

THE MAURA LAW

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

ROYAL DECREE

On the recommendation of the Colonial Minister, with the concurrence of the Council of Ministers, in the name of My August Son the King, Don Alfonso XIII, and as Queen Regent of the Kingdom,

I hereby decree the following:

CHAPTER ONE— ORGANIZATION

ARTICLE I.—*Municipal Tribunals*

Section 1. The popular corporations, called in the Philippine Islands "Tribunals of the Towns", shall hereafter be called "Municipal Tribunals." Each of these shall represent the legal union of all the persons residing within the jurisdiction of the town and shall administer the communal interests and property.

Section 2. There shall be a municipal tribunal in each town of the islands of Luzon and the Visayas which, not having constituted itself into a municipality, as prescribed by the Royal Decree of November 12, 1889, contributes to the State more than one thousand *cedulas* a year.

Exception is made of the City of Manila, whose government is not changed.

The towns which do not contribute one thousand *cedulas* shall continue under the form of government to which they are subject at the present time, until the said number is reached.

Section 3. The Municipal Tribunal shall consist of five persons, whereof one shall be called *Captain*, and the other four *Lieutenants* (one *Chief Lieutenant*, one *Police*, one of *Fields*, and one of *Cattle*). The *Chief Lieutenant* shall act as *Councilman-Syndic* and shall take the place of the *Captain* in case of vacancy, absence, or disability. The substitution for the *Captain* or *Chief Lieutenant* shall fall to the other lieutenants in the order of succession given.

Section 4. The five offices shall be

conferred by election, by a plurality of votes at a secret ballot, effected in the following manner: Upon the day publicly fixed for the purpose by the Governor of the Province, the *Principalia* of each town, with the attendance of the Reverend Parish Priest and of the outgoing *Captain*, shall designate twelve residents as electors; six of them from among the *cabezas de barangay* who may have served without bad record for a period of ten consecutive years and from among those serving at the time of the election; three from among the former *captains*, and three others from among the highest taxpayers of the town, not belonging to any of the previous classes.

If, in any town, the six *cabezas de barangay* cannot be designated, the number shall be made up with former *captains*; and, in the absence of the latter, with taxpayers.

Among these twelve resident electors there cannot be included accused persons against whom a sentence of imprisonment has been issued; those who may have been disciplined administratively more than three times for bad conduct; those who may have suffered corporal to civil interdiction or to the surveillance of the authorities by virtue of a sentence of a tribunal of justice; debtors to municipal, provincial, or public treasury funds; those who have pending contracts with the municipal tribunal, the province, or the State, which are to be executed within the municipal district; and those who are in litigation with the municipal tribunal to which they belong.

Section 5. The twelve residents thus deputed by the *Principalia* shall, in turn, elect on the same occasion, also by a plurality of votes and by secret ballot, first the *Captain*, and then, without interruption, successively, the *Chief Lieutenant* and the *Lieutenants* of *Police*, of *Fields*, and of *Cattle*.

In the same manner, they shall elect two other persons as substitutes.

The Governor of the Province, as Delegate of the Governor-General, shall issue their commissions to the captains elected, as soon as he shall receive the certificate as evidence of the election.

Section 6. A certificate in duplicate, subscribed by the twelve resident electors and countersigned by the Reverend Parish Priest and the outgoing Captain, shall be prepared of the proceeding and of their result, as prescribed in the two preceding sections.

Lists of the persons, elected as delegates of the *Principalia* and as members of the Municipal Tribunal, shall be posted in the town-hall on the day of the election, the announcement stating that allowance is made for three days wherein to file objections.

Upon the expiration of this period, a copy of the certificate of election, with the objections if there are any, shall be forwarded to the Governor of the Province, who shall decide, on or before the third day, and with the concurrence of the Provincial Board, on the legality and validity of the elections; and in every case he shall report his decision to the Governor-General, together with all the antecedent details, if there are objections.

After the Governor of the Province shall have approved the election, the persons elected shall take possession of their offices.

Section 7. The twelve residents referred to in Section 4 shall represent the *Principalia* to its delegates, and shall take part, together with the Municipal Tribunal, in the deliberations and affairs mentioned in this provision, upon the call of the Captain.

