

ESTABLISHMENT OF PUBLIC LIBRARIES

Republic of the Philippines
DEPARTMENT OF JUSTICE
Manila

7th Indorsement
April 28, 1948

Respectfully returned to the Director of Public Libraries, Manila, thru the Honorable, the Secretary of Education.

Opinion is requested as to whether public libraries may be organized by any province, town, or city without the intervention and supervision of the Bureau of Public Libraries.

Attention is invited to section 1693 of the Revised Administrative Code, which provides that "to the Philippine Library and Museum shall pertain not only books, libraries, and library materials acquired for its immediate use but also all books, libraries, and library material belonging to the Insular Government or to any Department, Bureau, Office, or subdivision thereof, subject to action by the Governor-General under section one thousand six hundred and ninety-one hereof." Executive Order No. 94 has changed the name of the office to Bureau of Public Libraries. It would seem that by virtue of this section, all public libraries in the Philippines, including those of provinces, towns, and cities, these being subdivisions of the Government, are under the supervision of the Bureau of Public Libraries.

Section 1691 of the same Code to which section 1693 refers provides, however, that "the Governor-General shall have authority to direct that pictures, paintings, photographs, books, documents, manuscripts, pamphlets, monographs, maps, and all objects of artistic, historical, or scientific value of any kind, of any Bureau, Office, or dependency of the Government, which are not absolutely necessary for the work and current official use of the Office, Bureau, or dependency concerned, shall be transferred, upon proper inventory, to the Philippine Li-

brary and Museum to be preserved and administered by the office, bureau or dependency concerned, and it is only upon their transfer to the Bureau of Public Libraries that they are placed under the administration of the latter. This is proof that the law contemplates cases where a public library may not be under the supervision of the Bureau of Public Libraries.

Section 1696, paragraph 2, of the Code furthermore provides that "the property responsibility for such portions of the library as are housed in a Bureau or Office not under the control of the Philippine Library and Museum shall rest upon the Bureau or Office having the custody thereof; and the employees occupied in cataloguing and caring for the books shall be employees of such Bureau or Office." This means that such public library is not under the supervision of the Bureau of Public Libraries since the property responsibility therefor rests exclusively upon the Bureau or Office concerned and the employees are considered employees of the bureau or office in which the library is housed. Supplementing this provision, section 1697, paragraph 2, directs that "the purchase of books for branches of the library in the keeping of other Bureaus and Offices shall be financed by the Bureau or Office concerned x x x." These provisions, altho expressly referring only to libraries in bureaus or offices, apply also to a public library established by a town, city, or province, because towns, provinces, and cities are neither under the control of the Bureau of Public Libraries and enjoy even greater autonomy than bureaus or offices in the National Government.

Attention is also directed to Opinion No. 131, series 1940, in which the predecessor in office of the undersigned held that the employees working in the branches of the National Library

(Continued on next page)

Establishment . . .

in the provinces, cities or municipalities are subordinate employees of the National Library, and should be appointed by the Secretary of Public Instruction. This opinion, however, involves branches of the National Library to the maintenance of which the province, city, or town merely contributes by appropriating funds to pay the salaries of some of the employees in such branch and to defray other expenses. (See 2nd Par., Op. 131, s. 1940.) The public libraries which are the subject of this query are, on the other hand, not branches of the Bureau of Public Libraries but are separate libraries established and operated exclusively by the town, province, or city and supported wholly by local funds.

Convincing proof that not all public libraries are intended to be subject to the supervision of the Bureau of Public Libraries is found in the contrast between the provisions relative to the Bureau of Education and those referring to the Bureau of Public Libraries. Section 909 of the Revised Administrative Code provides: "To the Bureau of Education (changed to Bureau of Public Schools by Executive Order No. 94, Sec. 83) is committed the administration of the public school system and the supervision of the general school interests of the Philippine Islands x x x." The terms "public school system" and "general school interests" are used without qualification in this section, and are broad enough to cover all public schools in the Philippines. All public schools consequently fall within the supervision of the Bureau of Public Schools. In contrast, nowhere in the Revised Administrative Code or any other law is there found a provision similar to section 909 granting the Bureau of Public Libraries general superintendence over all libraries established at public expense. On the contrary, as already previously shown, a number of provisions in the Revised Administrative Code exist which give evidence

Acquisition . . .

of insuring the correctness of such verification. For this purpose it is suggested that provincial treasurers as well as city treasurers be requested to submit all requests for bonding to the provincial or city auditor concerned for comment before they are sent to the Treasurer of the Philippines. The Provincial or City Auditor will record such applications in "Bond Index" card obtainable from the Bureau of Printing. Each card is for each bondable position which can be determined from the approved planillas or budgets. The status of each request for bonding should once in a while be ascertained from the provincial or city treasurer to see whether the same has been approved already by the authorities concerned.

The operation of the provincial or city garage as required by Executive Order No. 172, series of 1938, as amended, may also be mentioned. All government land transportation except those purchased from the road and bridge fund should be kept in the provincial or city garage and operated under the garage system. Exception from this requirement was sought from time to time and the request has invariably been recommended for disapproval. Provincial and city auditors are therefore expected to see to it that the said motor vehicles are operated by the district or city engineers concerned under the garage system. In this connection it should be stated that in view of the amendment by Executive Order No. 51, series of 1947, the rate to be set aside as reserve for the acquisition of new cars to replace the old ones should be ₱0.05 per kilometer for automobile and ₱0.0375 per kilometer for jeep.

of an intent to permit the establishment of public libraries removed from the authority of the Bureau of Public Libraries.

For the foregoing reasons, the query is answered in the affirmative.

(Sgd.) ROMAN OZAETA
Secretary of Justice