

The LOCAL GOVERNMENT REVIEW

*Monthly Organ to Promote the Welfare and Prosperity of the Provinces,
Cities and Municipalities and their Inhabitants.*

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APRIL, 1949

ONE PESO

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REPUBLIC OF THE PHILIPPINES

Province of Cebu

Office of the Governor

MESSAGE

To Atty. Juan F. Rivera goes my sincere congratulations for his brilliant resourcefulness in putting out the Local Government Review, an "organ to promote the welfare of the provinces, cities and municipalities and their inhabitants." By such a lofty motive, the men behind its publication endeavor to sell the provinces, cities and municipalities of our country to our own people first, thereby assuring the mutual understanding and cooperative relationship of sister Philippine communities which cynics and our prejudiced critics strive to uproot. We need this organ as a medium of justifying our humble achievements and as a bulwark against the many crass calumnies often hurled against the government.

MANUEL CUENCO
Provincial Governor

April 9, 1949

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THE LOCAL GOVERNMENT REVIEW is published monthly by Mrs. Petra O. Rivera with Atty. Juan F. Rivera, Chief of the Provincial Division of the Department of the Interior, and Mr. Jose R. Collante, Provincial Treasurer of Sorsogon, as Editor and Associate Editor, respectively. Entered as second class mail matter at the Manila Post Office on January 24, 1949.

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CONSERVATION AND UTILIZATION OF NATURAL RESOURCES

(Art. XIII, Constitution of the Philippines)

SECTION 1. All agricultural, timber, and mineral lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, and other natural resources of the Philippines belong to the State, and their disposition, exploitation, development, or utilization shall be limited to citizens of the Philippines, or to corporations or associations at least sixty *per centum* of the capital of which is owned by such citizens, subject to any existing right, grant, lease, or concession at the time of the inauguration of the Government established under this Constitution. Natural resources, with the exception of public agricultural land, shall not be alienated, and no license, concession, or lease for the exploitation, development, or utilization of any of the natural resources shall be granted for a period exceeding twenty-five years, renewable for another twenty-five years, except as to water rights for irrigation, water supply, fisheries, or industrial uses other than the development of water power, in which cases beneficial use may be the measure and the limit of the grant.

SEC. 2. No private corporation or association may acquire, lease, or hold public agricultural lands in excess of one thousand and twenty-four hectares, nor may any individual acquire such lands by purchase in excess of one hundred and forty-four hectares, or by lease in excess of one thousand and twenty-four hectares, or by homestead in excess of twenty-four hectares. Lands adapted to grazing, not exceeding two thousand hectares, may be leased to an individual, private corporation, or association.

SEC. 3. The Congress may determine by law the size of private agricultural land which individuals, corporations, or associations may acquire

RIZAL ON WORK AND UNITY FOR THE NATION

Your letter has greatly astonished me as it tells me of resentments, differences, and reconciliations. I think it is useless to talk of things that do not exist, and, if they did exist, they must have vanished in the past. I am of the same opinion as you, that there having been nothing at all we should lose no time talking about it.

If I stopped writing for *Solidaridad*, I did so for various reasons: 1st I need time to work on my book; 2nd I wish that other Filipinos should also work; 3rd I have thought that within the party what counts much is unity in the work; and inasmuch as you are now on top and I have also my own ideas, it is more important that you be left to direct the policy as you understand it and that I should not meddle with it. This has two advantages: it leaves us both free and it increases your prestige, which is very necessary because in our country men of prestige are needed. I do not mean to say by this that I am not going to work and follow the course of your activities. I am like an army corps that at the needed moment you see arrive and fall upon the flanks of the enemy who are before you. I only ask God that I be given the means to do so. Moreover, frankly I do not like to waste time attacking and fighting private enterprises as those of P. Font, Quioquiap, and others. I fight for the nation, the Philippines.—*From Rizal's letter to M. H. del Pilar. 1891. (Reprint from Panorama of March, 1939).*

and hold, subject to rights existing prior to the enactment of such law.

SEC. 4. The Congress may authorize, upon payment of just compensation, the expropriation of lands to be subdivided into small lots and conveyed at cost to individuals.

SEC. 5. Save in cases of hereditary succession, no private agricultural land
(Continued on page 220)

MORE GUBERNATORIAL POWERS

Provincial Governors perform two primary roles in local government administration: they supervise the municipalities and they serve the National Government. For the former role, the provincial governors exercise but an approximation of the popular meaning of the term **governor**. For the latter role, they serve as **transmitter** which, in fact, has been their major function since the Spanish regime.

It has been observed that provincial chief executives, like good children in a Victorian household, do what are expressly told they might do. This state of tutelage is no longer suited to the realities of modern local administration. The time has come when an increased measure of freedom and responsibility could with safety and advantage be accorded to the local authorities. Administration is practically a matter of social engineering and its essence is discretion. When solutions depend upon unforeseen contingencies, local differences, necessity of speed, and flexibility of administration, the administrator must possess discretionary and determinative powers; otherwise any blueprint of administration cannot be carried out.

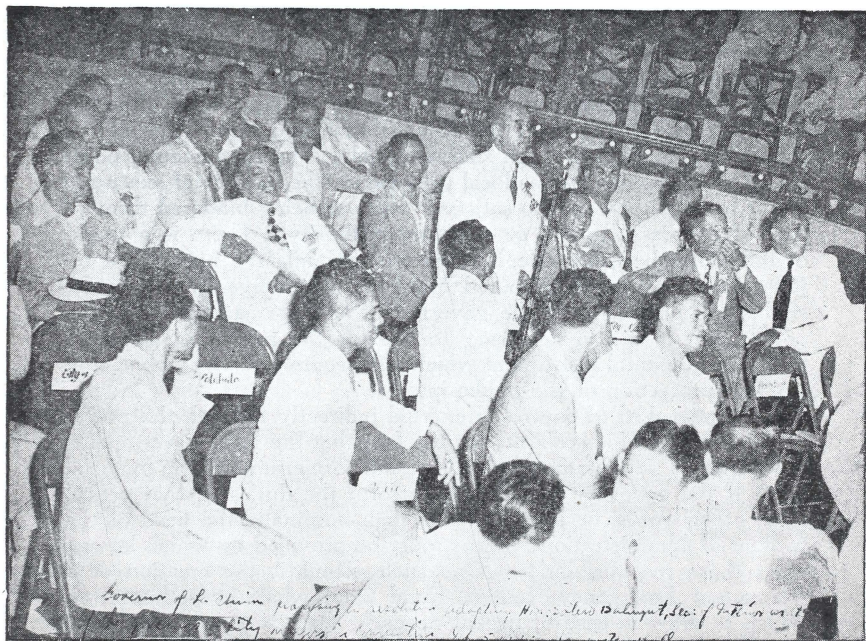
Government, which was once thought of primarily as a display of power through regulation and control, is now chiefly characterized by assistance and service. To fully attain these modern trends of government, the provincial governor should be prepared at all times to cope with the demands of public assistance and service instead of clearing the matters through state channels. The fundamental point is that where some obvious local need exists, the local chief executive ought to be empowered to satisfy it without being hindered through lack of express National or statutory authority. There is a world of difference between safeguarding from Manila the needs of a remote town and being prepared to tackle an emergency. It is desirable not only to keep the government as close as possible to the people, but it is also necessary to provide the provincial governor with governmental instrument which will secure effective public control and protection of the public interest.

A great deal of control is exerted indirectly through the power of the purse. This accounts for the fact that the local governments are constant suppliants to the National Government for financial aid. If the governor is really to perform the duties of that office, if, in other words, he is to be other than nominally the head of the provincial administration, means must be provided by which he can meet those responsibilities. One such means is the creation of a Permanent Emergency Reserve Fund from whatever source from which to draw in case of urgent needs.

The normal workaday processes of life depends upon internal peace and the enforcement of the law. While the governor is called upon to maintain peace and order and enforce the laws, what means

are provided to carry out these functions? None but to supplicate the aid of National agencies to succor. Meantime, red tape—delay due to numerous channels and regulations—is caused by the need to get the assistance of an armed force. Providing the provincial governor with a mounted or mobile provincial police force under his direct command may strengthen a weak strand in the provincial protective service.

The governor's role over the municipalities is the **father rule**: but under our existing laws he can not discipline or punish an erring local official, except to reprimand. It should be possible to invest the provincial governor with the power of direct disciplinary suspension. And there is need of strengthening the administrative powers of the governor and of providing in some way for the exercise of central control over the institutional activities of all the provincial operating services. Such an integrated provincial administration dovetails with the principle of looking to the provincial governor as the officer having general responsibility for the control of the conduct of affairs of the province. Only when management is unified is it likely to be spirited and progressive.—JFR.



The Provincial Governors and City Mayors while hearing Gov. Doroteo Aguila of La Union sponsoring on October 4, 1948, a resolution adopting Hon. Sotero Baluyut as FATHER of their association (See Res. No. 2, page 246.)

REVISED MUNICIPAL BUDGET PROCEDURE

FIRST CONGRESS OF)
THE REPUBLIC OF) H. No. 1701
THE PHILIPPINES)
(REPUBLIC ACT No. 238)

AN ACT TO REVISE THE PROCEDURE IN THE ADOPTION OF MUNICIPAL BUDGETS, AMENDING SECTIONS TWENTY-TWO HUNDRED AND NINETY-FIVE, TWENTY-TWO HUNDRED AND NINETY-SIX, AND TWENTY-TWO HUNDRED AND NINETY-SEVEN OF THE REVISED ADMINISTRATIVE CODE.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Sections twenty-two hundred and ninety five, twenty-two hundred and ninety-six and twenty-two hundred and ninety-seven of the Revised Administrative Code are amended to read:

"SEC. 2295. *Municipal Budget.*—The municipal treasurer shall present to the mayor, not later than sixty days before the beginning of each fiscal year, a certified and detailed statement of the actual receipts and expenditures of the municipality during the first three quarters of the current fiscal year and the estimated receipts for the ensuing fiscal year.

"Within the same period, the heads of the various offices in the municipal government shall submit to the mayor a statement of the proposed expenditures recommended by them for their respective offices during the ensuing fiscal year. Upon receiving the foregoing statements, the mayor shall prepare the municipal budget for the ensuing fiscal year. The said budget shall contain an estimate of receipts as submitted by the municipal treasurer and his proposed expenditures for the ensuing fiscal year.

"The proposed expenditures for salaries and wages shall specify the number of positions, their respective designations, and the rates of salaries

or wages. In case a reduction of salaries and wages is necessary, such reduction shall be general in character, and the percentage thereof shall be uniform for similar rates of salaries and wages.

"The mayor shall submit the said budget to the council not later than twenty days before the beginning of the fiscal year.

"SEC. 2296. *Appropriation Ordinance.*—Upon receipt of the budget, the municipal council shall, on the basis thereof, enact the general appropriation ordinance. The council may not increase the estimate of receipts by more than twenty *per centum* of that appearing in the budget. If the council shall fail to enact the general appropriation ordinance before the beginning of the ensuing fiscal year, and pending approval of the said general appropriation ordinance, the corresponding ordinance for the preceding fiscal year shall be deemed reenacted. Changes in the general appropriation ordinance may be effected by supplemental budgets prepared and adopted in the same manner as the annual budget.

"SEC. 2297. *Appeal to the provincial board.*—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. 2. This Act shall apply to municipalities in specially organized provinces.

SEC. 3. This Act shall take effect upon its approval.

Approved, June 9, 1948.

APPROPRIATION FOR PUB!

H. No. 2312

First Congress
OF THE
Republic of the Philippines
Fourth Session

Begun and held in the City of Manila on Monday, the twenty-fourth of January, nineteen hundred and forty-nine

[REPUBLIC ACT No. 346 I]

AN ACT APPROPRIATING THE SUM OF THIRTY-THREE MILLION SIX HUNDRED NINETY-EIGHT THOUSAND AND NINE HUNDRED EIGHTY-EIGHT PESOS TO COVER THE DEFICIENCY IN THE CURRENT APPROPRIATION FOR THE BUREAU OF PUBLIC SCHOOLS FOR THE OPERATION AND MAINTENANCE OF EXISTING ELEMENTARY CLASSES AUTHORIZED IN ITEM J-IV-1 OF REPUBLIC ACT NUMBERED THREE HUNDRED TWENTY.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. The sum of thirty-three million six hundred ninety-eight thousand and nine hundred eighty-eight pesos, or so much thereof as may be necessary, is hereby appropriated out of any funds in the National Treasury not otherwise appropriated, to cover the deficiency in the current appropriation for the Bureau of Public Schools as authorized in Item J-IV-1 of Republic Act Numbered Three hundred twenty, "for salaries and wages of teachers and other employees, sundry expenses, including the purchase of textbooks and supplementary readers, and for the acquisition of furniture and equipment, in connection with the operation and maintenance of public elementary schools including those organized during previous years."

5785

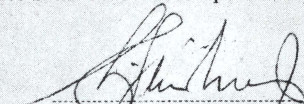
Courtesy of the PPSTA

IC ELEMENTARY SCHOOLS

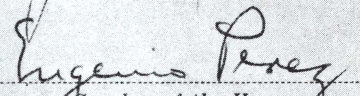
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SEC. 2. This Act shall take effect upon its approval.

