundred pesos; for provincial auditors and district health officers, four thousand eight hundred pesos; and for provincial assessors, three thousand six hundred pesos.

In third class provinces: for provincial governors, six thousand pesos; for provincial treasurers, five thousand one hundred pesos; for provincial auditors and district health officers, four thousand five hundred pesos; and for

provincial assessors, three thousand three hundred pesos.

In fourth class provinces: for provincial governors, five thousand four hundred pesos; for provincial treasurers, four thousand eight hundred pesos; for provincial auditors and district health officers, three thousand nine hundred sixty pesos; and for provincial assessors, three thousand one hundred twenty pesos.

In fifth class provinces: for provincial governors, four thousand eight hundred pesos; for provincial treasurers, four thousand two hundred pesos; for provincial auditors and district health officers, three thousand seven hundred twenty pesos; and for provincial assessors, three thousand pesos.

Provided, That if after the salary of a provincial governor or a provincial treasurer or a provincial auditor or a district health officer or a provincial assessor has been increased by virtue of the provisions hereof, the province concerned incurs an overdraft in its general fund or the operating expenses thereof exceed the revenue collections, the President of the Philippines, upon recommendation of the proper department head shall reduce the salary of that official to a maximum the rate fixed for the corresponding official in the next lower class of province.

Sec. 2. One-half of the salary of the provincial auditor and of the district health officer shall be paid out of the national funds and the other half shall be paid out of the general fund and health fund respectively of the province concerned: *Provided, however,* That an increase in salary of any provincial au-

(Continued on page 475)

MUNICIPAL AFFAIRS SUBJECT TO ACTIONS BY NATIONAL
AND/OR PROVINCIAL AUTHORITIES

Compiled by Juan F. Rivera

44. With the approval of the Director of Public Schools, reasonable tuition fees may be charged for instruction in intermediate, secondary or professional schools established by a municipal council. (Sec. 2250, Adm. Code)
45. The municipal council may, with the approval of the Director of Public Schools, cooperate with the authorities of any other municipality or municipalities in the same province in the maintenance of intermediate instruction. (Sec. 2251, Adm. Code)
46. In each municipality there shall be a chief of police and such number of policemen as the council, with the approval of the provincial board, shall determine. (Sec. 2258, Adm. Code) But no position of policeman may be abolished without the approval of the President. (Ex. Ord. 175, s. 1938)
47. The Chief of Constabulary, with the approval of the Department Head, shall prepare and promulgate general regulations for the good government, discipline, and inspection of the municipal police. (Sec. 2260, Adm. Code)
48. Each municipal council, with the approval of the provincial board, may issue supplementary regulations, not incompatible with law or the general regulations, for the governance of the local force. (Sec. 2260, Adm. Code, last par.)
49. The Chief of Constabulary, with the approval of the Department Head, shall prescribe the uniforms, insignia, and equipment of municipal police. (Sec. 2261, Adm. Code)
50. The Chief of Constabulary, subject to the approval of the Head of Department, shall also prescribe the kind of arms to be used by the police; and upon requisition by resolution of a municipal council duly approved by the provincial board, he shall issue to the said municipal council as many firearms as may be requested, not exceeding in any case the number of members of the police force including the chief. (Sec. 2262, Adm. Code)
51. Each municipality shall at its own expense, provide all necessary police equipment, including arms, uniforms, and insignia, and may also provide the arm, uniform, and insignia of the chief of police, in conformity with the specifications of the Chief of Constabulary. (Sec. 2263, Adm. Code)
52. With the approval of the provincial governor, municipal council may require police service or patrol service from able-bodied male residents of the municipality. (Sec. 2275, Adm. Code)
53. The municipal council, with the approval of the provincial governor, may require each householder of any municipal center or of any barrio to make prompt report to the mayor or municipal councilor of the barrio, of the name, residence, and description of any person not a resident of such municipal center or barrio who may enter the house of such householder or receive shelter or accommodations therein. (Sec. 2276, Adm. Code)
54. In an organized municipal-paid fire department, there shall be a chief and the necessary force of firemen, whose number shall be fixed by the municipal council with the approval of the provincial board. (Sec. 2277, id.)
55. The Director of Public Works and the Chief of Constabulary shall, with the approval of the Department Heads concerned, jointly prepare and issue general regulations for the government, proper discipline, and inspection of the municipal fire departments. (Sec. 2277-