By *Principalia* shall be understood the group of persons in each town, indefinite in number, consisting of those formerly called *gobernadorcillos*, *tenientes de justicia*, *cabezas de barangay* in active service or who may have occupied the office for ten consecutive years without any bad record, former captains, municipal lieutenants who may have held their positions during the legal tenure of office without a bad re-

cord, and residents paying 50 pesos as land tax.

Section 8. The offices of captain, municipal lieutenants, substitutes, and deputy electors of the *Principalia* are honorary and gratuitous.

Their discharge shall be obligatory for a period of four years, if none of the grounds for exemption enumerated in Section 11 is formally shown and established.

Section 9. To be eligible for captain, the following qualifications are required:

1. Be a native, or a Chinese *mestizo*.
2. Be more than twenty-five years of age.
3. Be a resident of the town for four years prior to the date of the elections.
4. Read and write Spanish.
5. Be a *cabeza de barangay* with four years' service, with all his accounts settled and current, and enjoying a good public and private reputation, or had been for two years *gobernadorcillo*, captain, or chief lieutenant, or for six years *cabeza de barangay* without a bad record.

Similar qualifications are required for election as municipal lieutenant or substitute, but without the necessity of a fixed period in the occupancy of the offices of *gobernadorcillo*, captain, chief lieutenant, or *cabeza de barangay*.

The following can in no case be elected to the offices of captain, lieutenant, or substitutes: the twelve residents entrusted with the election, as long as they are discharging their duties as electors, nor for one year thereafter; ecclesiastics; those receiving salaries from local, provincial, or municipal funds; lessees, or their bondsmen, of the ways and means and supplies of a town; subordinate employees of the State, in any of its branches, unless they shall have previously resigned from their positions; bankrupts and persons undergoing trial; and debtors to public funds, whatever may be their nature.

Section 10. Every two years, two of the municipal lieutenants, one of the substitutes, and four of the twelve residents in charge of the election of the

Tribunal (two among those of the *ca-beza de barangay* class, one of the former captain class, and another of the taxpayer class) shall cease in office.

The designation of those persons who are to cease in these offices shall take place for the first time by lot before the Municipal Tribunal and the twelve deputy electors presided over by the Captain, with the attendance of the Reverend Parish Priest.

In the second and subsequent renewals by half of the lieutenants and substitutes, the oldest in point of service shall go out.

In the second renewal by one-third of the twelve resident electors, the casting of lots shall be resorted to as in the first instance. In the third and succeeding renewals, the oldest in point of service shall go out.

The election of the officials to take the places of the outgoing ones shall take place after the casting of lots and the record of the proceedings shall be made in duplicate, one of the copies, countersigned by the Captain and the Reverend Parish Priest, to be sent to the Governor of the Province, who shall make a report to the Governor-General.

The substitute lieutenants and residents, who are to cease in office, may be reelected only after two years following the expiration of their term of office. If reelected after this period, they cannot decline the office, unless they come under the exemptions specified in Section 11.

Section 11. The following may be exempted from serving as captains, lieutenants, or substitutes:

Persons more than sixty years old.

Persons physically disabled.

Persons who have occupied such positions for a period of sixteen years.

Section 12. The Captain shall preside over the Municipal Tribunal; he shall represent that body; he shall publish and carry out its resolutions; he may suspend their execution when they involve a matter foreign to the duties of the Tribunal, are prejudicial to the interests of the town, or are dangerous to the public order; he shall issue pro-

clamations regarding urban and rural municipal offices, schools, and other branches of the service; he shall appoint, suspend, and remove the officials, assistants, and subordinate employees of the Municipal Tribunal who are provided for in the town budget; he shall direct the administration of the town; he shall order payments; he shall require a prompt deposit of collections and shall preside at the public auction which the Tribunal may order, accompanied for this purpose by a lieutenant and by the two oldest members representing the *Principalia*.

To correct any offenses which may be committed within the municipal confines, with regard to the services which are especially entrusted to the municipal tribunals, the Captain may impose the disciplinary penalties of warning, summons, and fine, the latter not to exceed four pesos.

At the time of collecting the fine, the Captain, or the persons acting in stead, shall in every case issue a receipt countersigned by the ranking lieutenant, stating the amount, the date, and the reason for the penalty.

The proceeds from the fines shall be deposited in the treasury of the "Income of the Towns", with a list and detailed statement thereof.

(To be continued)

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