Approved,

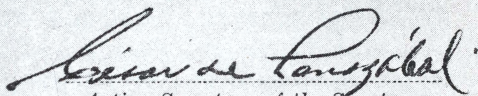


Acting President of the Senate



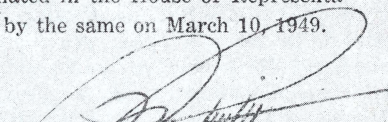
Speaker of the House
of Representatives

Finally passed by the Senate on March 16, 1949.



Acting Secretary of the Senate


This Act, which originated in the House of Representatives, was finally passed by the same on March 10, 1949.



Secretary of the House
of Representatives

Approved:

March 19, 1949.



President of the Philippines

5735

○

Courtesy of the PPSTA

APPROPRIATION FOR SALARY ADJUSTMENTS

H. No. 2358

First Congress
OF THE
Republic of the Philippines
Fourth Session

Began and held in the City of Manila on Monday, the twenty-fourth of January, nineteen hundred and forty-nine

[REPUBLIC ACT No. 347]

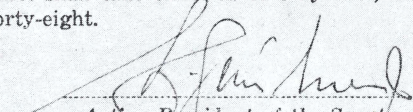
AN ACT APPROPRIATING THE SUM OF TWELVE MILLION PESOS FOR THE ADJUSTMENT OF THE SALARIES OF PUBLIC SCHOOL OFFICIALS, TEACHERS, AND OTHER SCHOOL PERSONNEL OF THE BUREAU OF PUBLIC SCHOOLS.

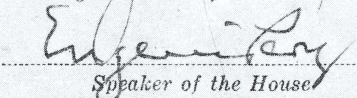
Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. The sum of twelve million pesos, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the National Treasury not otherwise appropriated, to carry out the provisions of Republic Act Numbered Three hundred twelve and to effect the salary adjustments authorized for teachers in section five of Republic Act Numbered Three hundred and twenty. Said sum shall thereafter be included in the Annual General Appropriation Acts.

SEC. 2. This Act shall take effect as of July first, nineteen hundred forty-eight.

Approved,


Acting President of the Senate


Speaker of the House
of Representatives

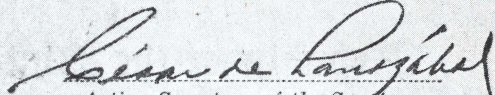
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Courtesy of the PPSTA

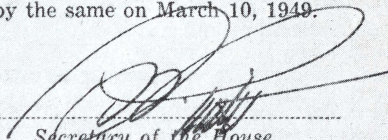
OF PUBLIC SCHOOL OFFICIALS AND TEACHERS

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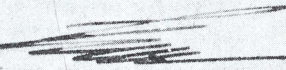
Finally passed by the Senate on March 16, 1949.


Acting Secretary of the Senate

This Act, which originated in the House of Representatives, was finally passed by the same on March 10, 1949.


Secretary of the House
of Representatives

Approved:


March 19, 1949

President of the Philippines

5737

○

Courtesy of the PPSTA

FISHERIES ACT

[Act No. 4003, as amended by C.A. No. 471]

AN ACT TO AMEND AND COMPILE THE LAWS RELATING TO FISH AND OTHER AQUATIC RESOURCES OF THE PHILIPPINE ISLANDS, AND FOR OTHER PURPOSES.

CHAPTER I

MATTERS OF GENERAL NATURE

ARTICLE I.—*Title of Act, fisheries to which it applies, and officers charged with its execution.*

SECTION 1. *Title of Act.*—This Act shall be known as the "Fisheries Act."

SEC. 2. *Application of provisions.*—The provisions of this Act shall apply to all fishing and fisheries in Philippine waters.

SEC. 3. *Executive officers charged with execution of this Act.*—The Secretary of Agriculture and Natural Resources shall be the executive officer charged with carrying out the provisions of this Act, with authority to assign the direct executive control of the enforcement of its provisions and the rules and regulations that may hereafter be promulgated in accordance therewith to such representatives, bureau, office or service as said Secretary may designate.

SEC. 4. *Instructions, orders, rules and regulations.*—The Secretary of Agriculture and [Commerce] Natural Resources shall from time to time issue instructions, orders, rules and regulations consistent with this Act, as may be necessary and proper to carry into effect the provisions thereof and for the conduct of proceedings arising under such provisions; and all licenses, permits, leases, and contracts issued, granted or made herein shall be subject to the same.

All ordinances, rules or regulations pertaining to fishing or fisheries promulgated or enacted by provincial boards, municipal boards or councils, or municipal district councils shall be submitted to the Secretary of Agriculture and [Commerce] Natural Resources for approval." (As amended by Commonwealth Act No. 471, sec. 1.)

SEC. 5. *Deputies authorized to enforce provisions of this Act.*—Members of the Philippine Constabulary; members of municipal and municipal district police; members of the secret service force, inspectors, guards, wharfingers of the customs service; and such infernal-revenue agents, officers of coast guard cutters and lighthouse keepers, and other competent officials, employees or persons as may be designated in writing by the Secretary of Agriculture and [Commerce] Natural Resources are hereby made deputies of said Department Head, with full power and authority to enforce the provisions of this Act and the regulations promulgated thereunder and to arrest offenders against the same. All such deputies shall have power to administer oaths and to take testimony in any official matter or investigation conducted by them touching any matter under the authority of this Act or regulation promulgated thereunder. (As amended by C. A. 471, sec. 1.)

ARTICLE II.—*Definitions*

SEC. 6. *Words and phrases defined.*—Words and terms used in this Act shall be construed as follows:

"Philippine waters, or territorial waters of the Philippines," includes all waters pertaining to the Philippine Archipelago, as defined in the treaties between the United States and Spain, dated respectively the tenth of December, eighteen hundred and ninety-eight, and the seventh of November, nineteen hundred.

"Municipal waters," includes not only streams, lakes, and tidal waters included within the municipality, not being the subject of private ownership, and not comprised within national parks, public forests, timber lands, forest reserves, or fishery reserves, but also marine waters included bet-

ween two lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline and distant from it three nautical miles.

Where two municipalities are so situated on the opposite shores that there is less than six nautical miles of marine waters between them, the third line shall be a line equally distant from the opposite shores of the respective municipalities.

"Person," includes firm, corporation, association, agent or employee.

"Open," applies to beds, banks, shellfields, zones, areas and regions in Philippine waters which have not been brought within the operation of an order of closure promulgated by the Secretary of Agriculture and Natural Resources.

"Open season," that period of time during which fishing is permitted in a specified area or areas in Philippine waters.

"Closed season," that period of time during which fishing is prohibited in a specified area or areas in Philippine waters, through an order of closure by the Secretary of Agriculture and Natural Resources.

"Inclusion of dates," whenever a period is designated during which an act is permitted or prohibited, the first and second dates shall be included within such period.

"Whole to include part," every provision relating to a fish or other aquatic animal shall apply to a part of such fish or other aquatic animal.

"Sell and sale," includes barter, exchange, and offering or exposing for sale.

"Possession," means actual or constructive possession and any control of things referred to.

"Transport and transportation," means all carrying or moving or causing to be carried or moved.

"Take or taking," includes pursuing, shooting, killing, capturing, trapping, snaring, and netting fish and other aquatic animals, and all lesser

acts, such as disturbing, wounding, stupefying, or placing, setting, drawing, or using any net or other service commonly used to take or collect fish and other aquatic animals, whether they result in taking or not, and includes every attempt to take and every act of assistance to every other person in taking or attempting to take or collect fish and other aquatic animals: Provided, That whenever taking is allowed by law, reference is had to taking by lawful means and in lawful manner.

"Sponges," unless otherwise specified, such as cleaned or prepared sponges, shall be construed to mean sponges in their original or natural state and not prepared sponges.

A "fish corral" or "baclad" means a stationary weir or trap devised to intercept and capture fish, consisting of rows or stakes or bamboo, palma brava or other materials fenced with either split bamboo mattings or wire nettings with one or more enclosure usually with easy entrance but difficult exit, and with or without leaders to direct the fish to the catching chambers or purse.

"Fishery" is the business of catching or taking, handling, marketing and preserving fish or other aquatic products, the fishing grounds, and the right to fish or take such products therefrom. "Fish" includes not only the fishes proper but also many other aquatic animals like crabs, prawns, shrimps, lobsters, clams, mussels, scallops, snails, oysters and other mollusks or shellfish. (As amended by C. A. 471-2.)

ARTICLE III. — *General protective provisions.*

SEC. 7. *Authority to declare and establish closed season.*—The Secretary of Agriculture and Natural Resources shall have authority, subject to the approval of the [Governor-General], President of the Philippines, to declare and establish a closed season for fish, shellfish, or any other aquatic animal specified by him.

SEC. 8. *Duration of closed season.*—A closed season established by the

Secretary of Agriculture and Natural Resources may be so defined as to cover a particular portion or portions of each successive year, or if deemed necessary for the public interest, it may be made to extend over any single period of time of not more than five years' duration.

SEC. 9. *Application of closed season.*—The order creating a closed season may be made applicable to the entire Philippine Islands or to any specified province or other territorial division therein, or it may be limited to a particular water or stream.

SEC. 10. *Issuance of order for closed season.*—Such order shall be issued at least two months before the date of its taking effect, and if general, it shall be published in the Official Gazette once a week for three consecutive weeks prior to the same date.

An order applying to a province, municipality or other territorial division, shall be published once a week for three consecutive weeks, in a local newspaper, if any there be, and copies of the order shall be posted at the main entrance of the provincial and municipal buildings and in said buildings, before it is to take effect.

The Secretary of Agriculture and Natural Resources shall also adopt in each case such other means of publicity as he shall deem expedient to spread and maintain knowledge of the existence of the order among the people to be affected by it.

SEC. 11. *Prohibition of the use of obnoxious or poisonous substance in fishing.*—The use of any obnoxious or poisonous substance liable to stupefy, disable, or cause death of fishes or other aquatic animals for the taking of the same; or the placing of any such substance in fresh or marine waters of the Philippine Islands where it may cause the stupefaction, disablement, or death; or the gathering by any means of the fishes or other aquatic animals stupefied, disabled or killed by the action of poisonous substance shall be unlawful: Provided, however, That the Secretary of Agriculture and Nat-

ural Resources may issue permits for the use of poisonous substance in taking fish or other aquatic animals in limited numbers for scientific purposes only. Such authorized party must have the permit with him ready to exhibit on demand by any peace officer or deputy authorized in section five hereof to enforce the provisions of this Act.

SEC. 12. *Prohibition of the use of explosives in fishing.*—The use of dynamite or other explosives for the stupefying, disabling, killing, or taking of fish or other aquatic animals, or under water for any purpose except in the execution of bona fide engineering work and the destruction of wrecks or obstructions to navigation; or the gathering by any means of the fishes or other aquatic animals stupefied, disabled or killed by the action of dynamite or other explosives shall be unlawful: Provided, That the use of mechanical bombs for killing whales, crocodiles, sharks, or other large dangerous fishes, may be allowed, subject to the approval of the Secretary of

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Agriculture and [Commerce] Natural Resources and the Secretary of the Interior in taking fish or other aquatic animals in limited numbers for scientific purposes only. Permittees must be ready at all times to exhibit permits on demand by any peace officer or deputy authorized in section five hereof to enforce the provisions of this Act.

The possession and/or finding of dynamite, blasting caps, and other explosives in any fishing boat shall constitute a presumption that the said dynamite and/or blasting caps and explosives are being used for fishing purposes in violation of this section, and that the possession or discovery in any fishing boat of fish caught or killed by the use of dynamite or other explosives under expert testimony shall constitute a presumption that the owner if present in the fishing boat or the fishing crew have been fishing with dynamite or other explosives. (As amended by C. A. 471-1.)

SEC. 13. *Protection of fry or fish eggs.*—Except for scientific or educational purposes or for propagation, it shall be unlawful to take or catch fry or fish eggs and the small fish not more than three centimeters long, known as *siliniasí*, in the territorial waters of the Philippines. Towards this end, the Secretary of Agriculture and [Commerce] Natural Resources shall be authorized to provide by regulations such restrictions as may be deemed necessary to be imposed on the use of any fish net or fishing device, for the protection of fry or fish eggs; Provided, however, That the Secretary of Agriculture and [Commerce] Natural Resources shall permit the taking of the young of certain species known as ipon, and other species under such restrictions as may be deemed necessary. (As amended by C. A. 471-1.)

SEC. 14. *Water pollution.*—It shall be unlawful to place, cause to be placed, discharge or deposit, or cause to be discharged or deposited, or to pass or place where it can pass into the waters of the Philippines any pe-

troleum, acid, coal, or oil tar, lamp-black, aniline, asphalt, bitumen, or residuary product of petroleum or carbonaceous materials or substance, molasses, mining, mill tailings, or any refuse, liquid or solid, from any refinery, gas house, tannery, distillery, chemical works, sugar central, mill or factory of any kind, or any sawdust, shavings, slabs, edgings, or any factory refuse or any substance or material deleterious to fish or aquatic life. (As amended by C. A. 471-1.)