- A, id.)
56. Each municipal council may, with the approval of the provincial board, issue such secondary regulations for the government of the local fire department as shall not be inconsistent with law or with the general regulations. (id.)
 57. Fire-fighting apparatus other than those enumerated in Section 2278, Adm. Code may be acquired by the municipal council with the approval of the provincial board. (Sec. 2278, Adm. Code)
 58. The provincial board may require any municipality to purchase and provide for the maintenance of additional fire-fighting apparatus for a barrio. (id.)
 59. Upon resolution of the municipal council, approved by the provincial treasurer, the municipal treasurer may make current deposits of municipal funds subject to check in any local bank duly designated as a depository for Government funds. (Sec. 2290, 2nd par., Adm. Code)
 60. Money not needed for current use may be deposited, upon the same authority, as a time deposit with the provincial treasurer, the Philippine National Bank, or any other banking institution duly designated as a depository for Government funds. (id.)
 61. If the municipal council should require the municipal permanent public improvement fund for other peremptory needs of the municipality, it may use it for the same, subject to the approval of the provincial board. (Sec. 2291(A), Adm. Code)
 62. The municipal council shall have the power, with the approval of the Department Head first had, to appropriate such amounts as may be necessary to defray the expenses of local fairs and to enable the municipality to take part in the fairs conducted by other provinces in the Philippines. (Sec. 2293, Adm. Code)
 63. In case the head of any office is dissatisfied with the appropriation ordinance approved by the municipal council, he may appeal to the provincial board from the action of the council within ten days after he is advised of such action. The appeal shall specify the portion of the appropriation ordinance objected to and shall state the grounds for the objection. The provincial board shall decide the appeal within twenty days after receipt thereof, and its decision shall be final. (Sec. 2297, Adm. Code, as amended by R. A. 238)
 64. With the approval of the Secretary of the Interior (Finance), the provincial board may authorize any municipality of the province to exceed the percentages allowable for salaries and wages under such limitations as may be prescribed by resolution of said board. (Sec. 2299, Adm. Code)
 65. Disbursements for school purposes shall be approved by the division superintendent of schools, or his authorized representative. Vouchers covering disbursements from the allotments for health work shall also be approved by the chief of the sanitary divisions, or his authorized representative. (Sec. 2300, Adm. Code)
 66. The total disbursements from any municipal fund shall in no case be in excess of the actual collections accruing to such fund, except upon written authority of the provincial treasurer, and in no case shall an overdraft in excess of twenty-five per centum of the uncollected revenues and receipts accruing to any fund, as shown by the approved budget, be so authorized. (Sec. 2301, Adm. Code)
 67. When any ferry, market, or slaughterhouse belonging to a municipality is to be let to a private party, the same shall, unless otherwise directed by the Department Head, be let to the highest and best bidder for the period of one year or, upon the previous approval of the provincial board, for a longer period not exceeding five years.

- under such conditions as shall be prescribed by the Department Head. (Sec. 2319, Adm. Code)
68. The decision of a municipal council rejecting any bid or awarding any privilege for maintaining or conducting by private parties under license ferries, wharves, markets, or slaughterhouses shall be subject to final revisal by the provincial board. (Sec. 2320, Adm. Code)
 69. Adjustment of matter of disputed jurisdiction over fishery shall be referred by the respective councils to the proper provincial board, which body shall lay the facts, with its recommendation, before the President of the Philippines, to the end that he may either adjust the boundary so as to settle the jurisdiction or recommend the passage of adequate legislation. (Sec. 2322, Adm. Code)
 70. When a fishery or fish-breeding ground is granted to a private party, the same shall be let to the highest bidder for the period of one year or, upon the previous approval of the provincial board, for a longer period not exceeding five years, under such conditions as shall be prescribed by the Department Head. (Sec. 2323 in re 2319, Adm. Code)
 71. The approval of the Secretary of Finance shall be secured: "(1) Whenever the rates of municipal license taxes fixed or imposed by ordinance of the municipal council or municipal district council . . . exceed the rates of fixed internal-revenue privilege taxes regularly imposed by the National Government upon the same business or occupation, except on hotels, restaurants, cafes, refreshment parlors, race tracks, and retail dealers in vino liquors and fermented liquors, and any tax or fee on livery stables, garages, and other places or establishments where public vehicles and other conveyances are kept for hire, (2) Whenever the rate of fixed municipal license taxes on businesses not excepted in this Act or otherwise covered by the preceding paragraph and subject to the fixed annual tax imposed in section one hundred eighty-two of the National Internal Revenue Law, is in excess of fifty pesos per annum; and (3) Whenever the municipal license tax on any business, occupation, or privilege the rate of which is not limited above is increased by more than fifty *per centum*." (Sec. 4, C.A. 472)
 72. The provincial board of any special province may, by resolution approved by the Secretary of the Interior organize any territory as a municipality. (Sec. 2614, Adm. Code)
 73. Salary of municipal treasurer as deputy provincial treasurer is subject to approval of Sec. of Finance. (Sec. 2615, Adm. Code)
 74. Compensation of vice-mayors and councilors of a municipality of specially organized province is subject to approval of the provincial board and the Sec. of the Int. (Sec. 2615 (f), Adm. Code)
 75. Maximum salary authorized for any non-elective municipal officer may be raised by provincial board subject to approval by Sec. of the Int. (Sec. 2615(h), Adm. Code)
 76. The municipal mayor in specially organized province may, with the approval of the provincial governor, cause to be instituted any appropriate criminal action or take other proceedings for derelictions of a municipal official. (Sec. 2621 (b), Adm. Code)
 77. The provincial board shall approve or disapprove any act, ordinance, or resolution, orders of the municipal council, and executive order of the mayor. (Sec. 2624(h), Adm. Code)
 78. Should the council or the mayor be dissatisfied with the decision of the provincial board an appeal may be taken by it or by him to the Secretary of the Interior, who shall decide the same question which was presented to the provincial