SEC. 15. *Importation and exportation of fish, mollusks, crustaceans, etc.*—The importation into and exportation from the Philippines of any fish, mollusks, crustaceans, or amphibian or other aquatic animal, adult, young, or fry or fish eggs for propagation or other purposes shall be effected only through a special permit from the Secretary of Agriculture and [Commerce] Natural Resources. An application for a permit shall be presented at least twenty days prior to the probable date of arrival or five days before exportation of such fish, mollusk, crustacean, or amphibian or other aquatic animals; for such permit a fee of not more than four pesos shall be paid. Failure to file the application within the time prescribed shall subject the importer to the payment of twice the ordinary fee and/or administrative fines as provided in section eighty hereof, without prejudice to criminal proceedings against importer or exporter under the penal provisions of this Act. For the inspection and prophylactic treatment of this importation a fee equivalent to two per centum of the declared value of the same shall be charged but such fee shall in no case be less than fifty centavos. (As amended by C.A. 471-1.)
(To be continued)

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The best government is not that which renders men the happiest, but that which renders the greatest number happy.

—Duclos

"FLYING SESSIONS"

Republic of the Philippines
DEPARTMENT OF JUSTICE
Manila

5th Indorsement
December 13, 1946

Respectfully returned to the Honorable, the Secretary of the Interior, Manila.

Opinion is requested on whether the request made in Resolution No. 106 of the municipal Council of Argao, Cebu, for authority to hold council meetings or "flying sessions" in different barrios within the jurisdiction of the municipality comes within the purview of Section 2220 of the Revised Administrative Code, which provides, among other things, that "the municipal council shall prescribe the time and place of holding its meeting."

In thus requiring the council to prescribe the time and "place" of holding its meetings, the manifest intention of the legislature is to limit the designation to only one place, the purpose being to appraise the people of the place fixed for the meetings, so that they may attend the same whenever they should so desire. "All acts done at another than the usual place bear the stamp of contrivancy, secrecy and fraud and the court will suspect an improper motive." (Glover, Mun. Corp., 152.) Where such place has been fixed, a municipal council may not legally meet at other places, except in cases of necessity or emergency. (2 McQuillin, Municipal Corporations, 532-533.) The intention to limit the holding of council meetings to a determinate place is further deducible from the provision requiring the municipal secretary, as clerk of the municipal council, to "keep his office in the building where the municipal council meets, or at same place convenient thereto, as the council shall direct" (Sec. 2212[c], Rev. Adm. Code).

The "flying sessions," if authorized, would make it difficult for the people in general to know at what particular place the council would meet on a given

date, with the result that those who may be desirous to attend the meeting would, in effect, be deprived of the opportunity to do so.

With reference to the purpose stated in the resolution, i.e., "to bring the government closer to the people", it may be noted that the same is amply taken care of by the provision of Section 2219-1/2 of the Revised Administrative Code, which provides that each barrio, or rural subdivision with a barrio lieutenant, shall have a Rural Council, which is empowered, among other things, to submit to the municipal council such suggestions or recommendations as it may see fit for improvements in their place or for the welfare of the inhabitants thereof.

Wherefore, the query above propounded is answered in the negative.

(SGD.) ROMAN OZAETA
Secretary of Justice

PRONUNCIAMENTOS

SERGIO OSMENA—*Ours is a government by law; the splendour of its majesty must never be dimmed in our land.*

* * *

EMILIO JACINTO—*I believe, and do firmly believe, that the prosperity of a people depends upon the people itself. A people, that knows and esteems reason and observes as its rule of conduct, goodness and dignity in all its acts, will not place itself at the mercy of any tyrant, or submit to force or fraud, or become a tool of the haughty and abominable prevaricator who rules from the heights of power.*

* * *

TRINIDAD H. PARDO DE TAVERA—*Through education, we may be sure of awakening the spirit of work, of tolerance, of peace, of economy, and of respect for the law,—of everything which makes life possible in liberal and democratic institutions, which are not inimical to but in consonance with, the ideals of liberty and democracy.*

"OUR LOCAL OFFICIALS"

Frontispiece Picture:

HON. MANUEL CUENCO

Provincial Governor of Cebu and Chairman, Conference of Provincial Governors and City Mayors.

Personal Circumstances:—Born in Cebu City, November 10, 1907 and married to nee Milagros Veloso.

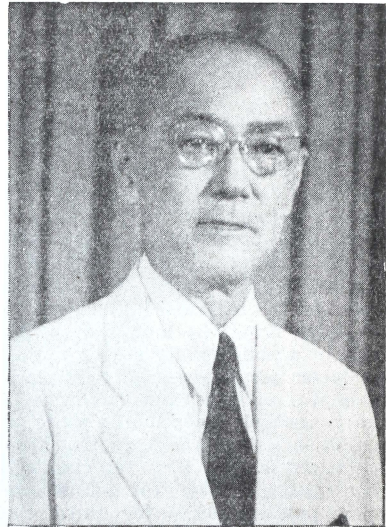
Schools attended and honors:—Always at top of class from elementary grades to high school; *magna cum laude* in A. A. (Pre-Medic); *Meritissimus* in Doctor of Medicine, U.S.T., 1931; post-graduate work in general medicine and surgery, University of Vienna, Austria; and practiced clinical surgery in Berlin, Germany.

Experiences and Positions held:—Plant Physician of Cebu Portland Cement Co. for three years; practiced profession at St. Joseph Hospital; Manager, Bisaya Land Transportation Co. (1935) and President and Manager of Monte de Piedad de Cebu (1941); appointed provincial governor of Cebu in 1946 at the age of 41; elected to same position in 1947 by unprecedented majority of 30,000 votes; and chosen unanimously early in 1948 as Chairman of the Conference of Provincial Governors and City Mayors.

Achievements:—Rebuilt roads of provinces; established eleven high schools in strategic municipalities; initiated opening of Sudlon Agricultural High School, a Soil Conservation Service, the Roxas Memorial School of Fishery, and a provincial nautical school. Plans reopening of Madrಿದೆjos Cannery and founding of a Cebuano colony in Negros Oriental.

Instrumental in installing modern sanitary facilities and starting new deal for prisoners and delinquents by having them taught handicrafts.

Ran provincial government economically and had unexpended balance of ₱200,000 at end of 1948 fiscal year.



BALBINO KABIGTING Y YUSON
Provincial Treasurer of Laguna

Birth, parentage and family.—Born in Arayat, Pampanga on March 31, 1878; grew up in San Isidro, Nueva Ecija; son of Nicolas Kabigting and Froylana Yuson; married on December 2, 1902 and became a widower on Nov. 1, 1947; had nine children—seven died in infancy and two, daughters, survived and already married.

Education.—Elementary education in Arayat, Pampanga and San Isidro, Nueva Ecija; secondary education in private colleges in Cabanatuan and Manila; obtained no college degree due to the revolution from 1896 to 1898.

Eligibilities.—Second grade, 1903; Assistant Provincial Treasurer, 1911; and Certified Public Accountant, 1927.

Experiences and Activities.—Clerk (Spanish Gov't.), Court of First Instance, San Isidro, Nueva Ecija, 1894-'95; clerk (Spanish Gov't), Justice of the Peace Court, Arayat, Pampanga, 1895-'96; Clerk (Spanish Gov't), Custom House, Manila, 1897-'98; principal
(Continued on page 226)

APPROPRIATION FOR ADDITIONAL POLICEMEN

"SIR:—The following are the answers to the "special questions" brought up in the conference held in the City of Iloilo by the Secretary of the Interior with the local officials of that province on December 6, 1948, with the request that said local officials be advised accordingly hereof:

"Question No. 1. To employ more policemen, can a municipality set aside more than 65% of its gross income for administrative expenses?

"Section 2299 of the Administrative Code limits the amount which may be expended from the municipal general fund of a municipality during any fiscal year for salaries and wages of municipal officials and employees, of every description, excluding those employed in public works, in the following percentages: 50% for first class municipalities; 60% for second class municipalities; 65% for third class municipalities; and 75% for fourth class municipalities.

"From the foregoing and, as a direct answer to the question, any municipality from 3rd class down may spend 65% of its income from the general fund for salaries and wages of its officials and employees, including policemen. Such municipalities may also set aside more than 65% of their general funds in order to employ more policemen, but the matter which is considered expenditure in excess of the

rate allowable for salaries and wages should have the previous authorization of the Provincial Board and the specific approval of the Secretary of the Interior pursuant to the provisions of Section 2299 of the Administrative Code. First and second class municipalities may also spend 65% or more of their general funds in order to employ more policemen if the need therefor is absolute, subject also to the approval of the higher authorities as indicated herein. In such cases, the local officials concerned should submit to the authorities concerned sufficient justification for the excess expenditure and should also give evidence that, based on the trend of revenue collection, the municipality concerned will not likely incur overdraft at the close of accounts of the fiscal year involved even if the excess is authorized.

"Question No. 2. If a town can not afford to pay salaries for emergency policemen, and there is need for same, what should its officials do?

"Under the provisions of our Un-numbered Provincial Circular, dated March 31, 1947, regarding the abolition of civilian guards, etc., and the organization, in lieu thereof, of a tem-

Conservation . . .

(Continued from page 206)

shall be transferred or assigned except to individuals, corporations, or associations qualified to acquire or hold lands of the public domain in the Philippines.

SEC. 6. The State may, in the interest of national welfare and defense, establish and operate industries and means of transportation and communication, and, upon payment of just compensation, transfer to public ownership utilities and other private enterprises to be operated by the Government.

Compliments
of

MOISES E. VILLANUEVA
Attorney-at-Law

Santo Tomas, La Union



porary police force, which may be extended to municipalities in provinces other than those therein mentioned (Province of Iloilo not mentioned) if conditions so require for a more effective restoration of peace and maintenance of peace and order in the municipalities concerned, positions of temporary policeman may be created with a nominal compensation of ₱1 per annum, if local funds are not available for the payment of adequate compensation. The municipal mayor may also authorize the head of the temporary police force so established, or a duly authorized representative of the police force to solicit from civic-spirited citizens voluntary aid in the form of cash, rice, or other foodstuffs as compensation for their gratuitous services, but authority to do so should first be secured from this Department and the Office of the President of the Philippines.

In certain meritorious cases, National aid may be granted to municipalities which do not have enough funds for the salary of additional positions of policeman, but because of the un-

certainty of such aids, it is always advisable for such municipalities needing additional positions of policeman to look for sources other than National aid. The province may also give aid to the municipalities for peace and order campaign including salaries of policemen.

"Paragraph No. 5 of Executive Order No. 175, series of 1938, provides that: 'In case of emergency, the governor may, in consultation with the provincial inspector, mobilize policemen from different municipalities to cope with the situation, and immediately advise the President of the Philippines thereof, giving full details as to the reasons for the mobilization, and municipalities affected, the number of policemen mobilized, and other pertinent information; but no chief of police or policeman shall be mobilized from his municipality to another for a period longer than fifteen days without the express authority of the President. All expenses in connection with such mobilization shall be paid from provincial funds.'—*Letter of Sec. of the Int., dated Dec. 29, 1948, to the Prov. Gov. of Iloilo.*

Instructions on the Enforcement
of
THE NEW MUNICIPAL AUTONOMY LAW
(Commonwealth Act No. 472)

—x—

Commonwealth of the Philippines
Department of Finance
PROVINCIAL CIRCULAR)
No. 12)

June 30, 1939

SUBJECT: Commonwealth Act No. 472 Revising the General Authority of Municipal Councils and Municipal District Councils to Levy and Collect Taxes, Charges, and Fees, Subject to Certain Limitations—Instructions on Enforcement of—Necessary Ordinances—
I. General Scope of Authority

Commonwealth Act No. 472, which went into effect on June 16, 1939, has revised the general authority conferred by Act No. 3422, as amended, upon municipal councils and municipal district councils to levy and collect taxes, charges, and fees.

Under section 1 of the said Commonwealth Act, a municipal council or municipal district council is authorized

1. To impose municipal license taxes upon persons engaged in any occupation or business or exercising privileges in the municipality or municipal district;

2. To collect fees and charges for services rendered by the municipality or municipal district; and

3. To levy for public local purposes just and uniform taxes.

II. Prohibitions

In the exercise of the above powers, the municipal council or municipal district council shall observe three distinct prohibitions. It cannot authorize the collection of

1. Percentage taxes;

2. Taxes on specified articles; nor

3. Any of the taxes, charges, or fees, enumerated in section 3 of Commonwealth Act No. 472.

III. Limitations

Section 4 of Commonwealth Act No. 472 further qualifies and limits the

powers granted municipal councils and municipal district councils under section 1 thereof. The said Commonwealth Act having added a new limitation to those imposed under the old law, these limitations are now of three kinds—

1. The rates of municipal license taxes which may be fixed or imposed by ordinance of the municipal council or municipal district council shall not exceed the rates of fixed internal-revenue privilege taxes regularly imposed by the National Government upon the same businesses or occupations, except on hotels, restaurants, cafés, 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. The rates of municipal license taxes which the municipal council or municipal district council may impose on businesses not covered in the preceding subparagraph, and subject to the fixed annual tax imposed in section 182 of the National Internal Revenue Code, shall not exceed ₱50 per annum; and

3. Any existing municipal license tax on any business, occupation, or privilege the rate of which is not limited above (1 and 2) may not be increased by the municipal council or municipal district council by more than fifty per cent at a time.