board and either affirm or reverse the decision of the provincial board. (Sec. 2624(h), Adm. Code)

79. The express authorization of the provincial governor shall be necessary to alienate or constitute any lien upon any real property of the municipality, and with the prior authorization of the Secretary of the Interior, to close in whole or in part any municipal road, street, alley, park, or square, and to devote the same to any municipal purpose, or to convey the same, with or without money consideration to the province, or to the National Government for governmental purposes. (Sec. 2625(b), Adm. Code)
80. Ordinances passed under Sec. 2625(m), Adm. Code, re streets, sidewalks, plazas, parks, water supply, and special assessment shall not be valid or take effect until it shall have been approved by the provincial board and the Secretary of the Interior. (Sec. 2625 (m), Adm. Code)
81. Excess condemnation is subject to the approval of both the provincial board and the Sec. of the Int. (Sec. 2625 (n), Adm. Code)
82. The Secretary of the Interior is authorized to organize municipal district governments and exercise jurisdiction over them through the provincial governors. (Sec. 2630, Adm. Code)
83. The provincial board is empowered to prescribe the tax to be collected in municipal districts subject to approval of the Sec. of the Int. (Sec. 2631, Adm. Code)
84. Allowance for disability in line of duty is subject to approval by Department Head. (Sec. 699, Adm. Code)
85. Retirement as a result of a bona fide reorganization under Act 4183 as amended is subject to approval of Sec. of the Interior.

Ancient Justice. . .

(Continued from page 475)

teem ancient lineage, know that I am descended from the great Iskander, the Alexander of far off Europe, by his queen, the daughter of Forus, most valiant of Hindus, through San Sapurba who crossed the sea to Java and whose descendant ruled in Johur whence my great-grandfather, Tuan Alak ber Tatar, stole the princes royal for his bride. And in my veins, from Hassim, runs the Arab blood of the true prophet of the merciful and compassionate God. Chinese blood, too, by a princess of Kina Balu, have I, and for five hundred years have the kings of Brunei worn the imperial yellow by recognition of Tchina's emperor. We have long had as well nobat and bells from Malacca and Menangkabaw, regalia of royalty for Hindu and for Islamite.

But prouder than of being a king am I of my well-earned title of Nakoda, for none captains better a ship than I and my praus have ridden out the storms in these stormiest of seas, and in blood I boast of being a Bisayan. Though Chinese and Arab herald appears in my court its chiefest ornament is the lengthy loin-cloth, the chawat, that forty men always bear aloft before me. When I gird up my loins with it for battle, they are well-girded and the battle is well-fought.

From Malacca to Maynila men know the name of Nakoda Ragam and dread the man, regardless of my royalty. So do you, men of the Lusung rivers, fail not in your duty to my future son, your rajah, nor forget to pay yearly a ganta of gold in Brunei, as tribute, since of old yours was the Island of Gold.

*Serving the country's needs in
Machineries, Construction Materials
and Gen. Merchandise.*

**PHILIPPINE VETERANS
TRADING CORP.**
2072 Azcarraga, Manila

Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

LIST OF MUNICIPAL OFFICIALS ELECT
NOVEMBER 11, 1947 ELECTIONS
PROVINCE OF CAMARINES NORTE
BASUD

Mayor— — — Floro A. Quiñones (L)

Vice-Mayor — Pedro Avida (L)

Councillors:

1. Marcelo Laviste (N)
2. Eduardo Sacris (N)
3. Bernardino Zabala (L)
4. Timoteo Carillo (L)
5. Loreto Nolo (L)
6. David S. Sarion (L)

CAPALONGA

Mayor— — — Lucio Jacob (L)

Vice-Mayor — Juan Orit (L)

Councillors:

1. Hermenigildo Alto (L)
2. Francisco Talento (L)
3. Juan Juego 2nd. (N)
4. Pio Vega (L)
5. Pedro Juego 3rd. (L)
6. Pablo Sarmiento (L)

DAET

Mayor— — Enrique Magana de Leon (N)

Vice-Mayor— Moise Gaité (N)

Councillors:

1. Sotero Macaro (N)
2. Ricardo Cañeba (N)
3. Epifanio Ferrer (N)
4. Irineo Sacriz (N)
6. Manuel B. Fuentebella (N)
7. Pedro M. Edora (L)
8. Nazario Laguman (N)

I. PANGANIBAN

Mayor— — — Jose Y. Arriola (N)

Vice-Mayor — Rudy Juguilon (L)

Councillors:

1. Monica E. Agua (N)
2. Rogelio Manalo (L)
3. Pedro D. Escio (L)
4. Macario Opeda (N)
5. Amadeo Evia (N)
6. Roman Blancas (N)
7. Damian Natino (L) (Passed away,
post vacante)
8. Crecenciano Martinez (L)

LABO

Mayor— — — Gil Cambronero (L)

Vice-Mayor — Pablo Dizon (N)

Councillors:

1. Domingo Villafuerte (N)
2. Mariano Elep (N)
3. Julian Sena (L)
4. Godofredo V. Pandi (N)
5. Agapito Deriz (N)
6. Cayo Ubaña (N)

PARACALE

Mayor— — — Pedro M. Tagala (N)

Vice-Mayor — Domingo Undazan (L)

Councillors:

1. Luis Dasco (N)
2. Sesinando Can (L)
3. Jose Venida (L)
4. Sergio Deauna (Independent)
5. Jesus Calayan (N)
6. Mateo Era (L)
7. Jose Abcede (L)
8. Fidel Calajate (L)

(To be continued)

—oO—

History of Ilocos Sur

(Continued from page 450)

of the Cordillera. At present there are still 9,537 members of non-Christian tribes. The population of the province except three towns which have not been heard from yet is 267,943.

Ilocos Sur is the center of the Diocese of Nueva Segovia. Vigan is also the religious, educational and commercial center of the north.

Ilocos Sur has produced many leaders in its history. The most notable figure is the President of the Philippines, the Hon. Elpidio Quirino, who was born in Vigan; Father Jose Burgos; and Isabelo de los Reyes. Present big figures are Senator Prospero Sanidad of Narvacan, Representative Floro Crisologo, Representative Fidel Villanueva, Governor Perfecto Faypon, Board Members Anselmo Makil and Pablo Sanidad, Atty. Cecilio Balbin, Atty. Eloy Bello and many others. Despite the political squabbles in the province, all are wholeheartedly behind the leadership of President Quirino, Nacionalistas and Liberals alike.—The "Interscholastic," Jan., Feb., 1949,

HOROSCOPE★

Were You Born in September

SEPTEMBER 1

Your field lies in financial or editorial writing or the diplomatic service. Cultivate a wide acquaintanceship as the sincere friendship of others will have much to do with your future success. Reading occupies your time.

SEPTEMBER 3

Your weakness is entering into agreements or contracts without making sufficient investigation. Indications are for success in secretarial or advisory capacity where others make the final decision.

SEPTEMBER 5

Indications are for a strong will and the inclination to arrive at success without regard for others. Cultivate forbearance and do not be discouraged if you do not reach your goal in early life.

SEPTEMBER 7

Those whose birthday is today are of an inventive turn of mind and will find greatest success through the application of their ingenuity to the development of applied mechanics, electro-chemistry or allied arts.

SEPTEMBER 9

Persons of this natal day will be shrewd at bargaining and natural traders with excellent foresight and good business judgment. Best fitted for mercantile buying or selling, or stock and bond brokerage.

SEPTEMBER 11

Your birth date marks a highly imaginative mind with keen appreciation for the fine art, a lover of travel and a student of nature. Your faculty for making friends will be of great advantage to you.

SEPTEMBER 13

Persons of this birth date are apt to have an inferiority complex and lack of discretion in counteracting this weakness will work harm. Best fitted for work requiring close concentration and mastery of detail.