The above limitations may, however, be exceeded with the approval of the Secretary of Finance in accordance with section 4 of Commonwealth Act No. 472.

IV. Fees and Charges Collectible

The fees and charges referred to in paragraph 2 of heading No. I, above, are those collected for services rendered by the municipality or municipal district not required by law to be ren-

dered without charge or not otherwise limited by law.

V. *Levy of Special Assessments*

In the exercise of the power mentioned in subparagraph 3 of Heading No. 1, above, the municipal council may, according to an opinion of the Attorney-General, levy special assessments upon real estate. Inasmuch, however, as Commonwealth Act No. 470, known as the Assessment Law, expressly authorizes such levy by municipal councils and prescribes in detail the procedure to be followed by municipal councils in the levying of such special assessments, municipal councils are hereby enjoined to levy such assessments, whenever desired, under the provisions of the latter law and to follow the procedure therein prescribed.

VI. *Changes in the Law*

The important changes in the law are as follows:

1. *Increase of maximum rates which the municipal council or municipal district council may impose without the approval of the Secretary of Finance.*—The maximum rates of municipal license taxes that may be imposed by municipal councils and municipal district councils without the approval of the Secretary of Finance have been increased from 50 per cent to 100 per cent of the rates of fixed national internal revenue privilege taxes, in the case of businesses and occupations subject to such internal-revenue privilege taxes under sections 193 and 201 of the National Internal Revenue Code, Commonwealth Act No. 466 (formerly under section 1464 of the Administrative Code), and from ₱25 to ₱50 per annum, in the case of businesses subject to the fixed annual tax imposed in section 182 of the National Internal Revenue Code (formerly under section 1457 of the Administrative Code).

2. *New limitation on power of council to increase any existing municipal license tax.*—Section 4 (3) of Commonwealth Act No. 472 prescribes the new requirement that, whenever the rate of municipal license tax on any business, occupation or privilege not subject to the limitations mentioned in

the preceding subparagraph is increased by more than 50 per cent, the approval of the Secretary of Finance shall be secured.

3. *Elimination from the field of national taxation of certain businesses.*—Certain businesses formerly taxed by both the National and the municipal governments have been eliminated from the field of national taxation and placed under the exclusive jurisdiction of municipal authority. While retail dealers in tuba, basi, and tapuy; proprietors of cockpits; cockfights; proprietors of theaters, museums, cinematographs, and concert halls; proprietors of circuses giving exhibitions in one or more places or provinces; proprietors of billiard rooms; and pawnbrokers were taxed under section 1464 of the former Internal Revenue Law, the revenues derived therefrom accrued, in accordance with section 486 of the Administrative Code, exclusively to the municipal governments, in addition to the municipal license taxes levied thereon and directly collected by the municipalities and municipal districts. These businesses are now placed under the exclusive authority of the local governments for taxation purposes, but pending action by the municipal councils and municipal district councils, section 2 of Commonwealth Act No. 472 has fixed the minimum rates that shall be collected from the said businesses, which were the rates formerly fixed by the National Government, except that of the annual tax on retail dealers in tuba, basi, and tapuy, which has been reduced from ₱10 to ₱5. Said section 2 of Commonwealth Act No. 472 had the effect of rendering inoperative, from and after June 16, 1939, all existing ordinances of municipalities and municipal districts, in so far as said businesses are concerned, whether the rates therein fixed were lower or higher than those fixed in the law. As a result, municipalities would be losing in revenue if they do not (or have not done so since June 16, 1939) fixed a rate of municipal license tax on each of the said businesses equivalent to at least the combined (former) national

rate and the existing municipal rate.

Under section 2 of Act No. 2984, as amended by Act No. 3865, sparring or boxing exhibitions are taxed by the National Government at the rates therein fixed, in addition to such tax as each municipality may fix by ordinance. In accordance with section 369 (b) of the National Internal Revenue Code, the said section 2 of Act No. 2984, as amended, shall be considered repealed after the cities and municipalities shall have lawfully taxed the said business at not less than the National rates fixed in section 2 of Act No. 2984, as amended. The transfer of this business from the field of national taxation to the exclusive jurisdiction of the local governments is therefore conditioned upon the latter's taxing the same at not less than the national rates. It will be noted that the imposition of the combined national and municipal rates of tax on the said business will not mean any additional burden on the part of the taxpayers concerned but would, on the other hand, give an additional revenue to the local governments.

Proprietors, lessees, or concessionaires of cabarets had been taxed by the National Government at ₱50 per annum since the enactment, on November 21, 1936, of Commonwealth Act No. 215 which added a new subsection to section 1464 of the Administrative Code. This business is no longer taxed by the National Government under the National Internal Revenue Code. With the elimination from the field of national taxation of this business which has always been taxable by the municipalities and municipal districts, the imposition thereon of a rate of municipal tax equivalent to at least the combined (former) national rate of ₱50 and the existing municipal rate will not mean any additional burden on the part of the taxpayers but would rather give an additional revenue to the municipalities and municipal districts so taxing it.

4. *Businesses and occupations newly made subject to local taxation.*—Sugar centrals, rice mills, coconut oil facto-

ries, tanning industries, hemp-grading establishments, embalmers, piano tuners, and piano repairers who do not carry on their trade in their own shops or establishments, which were formerly exempt from municipal taxation under section 1 of Act 3422, as amended, have now been eliminated from the exempt class of businesses and occupations under section 3 of Commonwealth Act No. 472. These businesses and occupations may now therefore be lawfully taxed by the municipal councils or municipal district councils under the powers conferred upon them in section 1 of Commonwealth Act No. 472.

In order to maintain at least the combined rates of national and municipal levy on the businesses mentioned in subparagraph 3, above, namely, businesses eliminated from the domain of national taxation, each municipal council and municipal district council (unless, in the case of the businesses mentioned in Nos. 1 to 6, below, it has already done so after June 16, 1939) should approve appropriate ordinances imposing municipal license taxes equivalent to at least the combined national and municipal rates upon:

1. Retail dealers in tuba, basi and tapuy ₱ 10.00+
2. Proprietors of cockpits ... 200.00+
[Each cockfight (soltada)25]
3. Proprietors of
 - (a) Theaters 100.00+
[By the month 10.00]
 - (b) Museums 100.00+
[By the month 10.00]
 - (c) Cinematographs 100.00+
[By the month 10.00]
 - (d) Concert halls 100.00+
[By the month 10.00]
4. Proprietors of circuses giving exhibitions in one or more places or provinces 200.00+
[By the month 20.00]
5. Proprietors of billiard rooms
For each table 10.00+
6. Pawnbrokers 400.00+
7. Sparring or boxing exhibitions:

(Continued on page 226)

Scope Of Regulatory Power Of Municipal Councils

Eusebio Pelino, plaintiff-appellee, vs. Jose Ichon, et al., defendants. Jose Ichon, defendant-appellant, G. R. No. 46455, Oct. 31, 1939, AVANCEÑA C. J.

MUNICIPAL CORPORATIONS: ESTABLISHMENT OF COCKPITS; SCOPE OF REGULATORY POWER.—A municipal council is empowered to pass an ordinance allowing the establishment of such number of cockpits as may be applied for. The law grants the municipal council discretion to either regulate or prohibit the establishment of cockpits. (Sec. 2234, Adm. Code). If the council does not absolutely prohibit its establishment, which it may do, it is understood that the establishment thereof is allowed, in which case it may be regulated. This regulatory power includes the power to fix its number, since the law does not determine the number of cockpits that may be established or limit it to one.

DECISION

El demandante tiene establecida una gallera en el Municipio de Tanauan, Leyte, con licencia expedida con arreglo a la ordenanza municipal No. 20 de 1935 que permite el establecimiento de una sola gallera en el municipio.

El 15 de marzo de 1938 el concejo municipal de Tanauan aprobó otra ordenanza No. 8 permitiendo el establecimiento de tantas galleras como se soliciten. El Presidente Municipal interpuso su veto contra esta ordenanza. Pero el concejo municipal, que se compone de seis concejales, mantuvo esta Ordenanza No. 8 sobre el veto del Presidente mediante el voto de dos terceras partes de sus miembros.

El demandado, a su vez, obtuvo licencia con arreglo a esta Ordenanza No. 8 para establecer otra gallera en el mismo municipio.

El 8 de junio de 1938 el demandante Eusebio Pelino esta acción contra Jose Ichon y el concejo municipal de Tanauan pidiendo que la Ordenanza Municipal No. 8 sea declarada nula y el demandado Ichon sea condenado a pagarle, en concepto de daños y perjuicios, la cantidad de ₱2,000.00.

El Juzgado, a petición del demandan-

te, expidió en 9 de abril del mismo año un interdicto prohibitorio preliminar contra los demandados, interdicto que fué anulado en el mismo día mediante fianza prestada por el demandado Ichon.

El Juzgado declaró ilegal y nula la ordenanza No. 8, restableció el interdicto prohibitorio dictado contra los demandados y condenó al demandado Ichon a pagar al demandante la cantidad de ₱2,000.00 como daños y perjuicios. Contra esta decisión apeló el demandado.

El único fundamento expresado en la decisión apelada para anular la ordenanza No. 8 es el que la misma está en pugna con el espíritu del Artículo 2338 del Código Administrativo Revisado y es una extra-limitación de las facultades concedidas al Concejo Municipal por el Artículo 2243 del mismo Código.

La parte de la ordenanza No. 8 por la cual la declara nula é ilegal el Juzgado es la que se refiere a la permisión de tantas galleras en el municipio cuantas soliciten. Pero, el Concejo Municipal al dictar esta ordenanza obró dentro de sus facultades. La ley le concede discreción para reglamentar ó prohibir las galleras (Artículo 2234 del Código Administrativo Revisado.) Aunque, según esto, el concejo municipal puede prohibir las galleras en absoluto, cuando no lo hace, se entiende que están permitidas y en este supuesto puede reglamentarlas. Esta facultad de reglamentar incluye la de fijar su número, ya que la ley no lo fija ni lo limita a una.

El Juzgado condenó al demandado a pagar al demandante ₱2,000.00 en concepto de daños y perjuicios por considerar que el demandante sufrió estos perjuicios con motivo del establecimiento de la gallera del demandado. Claramente se ve que en los hechos expuestos no existe ningún motivo de acción contra el demandado. El estableció su gallera en virtud de una licencia expedida con arreglo con la ordenanza No. 8, en cuya aprobación no intervino

Instructions . . .

- (a) In the capitals of Cebu, Iloilo, Zamboanga, and Davao 400.00+
 - (b) In first and second class municipalities 280.00+
 - (c) In third, fourth and fifth class municipalities 200.00+
8. Proprietors, lessees, or concessionaires of cabarets 50.00+

For example, if in municipality "X" the existing annual rate of municipal license tax on retail dealers in tuba, basi, and tapuy is ₱8, then the annual rate of municipal license tax to be fixed now for such business should be ₱10 plus ₱8 or ₱18 x x x

To repeat, the imposition of the combined national and municipal rates on the above business will not mean any additional burden on the part of the taxpayers concerned since, as already stated, the national taxes thereon have been or are being abolished. Provincial boards, provincial treasurers, and municipal and municipal district treasurers should therefore urge municipal councils and municipal district councils to act immediately in accordance with the above instructions. Should the combined rate x x x exceed by more than 50% the municipal license tax in force in the municipality or municipal district, such increase is hereby approved under the provisions of Section 4(3) of Commonwealth Act No. 472.

(To be continued)

Scope . . .

en manera alguna.

Se revoca la sentencia apelada, se declara válida la ordenanza No. 8 del Municipio de Tanauan, Leyte, y se absuelve al demandado de la condena de daños y perjuicios, sin especial pronunciamiento en cuanto a las costas.

Así se ordena.