SEPTEMBER 15

Success should come early in life if opportunities are not neglected. Curb your desire to dominate situations but not to the extent that it hinders progress. Look for best returns from the theatrical profession.

SEPTEMBER 2

You have a special gift for pleading the cause of others and should dedicate your efforts to legal or legislative work, or social welfare. A keen, analytical mind and unbounded energy are yours.

SEPTEMBER 4

Your career augurs success through the efforts and with the assistance of others, who have wider experience and greater business acumen. You have ambition and energy but need a stabilizing guidance.

SEPTEMBER 6

Persons of this birth date are home-loving and they will find greatest relaxation in home interests. Success lies in professional lines, the practice of medicine or its associate sciences.

SEPTEMBER 8

This birth date presages a forceful character, stern of will and one not easily swayed from his or her viewpoint. Well fitted as a supervisor of personnel, in an employment capacity or similar organization work.

SEPTEMBER 10

Today's child is the studious or highly mental type, well fitted for preaching or religious education. The ability to mould or form public opinion indicates a flair for oratory, lecturing or editorial writing.

SEPTEMBER 12

Here is a leader of men with strong denotations of success in financial or organization activities. Care should be taken with prospects which seem of small importance as they may lead to larger ventures with reward.

SEPTEMBER 14

If this is your birthday, seek fortune in occupations having to do with legislative or legal pursuits. A vigorous personality, industrious, ambitious and mentally capable of reaching the heights of success.

SEPTEMBER 16

Your best field of endeavor will be in the scientific field, either in actual investigation or in cataloging or editing the investigations of others. You have an open, receptive mind but are not easily imposed upon.

*From NYAL

SEPTEMBER 17

You have a dual personality, for while you enjoy being before the public eye, at the same time nothing affords you more pleasure than your home, on which you lavish much artistic taste. Do not forget the practical things.

SEPTEMBER 19

Indications are that you have marked ability as a writer, therefore, you should follow those lines which enable you to give scope to these talents. Try not to give so much thought to yourself, but to your work.

SEPTEMBER 21

Success for you will be obtained through positions of trust and you would do well in handling large sums of money, for you would place your employer's welfare above your own. Cultivate your natural ability soon.

SEPTEMBER 23

This day's child is inclined to be a spendthrift and should at all times attempt to conquer his wish to spend. Avoid gambling as you are not particularly lucky. Exercise that high intelligence with which you are gifted.

SEPTEMBER 25

You will succeed by following a line which requires muscular activity. Try to strike a happy medium in your training between physical and mental routine. You can be of great assistance to those less fortunate.

SEPTEMBER 27

Children of today frequently find themselves having *affaires d'amour*. To be happy they must always be "in love." If their financial condition permitted they would be great philanthropists.

SEPTEMBER 29

Yours is the serious, scientific nature. You prefer the company of yourself to others, and frequently isolate yourself from the intrusion of outside disturbances. Have much compassion for the weakness of human nature.

SEPTEMBER 18

You have the "courage of your convictions" and this same spirit will stand you in good stead to achieving that goal toward which you are working. You will be a good executive as you have an ability for detail and diplomacy.

SEPTEMBER 20

You are by nature very industrious, and will be very successful through your work. You are inclined to place too low a value on the friendship of others, being so absorbed in your work. Live more out of doors.

SEPTEMBER 22

If this is your birthday, you are inclined toward the serious side of life. You realize the weakness of human nature, are sympathetic toward your fellowmen, but at the same time strive to aid them toward a higher life.

SEPTEMBER 24

Children of this day should not trust quite so much their fellowmen. Don't question. Don't quickly accept others' beliefs unless you are convinced that they are right for you, else you may come to grief. Be cautious.

SEPTEMBER 26

Those whose birthday is today will be successful in work of a pioneering nature. They make good promoters. They have vision and can instill their enthusiasm into others. Should succeed as adventurers.

SEPTEMBER 28

To a child born on this day fortune is kind. It seems success greets their every effort. They have natural ability along so many lines. They are happy-go-lucky, and their motto seems to be: Let George do it.

SEPTEMBER 30

Great lover of nature, and will succeed in any line of endeavor that brings him in contact with the arts. Lucky. Should he decide to go into a business partnership, he should choose for his partner one with practical ability.

"Luck means the hardships and privations which you have not hesitated to endure; the long nights you have devoted to work. Luck means the appointments you have never failed to keep; the trains you have never failed to catch."

—MAX O'RELL.