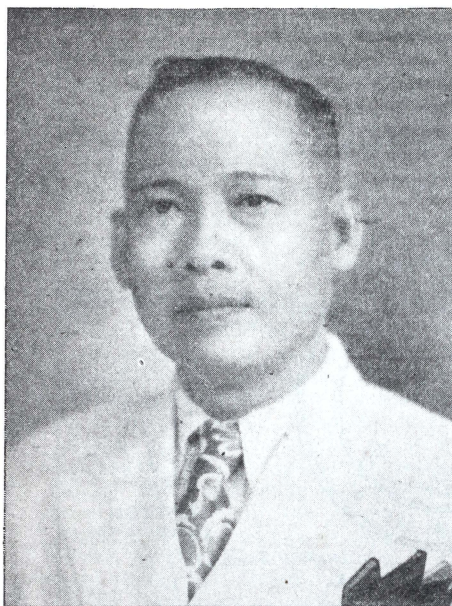
RAMON AVANCEÑA

CONFORMES: *Antonio Villa-Real, Carlos A. Imperial, Anaclato Diaz, Jose P. Laurel, Pedro Concepcion, Manuel V. Morán.*

OUR LOCAL . . .

clerk (Spanish Army), Quartermaster, Cabanatuan, Nueva Ecija and San Fernando, Pampanga, 1898; special deputy, Provincial Treasury, San Isidro, Nueva Ecija, 1901; traveling deputy, Provincial Treasury, San Isidro, Nueva Ecija, 1902-'04; Municipal Treasurer and Deputy Provincial Treasurer, San Isidro, Nueva Ecija, 1904-'06; Deputy Treasurer, Provincial Treasury, San Isidro, Nueva Ecija, 1908-'09; senior clerk, District Auditor, San Isidro, Nueva Ecija, 1909-'10; chief clerk and deputy, Provincial Treasury, Bulacan, 1910-'12; Actg. Provincial Treasurer, Bulacan, 1912-'13; chief clerk and deputy treasurer, Provincial Treasury, Bulacan, 1913-'14; Actg. Provincial Treasurer, Bataan, 1914-'16; Provincial Treasurer and Agent, P.N.B., Surigao, 1916-'17; Provincial Treasurer, Bohol, 1917-'20; Provincial Treasurer, Rizal, 1920-'21; Provincial Treasurer of Laguna and President, Provincial Treasurers' Association, 1921-'33; Provincial Assessor, Laguna, 1925-'33; Agent, P.N.B., Laguna, 1921-'33; Provincial Treasurer, Provincial Assessor, and Agent, P.N.B., Rizal, 1933-'39; Provincial Treasurer, Provincial Assessor and Agent, P.N.B., Batangas, 1939-'44; Provincial Treasurer, Rizal, 1944; and Provincial Treasurer, Provincial Assessor and Agent, P.N.B., Laguna, 1945—.

Designations. — Member, Financial Survey Committee of the Department of the Interior and Labor, 1933; Member, Committee on Local Finance, in cooperation with the Constitutional Convention, 1934; Supervising Treasurer for the Third District (Rizal, Marinduque, Mindoro, Cavite, Bataan, Palawan and Manila), 1935; Member, Committee on Coordination of Collection Activities (Dept. of Finance), 1937; one of the judges of the Sweepstakes draw of 1937 and detailed in 1939 by the President of the Philippines to assist in the assessment work in the newly created Quezon City.



LADISLAO PALMA
Provincial Auditor of Cebu

Born in Camiling, Tarlac, on June 27, 1895; graduated from the intermediate school of same town in March, 1910; appointed municipal teacher of said town at ₱15 a month; studied stenography, typewriting and bookkeeping; employed as clerk in the unclassified municipal treasury service in Camiling, Tarlac, and provincial treasury of Bohol and Cebu, 1912-13; entered the classified civil service on May 1, 1913 in Butuan, Agusan; clerk, Auditor's Office, Bukidnon, 1916; served in District Auditors' Offices in several provinces in Luzon and in Mindanao, transferring from the Mt. Province to the Central Office, Manila, in 1920. In Manila, he was assigned in the Department of Corporations, Inspection and Examination as field examiner at ₱1800 per annum; made in 1923 as

APRIL, 1949

chief of section in the Department of Insular Audits at ₱2400; transferred to the Bureau of Lands in 1924 as Chief Accountant at ₱3,200; returned to the Bureau of Audits in 1929 and started his career as Provincial Auditor in one dozen provinces of Luzon, and the Visayas from 4th, thru 3rd and 2nd, to 1st-class provinces, with Cebu, his present station, as his 13th assignment from 1947, by transfer from Negros Occidental. Auditor Palma is also an attorney-at-law and a certified public accountant.

(Continued on page 236)

It is just as hard to do your duty when men are steering at you as when they are shooting at you.

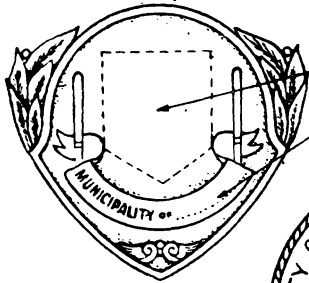
—Woodrow Wilson

United Wine Merchants

*Manufacturers of
high class wine*

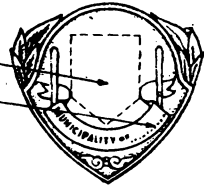
884-892 Trabajo, Manila

OFFICE OF THE PRESIDENT
OF THE PHILIPPINES
MALACANAN
PHILIPPINES HERALDRY COMMITTEE
MUNICIPAL SEAL, POLICE BADGES & INSIGNIAS

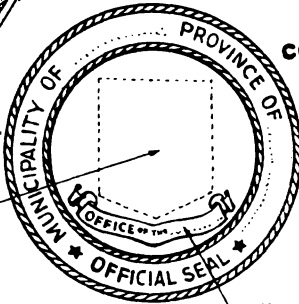


HEADGEAR
• ACTUAL SIZE •

Approved Provincial Seal

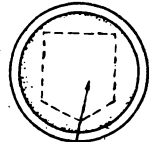


Approved Provincial Seal
Name of Municipality



MUNICIPAL SEAL
• ACTUAL SIZE •

COLLAR ORNAMENT
• ACTUAL SIZE •



BUTTON
• ACTUAL SIZE •

Mayor or Treasurer



POLICE BADGE
ACTUAL SIZE



OFFICER'S BADGE



Approved Provincial Seal

SPECIFICATIONS :

1. Material - Brass polished.
2. Seal - natural color - hand enamel.
3. Officers Badge - Rank plated in blue enamel - letters in gold plated.
4. Badge numbers - white vitreous enamel background with blue numbers.

FOR THE PHILIPPINES HERALDRY COMMITTEE

APPROVED
BY AUTHORITY
OF THE PRESIDENT

TEODORO EVANGELISTA
EXECUTIVE SECRETARY

GILBERT S. PEREZ
TECHNICAL CONSULTANT
AND ACTING SECRETARY

THE MUNICIPAL POLICE LAW ANNOTATED

by JUAN F. RIVERA

Chief, Provincial Division, Department of the Interior, and Member,
Malacañan Special Legislative Assistance Committee.

ARRESTS AND SEIZURES

(Continued from last issue)

Same—Arrest upon information by telegraph.—Definite information by telegraph from a known peace officer will justify an arrest, but the statement of facts on which an arrest is requested should be clear and specific. The telegram should state that a warrant has been obtained, the amount of bail required for the provisional liberty of the accused and the official authorized to accept the bond.¹ Telegrams to another province requesting the arrest of anyone on a warrant issued by a justice of the peace must state that the warrant is indorsed by the judge of the Court of First Instance or, in his absence, by the Provincial Fiscal. In such cases, the warrant must be immediately forwarded by mail.² The telegrams must give a description of the person desired to be arrested and, when possible, names and addresses of friends or relatives.³

Arrest upon order of a judge.—When an offense is committed in the presence of a judge, he may, by an oral or written order, command any person immediately to arrest the offender, and may thereupon proceed as though the offender had been brought before him on a warrant of arrest.⁴

In making arrest by judicial orders of arrest, the duty of the municipal police is limited to bringing before the court the person ordered arrested, and the return to the court of the order with note of action taken.⁵

A warrant for the arrest of the defendant in a criminal case may be issued by the Justice of the Peace or the auxiliary Justice of the Peace of the municipality where the offense was committed;⁶ or in case of their absence, inability or disqualification, by the municipal mayor;⁷ or by the Justice of the Peace

of the provincial capital or municipality where the provincial jail is located, when directed by an order of the Judge of the Court of First Instance,⁸ or by the Judge of the Court of First Instance himself;⁹ without prejudice to the right of the Judge of the Court of First Instance to authorize the Justice of the Peace of the municipality nearest to that of the commission of the offense to exercise the said functions.¹⁸

Upon issuing the order of arrest, the magistrate shall ascertain the residence of the defendant, and if the latter lives beyond the territorial jurisdiction of the said magistrate, he should fix the bond and authorize the Justice of the Peace or Judge of the Court of First Instance of the municipality or province where the defendant may be found to admit him to bail.¹¹

An order of arrest, issued in the manner and form just indicated, may be served anywhere within the Philippine Islands but in order that an order of arrest issued by a Justice of the Peace may be served outside his province, it is necessary that the Judge of the Court of First Instance, or in his absence, the provincial fiscal, shall certify that in his opinion the interests of justice require such service.¹²

Arrest without warrant—When lawful.—A peace officer or a private person may without a warrant, arrest a person: (a) when the person to be arrested has committed, is actually committing, or is about to commit an offense in his presence; (b) when an offense has in fact been committed, and he has reasonable ground to believe that the person to be arrested has committed it; and (c) when the person to be arrested is a prisoner who has escaped from a penal establishment or place where he is serving final judgment or temporarily confined while his case is pending, or has escaped while

being transferred from one confinement to another.¹³

Members of the police force are empowered to make arrests, without warrant, for breaches of the peace committed in their presence, or, upon reasonable suspicion, for other violations of the law of a more serious nature; but they must act in good faith and have reasonable grounds for suspicion of the guilt of the persons arrested.¹⁴ Probable cause for an arrest without warrant is such a reasonable ground of suspicion supported by circumstances sufficiently strong in themselves as to warrant a reasonable man in believing the accused to be guilty. Besides reasonable ground of suspicion, action in good faith is another protective bulwark for the officer. Under such conditions, even if the suspected person is later found to be innocent, the peace officer is not liable. So a policeman, acting under the order of his chief who desires to put a stop to pilfering in a certain locality, who patrolled his district and, at about midnight seeing two persons in front of an uninhabited house and then entering an uninhabited *camarin*, arrested them without warrant, even though no crime had been committed, is not guilty of coercion or arbitrary detention.¹⁵ The cases hold that a peace officer might arrest and detain in prison for examination persons walking in the street at night whom there is reasonable ground to suspect of felony, although there is no proof of a felony having been committed; but the arrest would be illegal if the person so arrested was innocent and there were no reasonable grounds of suspicion to mislead the officer. The reason of the rule is apparent. Good people do not ordinarily lurk about streets and uninhabited premises at midnight. Citizens must be protected from annoyance and crime. Prevention of crime is just as commendatory as the capture of criminals. Surely the officer must not be forced to await the commission of robbery or other felony. The rule is supported by the necessities of life.¹⁶

Municipal police officers have sub-

stantially the same powers as the police officers of the City of Manila "in making arrests without warrant" and they may pursue and arrest without warrant any person found in suspicious places or under suspicious circumstances, reasonably tending to show that such person has committed or is about to commit any crime or breach of the peace, may arrest or cause to be arrested without warrant, any offender when the offense is committed in the presence of a peace officer or within his view."¹⁷ An offense is committed in the presence or within the view of an officer, within the meaning of the rule authorizing an arrest without a warrant, when the officer sees the offense, although at a distance, or hears the disturbance created thereby and proceeds at once to the scene thereof; or the offense is continuing, or has not been consummated, at the time the arrest is made.¹⁸

It would be exacting too much of police officers to require them to inform themselves as to the right or wrong of a quarrel before making an arrest. Their first duty is to restore order, and in doing so they may, in their honest judgment, act on such facts as are patent to their eyes, indicating the guilty person, and in so doing, for the purpose of suppressing present disorder, they may arrest without a warrant.¹⁹ For misdemeanors amounting to a breach of the peace, committed in the presence or within the view of a peace officer, the culprit may be arrested although without any order of arrest.²⁰ When one is legally arrested

Compliments of

Quijano Pharmacy

Oroquieta, Misamis Occidental

for an offense, whatever is found in his possession or in his control may be seized and used in evidence against him; and an officer has the right to make an arrest without a warrant of a person believed by the officer upon reasonable grounds to have committed a felony.²¹

Peace officers having prisoners in charge must take every reasonable precaution to prevent an attempt to escape. A peace officer who kills a fleeing prisoner would be held liable unless it is clear that all proper precautions had been taken to prevent any attempt to escape. He may fire upon an escaping prisoner who is guilty of a grave crime, and he is not criminally liable for homicide in the event he should kill such prisoner.²²

Same—When unlawful.—Good faith and reasonable ground do not excuse an officer making an arrest which was illegal for the reason that he had exceeded his power.²³ If the arrest was made for the reason that, as the officer put it, "I wanted to see, if he had committed a crime", the same is not a legal cause for making an arrest.²⁴ A policeman who, without a warrant, arrests for a misdemeanor a person who has not committed any misdemeanor commits the crime of coercion;²⁵ Also a policeman had no right to arrest the victim even assuming that the latter had really wounded another during the fight, since the said policeman was absent all during and immediately after the fight.²⁶ He cannot, without a warrant, in reliance on extrinsic testimony arrest for violation of a municipal ordinance a person whom he has not seen committing the offense nor can he make the arrest on that charge after the violation has ceased.²⁷

Any irregularity committed in effecting the arrest may be waived by the defendant, by giving bail, entering a plea of not guilty, and proceeding to the trial of the case.²⁸

Time of making arrest.—An arrest may be made on any day and at any day or night.²⁹ Arrests without warrant shall be made only where the ele-

ment of time is of such importance that the loss of time necessary to procure a warrant would be likely to cause the escape of a dangerous criminal, or cause damage or injury to life or property.³⁰

Whenever a member of the police force makes an arrest without warrant, he must deliver the person arrested to the proper judicial authority as soon as practicable within the period of six hours from the time of arrest.³¹ Obviously there are cases where police officers can not deliver persons under arrest to proper judicial authority within the period of six hours.³² The provisions of article 125, Revised Penal Code, as amended by Act No. 3940, should not, therefore, be interpreted literally. In *People v. Acasio, et al.*,³³ where the Chief of Police of Tudela, Misamis Occidental, accused of Arbitrary Detention for having arrested two persons at about 8 o'clock at night and detained until the following morning, the Supreme Court held "that the detention was in fact for a longer period than six hours and, if the article referred to should be literally applied the appellant was undoubtedly rightly convicted. But it will be noted that the arrest was effected about or shortly after eight o'clock at night, and the individuals arrested were released at about six the next morning. During this interval no judicial officer was accessible to whom the arrested persons could be delivered, and it was not incumbent on the appellant to disturb any person for the purpose of making delivery. If the arrested persons had been held until official hour and detained unduly after that time, conviction would have been proper. The judgment appealed from must be reversed and the appellant will be absolved from the complaint."

Method of arrest—By virtue of Warrant.—When making an arrest by virtue of a warrant the officer shall inform the person to be arrested of the cause of the arrest and of the fact that a warrant has been issued for his arrest, except when he flees or forcibly

resist before the officer has opportunity so to inform him, or when the giving of such information will imperil the arrest. The officer need not have the warrant in his possession at the time of the arrest but after the arrest, if the person arrested so requires, the warrant shall be shown to him as soon as practicable.³⁴

Same — Without warrant.— When making an arrest without a warrant, the officer shall inform the person to be arrested of his authority and the cause of the arrest, unless the person to be arrested is then engaged in the commission of an offense, or is pursued immediately after its commission or after an escape, or flees or forcibly resists before the officer has opportunity so to inform him, or when the giving of such information will imperil the arrest.³⁵

If a person lawfully arrested escapes or is rescued, the person from whose custody he escaped or was rescued may immediately pursue and retake him without a warrant at any time and in any place within the Philippines. To retake the person escaping or rescued, the person from whose custody he escaped who is lawfully pursuing may use the same means as are authorized for an arrest. Any person making arrest for legal ground shall, without unnecessary delay and within the time prescribed in the Revised Penal Code, take the person arrested to the proper court or judge for such action as they may deem proper to take.³⁶

Same—Rights of arresting officer.
—A peace officer armed with lawful

Compliments of

Hon. Marcos M. Calo

Congressman
from Agusan Province

warrant, or when making a lawful arrest without a warrant, has a right, and it is his duty to use every necessary means to effect the arrest.³⁷ If resistance is offered to an arrest, a peace officer may use such force as is necessary to overcome the resistance. However, violence which will probably result in the death of a person to be arrested may only be used when the peace officer is in extreme danger, and when such force is necessary for his self-protection.³⁸ If the person accused of a grave crime refuses to be arrested and continues his flight, the peace officer has the right to kill the escaping accused if he cannot otherwise take him. This right does not exist in cases of minor offenses. A peace officer is never justified in killing in order to effect an arrest for a minor offense, even though there be no other way to prevent his escape. Such means to prevent the escape should only be resorted to when the crime is of a grave character, and the guilt of the person fleeing is evident and clear. But no matter what offense a prisoner may have committed, a peace officer is not justified in killing him, if there is any other way of preventing his escape.³⁹ In determining the probability of an attempt to avoid arrest or to escape due consideration should be given to the gravity of the offense charged and the character, reputation, and station in life of the accused.⁴⁰

An officer, in order to make an arrest by virtue of a warrant, or when authorized to make such an arrest for an offense without a warrant, may break open a door or window of any building in which the person to be arrested is or is reasonably believed to be, if he is refused admittance thereto, after he has announced his authority and purpose. Such officer may break open a door or window of the building, if detained therein, when necessary for the purpose of liberating himself. He may break open a door or window of any building when necessary for the purpose of liberating a person who entered the building to make an arrest and is detained therein.⁴¹

Any officer making a lawful arrest may orally summon as many persons as he deems necessary to aid him in making the arrest. Every person so summoned by an officer shall aid him in the making of such arrest, when he can render such aid without detriment to himself.⁴² A private person when making an arrest shall inform the person to be arrested of the intention to

arrest him and the cause of the arrest, unless the person to be arrested is then engaged in the commission of an offense, or is pursued immediately after its commission or after an escape, or flees or forcibly resists before the person making the arrest has opportunity so to inform him, or when the giving of such information will imperil the arrest.⁴³

1. Par. 134, State Police Regulations.
2. Par. 135, *id.*
3. Par. 136, *id.*
4. Sec. 5, Rule 109, Rules of Court.
5. Par. 131, State Police Regulations.
6. Act No. 194-1.
7. Act 194-3; Act 2711-2197.
8. Act 1627-37.
9. Act 1627-37.
10. Act 2711-211; *Magbanua v. Tordesillas*, 39 Phil. 187.
11. Act 3042-1.
12. Act 1627-30; *Torrente v. Grove et al.*, 5 Phil. 451.
13. Sec. 6, Rule 109, Rules of Court.
14. Par. 102, State Police Regulations; Par. 100, Manual for the Municipal Police.
15. U. S. v. Santos, 36 Phil. 853.
16. *Id.*, citing *Miles v. Weston*, 60 Ill., 361.
17. U. S. v. Batallones, *et al.*, 23 Phil. 47.
18. U. S. v. Samonte, 16 Phil. 517.
19. U. S. v. Burguete *et al.*, 10 Phil. 189.
20. U. S. v. Vallejo, 11 Phil. 193; U. S. v. Santos, *supra*.
21. *Alvero v. Dizon et al.*, G. R. No. L-342, May 4, 1946.
22. Pars. 118 & 119, State Police Regulations.
23. U. S. v. Alexander, 8 Phil. 29.
24. U. S. v. Hochaw, 21 Phil. 514.
25. U. S. v. Alexander, *supra*, following U. S. v. Ventura, 6 Phil. 385.
26. *People v. Daus*, C.A. G.R. No. 3062, Feb. 28, 1940.
27. U. S. v. Alexander, *supra*.
28. U. S. v. Grant, *et al.*, 18 Phil., 122.
29. Sec. 7, Rule 109, Rules of Court.
30. Par. 103, State Police Regulations; par. 101, Manual for the Municipal Police.
31. Art. 125, R.P.C., as amended by Act 3940; par. 104, State Police Regulations.
32. Par. 105, State Police Regulations.
33. G. R. No. 40472.
34. Sec. 8, Rule 109, Rules of Court.
35. Sec. 9, Rule 109, Rules of Court.
36. Secs. 15-17, *id.*
37. Par. 113, State Police Regulations.
38. Par. 114, *id.*
39. Pars. 115-116, *id.*
40. Par. 117, *id.*
41. Secs. 12 to 14, Rule 109 Rules of Court.
42. Sec. 11, *id.*
43. Sec. 10, *id.*

(To be continued)

Modern Bazar

BENITO TAN, *Manager*

*Dealers in Textiles &
General Merchandise*

Boac,

Marinduque

CAUSES OF RED TAPE*

Red tape is delay, numerous regulations, inflexibility, unresponsiveness to customer desires. A certain amount of it is inherent and ineradicable in any large-scale enterprise, public or private. The reasons for government red tape are definite and apparent. In the first place, it must act through law and adhere to statutory provision. Private business can usually make exceptions, but public employees must abide by the law or be punished. The second reason is that government is expected to treat all persons equally, none with special favor. Here, again, business enterprises are not so circumscribed in what they can do; but if government began playing favorites, there would be no end of it, and popular indignation would become greater than it does with the grossest cases of red tape.

Public employees often find that it is more important to be consistently correct than to be constantly trying to please the customer. It should be possible to do both, of course, but the customer-is-always-right attitude is sure to result in petty inconsistencies and breaches of regulations. Government could stand such exceptions more than it does. When the executive is progressive and fearless, customer responsiveness and consistency are combined. The nervous-old-woman type at the head of public departments is what hurts government's reputation.

In the third place, red tape is an inevitable by-product of faulty organization. Delay is usually caused by the employee's need to get authority or confirmation for a certain act. When authority is direct and immediate, government can be as prompt as any other organization of equal size. The object should be to simplify lines of responsibility, to delegate authority farther down the line. Difficulty arises when a staff service, such as finance, comes to have operating responsibilities. Then, instead of serving the responsible

executive, it ties him up in Lilliputian threads.

Another case in which red tape is a reflection of bad organization is found when many duties or services are thrown into the same department, causing both the public and the officials to become confused. Contrast this with an organization which furnishes only one service, such as telephone communication. The objective is clear—the best telephone service at the cheapest price. Everything in the organization can be planned to that end, and all service is judged by that standard; but when the services are many, the adequacy with which any one is handled suffers correspondingly.

The police functions of government give it a reputation for red tape. Restriction is universally disliked. "Officiousness" is a symbol of governmental administration. As service functions increase, there is less of this. Salesmanship becomes the motif. Moreover, it is possible to train control officials in manners and more acceptable attitudes. The greatest change in police administration during the last generation is the training of patrolmen to consider what the public thinks and feels. The idea of policemen being given lessons in politeness may seem funny, but this is actually what happens in the larger departments.

The eradication of government red tape is not hopeless. In a government of laws, there is always bound to be some of it; but if administrative faults were corrected and if public employees were convinced of the desirability of a sales attitude, the amount of it would be no greater than in other organizations of like size. But is there an unbridgeable gap between what might be done and what will be accomplished?

* By Marshall E. Dimock, Associate Professor of Public Administration in the University of Chicago, in his *Modern Politics and Administration*, pp. 252-254.

SANITARY MEASURES DURING FIESTAS

(Sec. 164, C.P.C.)

The following extract from a communication dated September 16, 1915, of the Director of Health is published for the information and guidance of all concerned:

"In connection with the work for the control and eradication of dangerous communicable diseases, one of the means by which the efforts of the health officials are rendered ineffective in some measure, is the annually recurring 'fiesta.'

"A 'fiesta' means a concentration from all portion of nearby territory of an extraordinary amount of food-stuffs, much of which are improperly prepared and handled, and exposed to contamination. The reason for the 'fiesta' may be a celebration at some religious shrine to which many sick people are brought in the hope of improvement. Any contagious disease which may exist at any of the points from which these foods and people come may thus be carried to and concentrated at the place at which the 'fiesta' is held, and, it has been found by actual experience that diseases have been spread in this way, not only to most of the territory from which the people came, but to points at a great distance therefrom.

"The reasons for this distribution of disease have been a lack of sanitary preparation to accommodate the crowds and insufficient effort to control the preparation and sale of food and drink provided. In order to meet this menace, each and every town at which

a 'fiesta' is held should make the following provision to care for the extraordinary population and its attendant conditions:

"(1) To provide temporary convenience station at points of greatest concentration, such as near the church, at the feria, near cinematographs, the plaza, etc. These convenience stations must be adequate to care for the demands of the crowds; must be kept clean, disinfected, and otherwise supervised; and their contents must be disposed of as often as necessary and in a thorough manner.

"(2) The water supply must receive careful attention. It must, of itself, be safe at its source, and must thereafter be handled in a cleanly manner.

"(3) All foodstuffs must be carefully supervised to provide for their protection for flies, for the destruction of decayed and unsafe food, and for their general handling and service in a cleanly manner.

"To meet these abnormal conditions it will be necessary not only for the sanitary and police forces of a town to put forth extraordinary efforts, but additional personnel must be provided to ensure efficient supervision and service. It is probable that in some cases the expense of this precautionary work will tax the resources of the municipality, but since all surrounding municipalities, and in fact, the entire province, are vitally interested to prevent the introduction of epidemic diseases, they may properly be expected to assist by the loan of sanitary and police employees.

* * * The experiment at Antipolo during 1915, which was inaugurated, and managed and paid for in a great measure, by the insular authorities, showed conclusively that if the proper preparations are made, the 'fiesta' may be conducted in the sanitary manner and, instead of proving a menace to the people of the town and of the surrounding territory, will prove a means for educating and improving them. If it were possible to secure similar pre-

Marinduque Chinese Association

MR. LIM SIONG
President

MR. MANUEL K. LIM
Executive Secretary

Boac,

Marinduque

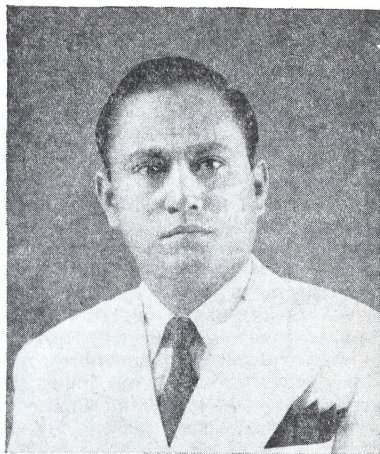
Sanitary . . .

paration in the case of every 'fiesta' held, they would cease to be detrimental to the public health.

"These 'fiestas' undoubtedly bring a great deal of money to the towns at which they are held and are an important source of revenue to the townspeople, but if they also bring with them diseases which cost the municipal, provincial, and insular governments large sums of money to eradicate, they cease to be a benefit, and become a bad business proposition, carrying with them losses in life and money which make them most undesirable."

The above suggestions of the Director of Health are approved by this Office as they will undoubtedly contribute to the eradication of dangerous communicable disease. Municipal councils, therefore, are directed to comply therewith strictly, and for the purpose, consult with the health authorities as to the best means of carrying out the above suggestions at least two months before the date of the celebration of

Our Local . . .



FILEMON SAMACO
*Municipal Mayor of Calapan,
Mindoro.*

Born Nov. 22, 1902, in Calapan, Mindoro; married to Marta Ylagan; high school graduate and second grade eligible; had been public school teacher, bud-rat inspector, deputy governor; paymaster, auditing clerk, and, previous to his election to his present post, acting municipal mayor of the same municipality by appointment. *Hobbies:* Reading books and poultry raising. *Motto:* "Be Helpful".

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the *fiesta* in the municipality.

Failure to comply with the above instructions will be considered by this Office sufficient cause for the imposition of disciplinary punishment upon the negligent officials.

(Prov. Cir. No. '124.)

Mama, when the fire goes out where does it go?

My dear boy, I don't know. You might just as well ask me where your father goes when he goes out.

RULINGS OF THE GENERAL AUDITING OFFICE

DISCRETIONARY FUND, EXPENSES CHARGEABLE AGAINST.—Respectfully returned to the Honorable, the Secretary of the Interior, Manila, with the information that this Office will offer no objection to charging against the discretionary fund of the Provincial Governor of Romblon expenses incurred for purposes such as those stated under items 1 and 4 of the enclosed Resolution No. 182, current series, of the Provincial Board of said province.

With respect to item 2, attention is invited to paragraphs 2 and 3 of our 2nd indorsement dated April 30, 1947, to that Department which is believed applicable hereto. (See page 12, Vol. 1, No. 1 of this magazine—Editor).

As regards item 3, expenses incurred for the purpose may also be charged against the discretionary fund in question if the "propaganda in connection with commercial and industrial development" herein referred to is of public character and beneficial to the interests of the inhabitants of the said province.—*2nd Ind., Nov. 29, 1948, of the Auditor General.* The items aforementioned read: "(1) the employment of secret agents and informers to detect crime perpetrators obnoxious to the safety and welfare of the community and government, (2) entertainment of important personages in government service or in business, (3) for propaganda in connection with commercial and industrial development, and (4) for other purposes for the benefit of public interest." (Res. 183, c.s., Provincial Board of Romblon).

UNIFORM FOR CHIEF OF POLICE.—If the chief of police is authorized by the municipal council, under section 2263 of the Administrative Code, to be furnished uniforms at the expense of the municipality, as in the instant case, and there is fund available therefor, such expense may be allowed in audit.—*3rd Ind., Sept. 13, of Deputy Auditor General to the Provincial Auditor of Ilocos Sur; 455.7 I. Sur, Sta. Lucia, DIF.*

PER DIEMS FOR VICE-MAYOR AND COUNCILORS.—It appearing herein that the session held on August 15, 1946, by the Municipal Council of Batac, that province, was merely the continuation of the regular session held on August 14, 1946, this office believes that the Vice-Mayor and councilors who attended such sessions are legally entitled to claim per diems corresponding to two days because, under the provisions of Section 2187 of the Revised Administrative Code, as amended, payment of per diem for each day of regular session, not by each regular session, is allowed. The law is clear that councilors are paid by day and not by session.—*3rd Indorsement, Sept. 20, 1946, of Auditor General to the Municipal Secretary of Batac, I. Norte through the Provincial Auditor; G.A.O. 1.072—I. Norte.*

TUITION AND MATRICULATION FEES.—When a student pays his or her tuition fee, he pays for instruction services rendered. If the students mentioned in the basic letter have never attended classes at the Mindoro High School since their enrollment thereat, this Office will offer no objection to refund the said students the tuition fees paid by them.

Matriculation fees are charged for enrollment or registration and are not, therefore, refundable whether or not the students concerned attend classes. *7th Ind., Oct. 23, 1946, Deputy Auditor General to Provincial Auditor of Mindoro, G.A.O. File No. 12.04, Mindoro.*

VICE-MAYOR AND COUNCILORS, TRAVELING EXPENSES AND PERMANENT STATION OF.—Respectfully returned to the Honorable, the Secretary of the Interior, with the statement that under Section 724* of the Revised Manual of Instructions to Treasurers this Office has already prescribed the necessary regulations covering travel expenses of vice-mayor and municipal councilors when absent from their permanent stations.

In this connection, it may also be stated that the barrio or barrios which

comprise the district of a municipal councilor constitute his permanent station as contemplated in the aforementioned section of the said Manual.—*3rd Ind., Aug. 25, 1948, of Deputy Auditor General; DIF 100.061, Cebu.*

PROVINCIAL PRISONERS EMPLOYED IN MUNICIPAL PUBLIC WORK, COST OF SUBSISTENCE AND TRANSPORTATION OF.—

While there is no specific provision of law which provides that the cost of subsistence and transportation of provincial prisoners confined in provincial jails who, at the request of the municipal authorities, are detailed to and employed in municipal public works projects shall be borne by the municipality concerned, this Office believes that, inasmuch as the province is deprived of the services of such provincial prisoners, the cost of their subsistence and transportation during the period their services are utilized by the municipality concerned should, in fairness to the province, be borne by such municipality. In view hereof, this Office believes that the policy referred to in the 2nd indorsement hereon is in order and, accordingly, recommends the disapproval of the attached Resolution No. 33, dated June 26, 1948, of the Municipal Council of San Francisco, Cebu.—*4th Ind., Sept. 29, 1948, Deputy Auditor General to Sec. of the Int.*

* *Traveling expenses of vice-mayors and municipal councilors.—When absent from their permanent stations on official business other than attendance at the session of the council, vice-mayors and councilors are entitled to reimbursement of their actual expenses of travel with the approval of the provincial governor. Traveling expenses are usually allowed a vice-mayor and councilor when engaged in a locust campaign, to be paid from the Locust Fund; when summoned as witness in a land registration case involving title of the municipality to the land in litigation; when acting in place of the municipal mayor; and when absent from their permanent stations on official business other than attendance at the session of the council, with the approval of the provincial governor. (Sec. 724, Revised Manual of Instructions to Treasurers, 1939 Edition, page 556.)*

LIBERTY AND THE POLICE

A prized possession of democratic countries is the liberty of the subject. A recent high Court case in Britain illustrates effectively not only the value placed upon personal liberty by the British, but also the balance which is struck between the forces of law and the individual.

The facts of the case are simple. Mr. John Patrick Ludlow, actor, was waiting for a bus. He was wearing a thick coat and he had over his arm a thinner coat which he was taking to his tailor to be pressed. Mr. Ludlow was arrested by two plain-clothes policemen and marched to the local police station, on suspicion of having stolen the second coat.

Mr. Ludlow brought an action against the police claiming damages for false imprisonment. His version of the facts was accepted by the jury who awarded him 300 pounds damages with costs.

It might seem at first sight that this was an extremely unimportant action, almost a waste of time. But true democracy is really an expression of small liberties, and this case has its important aspects. As the judge in the case, Lord Hewart, observed: "If once we show any signs of giving way to the abominable doctrine that because things are done by officials therefore some immunity must be extended to them, what is to become of our country?"

In Britain the police are not the law. They are citizens with special powers, but they are subject to control and must use their special powers discreetly. In some ways this hampers them in their fight against crime. But it also acts as a most effective shield in the fight to safeguard individual liberty.—*From the "Christian Science Monitor."*

CONTROL OF POULTRY DISEASES

[Sec. 486, C. P. C.]

All means calculated to prevent the spread of dangerous and communicable poultry diseases, such as fowl cholera, fowl typhoid and European fowl pest, to non-infected places should be adopted by all officials concerned. The following model municipal ordinance prepared by the (former) Bureau of Agriculture and this Office (now Department of the Interior), if adopted and duly enforced in all municipalities, will go a long way toward the eradication of deadly fowl diseases in this country. Provincial governors should urge the municipal councils under their respective jurisdictions to adopt said ordinance:

(Model No. 15)

MUNICIPAL GOVERNMENT OF
PROVINCE OF
ORDINANCE NO.

AN ORDINANCE PROVIDING CERTAIN MEASURES FOR THE PREVENTION AND ERADICATION OF DANGEROUS AND COMMUNICABLE POULTRY DISEASES.

By authority of section 2238 of the Administrative Code of 1917, the municipal council of, Province of, hereby decrees as follows:

SECTION 1. For the purposes of this Ordinance the terms "fowl," or "poultry" as used herein shall apply to and include chickens, turkeys, ducks, geese, guinea fowls, pigeons and other domesticated members of the Aves family; and "dangerous and communicable poultry disease" shall apply to and include European fowl pest, fowl cholera, and fowl typhoid.

SEC. 2. Whenever any dangerous and communicable poultry disease exists in this municipality, the owner or keeper of the fowls affected or any person who is aware of such fact shall report it to the municipal president who shall immediately make or cause to be made by a competent person designated by him, the necessary investigation and advise the nearest Government veterinarian of such fact. If the municipal president finds or is assured that such poultry disease exists, he shall publicly announce such fact by means of

"bandillos" or written notices and shall declare the area within a radius of 200 meters from the infected place to be under quarantine.

SEC. 3. Once a portion of this municipality has been declared under quarantine in accordance with the preceding section, it shall be the duty of any person who owns or has under his charge fowls or poultry within the quarantine zone to observe the following:

(a) He shall kill or cause to be killed all sick fowls owned by him or under his charge and bury or cause them to be buried in a hole dug in his yard for the purpose, which shall be at least one-half meter deep, and shall pour kerosene on the fowls thus buried and burn them thoroughly and then cover the hole with a thick layer of soil;

(b) He shall never throw nor cause to be thrown dead fowls into ditches, brooks, rivers, or any place other than that destined for burial thereof;

(c) He shall clean and disinfect thoroughly his yards, chicken coops, and other devices used in connection with poultry raising; drain and disinfect thoroughly all wet places in his yard and spread slacked lime all over the area. In disinfecting, either Creolin 5 per cent, or Carbolic Acid 3 per cent may be used;

(d) He shall not remove from the quarantine zone to any other place any fowls or any eggs of fowls or coops, cages, troughs or any other devices used in connection with poultry raising.

SEC. 4. It shall be unlawful for any person to bring into this municipality for the purpose of sale or otherwise, fowls, eggs of fowls, or devices used in connection with poultry raising from any municipality infected with any dangerous and communicable poultry disease. Any fowls, eggs of fowls, or devices used in connection with poultry raising, may be admitted into this municipality only if the person or persons bringing them are provided with a written certificate of the president of the municipality or his representative or the lieutenant of the barrio of origin to the effect that said municipality or barrio is free from any dangerous communicable poultry disease. Said certificate shall also state, among other things, the number, kind and sex of the fowls, and the number and kind of eggs (whether chickens', turkeys', duck', etc.) desired to be brought.

SEC. 5. It shall likewise be unlawful for any inhabitant of this municipality whether engaged or not in the business of selling fowls to bring into this municipality any fowls or their containers which could not be sold or disposed of in any municipality infected with dangerous and communicable poultry disease.

SEC. 6. In order to carry out the provisions of this ordinance, the municipal mayor or the Director of Agriculture or their duly authorized representatives shall at all times have access to or upon any land, lot, yard, field, or poultry grounds where fowl or fowls sick of any dangerous and communicable poultry disease are known or reasonably suspected to be present and they are hereby authorized to kill all such sick fowls in case the owner or keeper thereof fails or refuses to do so in accordance with paragraph (a) of section 3 hereof, without prejudice to the criminal action which may be brought against such owner or keeper under section 7 hereof.

SEC. 7. Any person who violates any provision of this Ordinance, or who obstructs, or impedes, or assists in obstructing or impeding the officials entrusted with the enforcement of this Ordinance, shall be liable to prosecution, and upon conviction shall suffer the penalty of a fine of not more than ₱100 or an imprisonment of not more than 30 days, or both in the discretion of the court.

SEC. 8. The provisions of this Ordinance shall take effect immediately upon its approval.

Approved,

Circular No. 218 of the (former) Bureau of Agriculture giving in detail the symptoms of each of the diseases referred to above is quoted hereunder. Due publicity should be given to this circular and, if possible, every poultry raiser should be furnished with a copy thereof. Provincial governors should bring to the attention of the municipal officials the fact that the disinfectants referred to in the Model Municipal Ordinance may be obtained free of charge from the Bureau of Agriculture.

[Unnumbered Prov. Cir., Jan. 10, 1928.]

CIRCULAR NO. 218 OF THE
FORMER BUREAU OF
AGRICULTURE
EUROPEAN FOWL PEST

"This is a very acute infectious di-

sease affecting particularly chickens, turkeys, and geese. Blackbirds, sparrows, owls, hawks, and other birds also contract the disease, while water fowls and pigeons are resistant. Mammals, including human, are not susceptible. The infective agent is present in the blood and various tissues of the bird. It is so small that it passes through the finest pores of a filter and no microscope is powerful enough to detect it.

"Symptoms.—The disease is characterized by its extremely infectious nature, rapidly progressing course, and high mortality. The infected fowl loses its appetite, has an irregular walk and becomes very droopy. The feathers are ruffled, and there is considerable prostration, with swelling and darkening of the comb and wattles. A sticky exudate may paste the eyelids together, clog the nasal passages and even obstruct the windpipe, causing labored breathing. Some patients periodically shake their heads in order to dislodge their mucous secretion from the throat and nostrils at the same time producing a peculiar wheezy sound. The bird lives as a rule for from two to five days. Occasionally it may live six or seven days. The bird may be apparently in good condition in the morning and be found dead in the afternoon in the very acute form.

"Fowl cholera.—Fowl cholera is caused by a germ (*Bacillus avesepticus*) and is blood-poisoning (*septicemia*).

"Symptoms.—The onset of this disease may be so sudden that its sign passes unobserved, and finding the dead birds in the nest or under the roots may be the first notice that the owners has of the existence of disease in his flock; or the birds may have fowl cholera in a more chronic form and live for six to seven days.

"In the protracted cases there is noted loss of appetite, great prostration, starring feathers; the bird mopes or sits around with tail and head down, giving the so-called 'ball' appearance, the comb is dark, the gait swaying, and there is trembling, convulsions, thirst, and severe diarrhea, with passages of a greenish-yellow color. There is high fever and the bird rapidly becomes

emaciated.

"The disease spreads rapidly through a flock. Pure-bred birds are more susceptible than scrubs.

"*Fowl typhoid.*—This is due to a short, plump germ with rounded ends. It is called the *Bacterium sanguinarium*, and is easily isolated from birds dead of the disease. It reproduces the disease in inoculated birds, multiplying in the blood.

"This disease is confined to chickens. The period of incubation is given as one to two months. The course of the disease is from one to two weeks to as long as three months. Birds rarely recover.

"*Symptoms.*—Anemic or blanched appearance of the mucus membrane of the head, with a dull appearance and great prostration, usually ending in death in about four days, is characteristic of this disease. In some cases the affected bird may live three to four weeks.

"*Prevention.*—No remedy or satisfactory prophylactic treatment has as yet been discovered for European fowl pest, fowl cholera or fowl typhoid. It is therefore not advisable to waste time treating infected fowls, for they serve only as source of infection. The sooner they are killed and burned, the better it will be for the flock.

"The only effective measure is to prevent the introduction of the disease or, if it has already been introduced, to check the spread of the infection. The poultry-house and yard should be thoroughly cleaned daily and the droppings and rubbish collected and burned. A suitable hole should be dug in the corner of the yard where the droppings and rubbish can be entirely burned up. The chicken-house and the yard immediately adjoining to it should be frequently disinfected, and where the chickens have a big yard where they are turned loose, it should be frequently plowed in order to turn over the soil and to expose to the air and the sunlight any germs that may have penetrated into it. If this is not done the soil becomes very heavily infected, and outbreaks of the disease will frequently recur. Besides this, the number of

chickens that should be kept in a given area should be limited to a certain number so that it will not be crowded. If too many chickens are kept in a small area the soil becomes foul.

"Where the poultry flock is kept in the *poblacion* of the municipality where yards adjoin each other good fences should be constructed that will prevent well chickens from mingling with any sick chickens belonging to the neighbors.

"When buying chickens or eggs for the purpose of increasing or bettering the flock, make sure that you are buying from a clean place.

"As the food and drinking water are proved sources of infection, do not give contaminated food or grain coming from infected areas. Be careful about the drinking water for fowls. Use only clean, fresh, non-contaminated water and change it at least once a day and disinfect all receptacles for drinking purposes: permanganate of potash, 1 gram to 2,000 c.c. of water or drop a few crystals in water until it is colored like pale sherry wine; or also use sulphocarbonate compound with mercury tablets: 1 table to 500 c.c. of water."

[Unnumbered Prov. Cir. Jan. 10, 1928]

(Continued from page 249)

Athletic meets are factors in developing the spirit of cooperation, nobility and patriotism among Filipinos. Unity is thus realized not by force of arms as in other countries of a different ideology but by spiritual, moral and intellectual undertakings.—*At the Aranz Stadium, Tuguegarao, Cagayan, on Opening the National Interscholastic Meet, March 5, 1949.*

Luzon Bazar

BINSON GO, Manager

Dealers in Textiles &
General Merchandise

Boac,

Marinduque

Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

LIST OF MUNICIPAL OFFICIALS ELECT

(Continued from last issue)

BATANGAS

8. IBAAN—
Mayor Juan T. Mercado (L)
Vice-Mayor Sixto M. Guerra (L)
Councillors:
1. Hugo M. Mercado (L)
2. Marcial Caringal (L)
3. Luis Ilagan (L)
4. Jose Marasigan (L)
5. Gregorio Caringal (L)
6. Florentino Mercado (L)
9. LEMERY—
Mayor Leon A. Sangalang (L)
Vice-Mayor Mariano L. Venturanza (N)
Councillors:
1. Luis H. Licopa (L)
2. Vicente Salazar (N)
3. Jose Bello (N)
4. Apolonio L. Balboa (L)
5. Agustin Carolino (L)
6. Marcos Catibog (L)
7. Juan de Castro (L)
8. Martiniano Montenegro (L)
10. LIAN—
Mayor Quirino Lejano (L)
Vice-Mayor Pedro L. Lejano (L)
Councillors:
1. Francisco Quezon (L)
2. Teofilo L. Lagui (L)
3. Mateo Ruffy (L)
4. Clemente Lejano (L)
5. Fidel T. Castañeda (L)
6. Rufo Limon (L)
11. LOBÓ—
Mayor Feliculo R. Sanchez (L)
Vice-Mayor Bienvenido Gatdula (L)
Councillors:
1. Tomas S. Villanueva (L)
2. Luis Driz (L)
3. Regino G. Canuel (L)
4. Regino Garcia (L)
5. Emeterio Araja (L)
6. Gorgonio Gayeta (L)
12. MABINI—
Mayor Rafael P. Amurao (L)
Vice-Mayor Primo Evangelista (L)
Councillors:
1. Abdon Magnaye (L)
2. Siméon Casapao (L)
3. Isidoro A. Masangcay (L)
4. Evaristo Castillo (L)
5. Mauricio Arago (L)
6. Bernardo Camongol (L)
13. MALVAR—
Mayor Benito P. Leviste (N)
Vice-Mayor Pedro Lat Liat (Ind.)
Councillors:
1. Jose L. Manalo (Ind.)
2. Nicasio V. Leviste (Ind.)
3. Apolonio Viaje (Ind.)
4. Tomas Lucido (Ind.)
5. Rafael A. Dimaandal (Ind.)
6. Maximino B. Aguilera (Ind.)
14. MATAIASNACAHÓY—
Mayor Jose M. Landicho (N)
Vice-Mayor Bernardo Vergara (L)
Councillors:
1. Julian Solis (L)
2. Jose A. Matanguihan (L)
3. Felino Templo (L)
4. Lorenzo Maranan (L)
5. Marciano Silva (L)
6. Exequiel Recinto (L)
15. NASUGBU—
Mayor Gregorio C. Panganiban (L)
Vice-Mayor Jose M. Advincula (L)
Councillors:
1. Pedro S. Villafria (L)
2. Marcelo J. Bayaborda (Ind.)
3. Moises Rojas (L)
4. Jose Bayaborda (L)
5. Carlos Bolintian (L)
6. Nemesio Sevilla (L)
7. Bernardino Ureta (L)
8. Rafael Tialongko (L)
16. ROSARIO—
Mayor Isaac D. Farol (L)
Vice-Mayor Hipolito C. Mindanao (L)
Councillors:
1. Jose E. Agoncillo (L)
2. Valeriano Gozos (L)
3. Juan L. Asa (L)
4. Fortunato C. Banog (L)
5. Fidel M. Luna (L)
6. Sofronio Comia (L)
7. Zoilo Katigbac (L)
8. Onofre K. Quizon (Ind.)
17. SAN JOSE—
Mayor Bonifacio A. Masilungan (L)

Vice-Mayor Teodorico Ona (L)

Councillors:

1. Modesta Umali Remo (L)
2. Leonardo H. Ona (L)
3. Timoteo Alday (L)
4. Quirino Custodio (L)
5. Jose A. de Villa (L)
6. Ruperto Aguila (L)

18. SAN JUAN—

Mayor Vicente V. Castillo (L)

Vice-Mayor Nemesio Q. Rosales (L)

Councillors:

1. Estelito Castillo (L)
2. Maria Ramos Sales (N)
3. Lorenzo Hernandez (L)
4. Pedro Aguila (N)
5. Guillermo de Villa (N)
6. Fidel Alday (L)
7. Juan Quizon (N)
8. Ricardo Macalinao (N)

19. SAN LUIS—

Mayor Felix Aseron (L)

Vice-Mayor Victorio Lasala C. (L)

Councillors:

1. Graciano Carandang (L)
2. Ramon Hernandez (L)
3. Severino Magsombol (L)
4. Agripino Catapang (L)
5. Julian Salazar (L)
6. Melecio Capuno (N)

20. SANTO TOMAS—

Mayor Nicetas N. Castillo (L)

Vice-Mayor Nicasio Torres, Jr. (L)

Councillors:

1. Jose M. Hernandez (L)
2. Francisco Jaurigue (L)
3. Felix Guevarra (N)
4. Abelardo Meer (L)
5. Tomas Mabilangan (N)
6. Arsenio Dizon (L)

21. TAAL—

Mayor Ignacio Ilagan (L)

Vice-Mayor Agaton M. Luistro (L)

Councillors:

1. Fermin Ilagan (L)
2. Ricardo Medina (L)
3. Epitacio Pesigan (L)
4. Paterno del Castillo (L)
5. Artemio Cabrera (L)
6. Jose I. Atienza (L)
7. Manuel Cabrera (L)
8. Rufiniano Alvarez (L)

22. TALISAY—

Mayor Amando Laurel (L)

Vice-Mayor Epifanio Malabanan (L)

Councillors:

1. Rafael Calinisan (L)

2. Conrado de Grano (L)

3. Vicente de Leon (L)

4. Gregorio de Grano (Ind.)

5. Artemio Atienza (Ind.)

6. Genaro Panganiban (L)

23. TANAUAN—

Mayor George Collantes (L)

Vice-Mayor Fidel del Pilar (L)

Councillors:

1. Apolonio S. Magsino (L)
2. Nicolas Garcia (L)
3. Juan R. Carandang (N)
4. Cosme O. Roxas (L)
5. Severo M. Perez (L)
6. Amador Suarez (L)
7. Victoriano M. Luna (L)
8. Rufo P. Panganiban (L)

24. TAYSAN—

Mayor Montano Viril (L)

Vice-Mayor Dominador Zara (L)

Councillors:

1. Mariano Ebreo (L)
2. Emilio Banaag (L)
3. Felix Hernandez (L)
4. Dominador Driz (L)
5. Gavino Magnaye (L)
6. Roman Biscocho (L)

25. T U Y —

Mayor Felix M. Almanzor (L)

Vice-Mayor Rafael Carandang (L)

Councillors:

1. Vicente Calingasan (L)
2. Justina R. Macalalad (L)
3. Lorenzo E. Robles (L)
4. Telesforo Gomez (L)
5. Dionisio Pamaligan (L)
6. Perpetuo Bandalaria (L)

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Activities Of The Local G-

Excerpt from the minutes of the Regular Session held by the Municipal Board of the City of Cebu in its Session Hall on the 23rd day of February, 1949.

Present:

Hon. Florencio S. Urot ... *President*
 Hon. Florentino D. Tecson
 Pres. Protempore
 Hon. Jose L. Briones
 Floor-Leader
 Hon. Eulogio E. Borres *Member*
 Hon. Jose A. Cavan *Member*
 Hon. Carlos J. Cuizon *Member*
 Hon. Eugenio G. Corro *Member*
 Hon. Casimiro V. Madarang
 Member

Absent: None.

The Board, upon recommendation of Board President Urot and on motion of Member Tecson, seconded by Member Cuizon, approved the following resolution:

RESOLUTION NO. 137

A RESOLUTION REQUESTING THE SECRETARY OF AGRICULTURE AND NATURAL RESOURCES TO RECOMMEND TO CONGRESS THRU THE PRESIDENT OF THE PHILIPPINES THE ENACTMENT OF A LAW GRANTING CROP LOANS TO CORN GROWERS OF THE PHILIPPINES.

WHEREAS, the government has embarked on the policy of maintaining the independence of the Philippines economically, and for such aim and purpose the government has been giving aid in the form of crop loans to the rice and sugar producers of the country;

WHEREAS, the government has spent millions of pesos for the improvement of the cultivation of sugar, rice and coconuts in the Philippines;

WHEREAS, the government recently has made efforts for a systematic campaign for food production to relieve the country from dependence upon imported rice;

WHEREAS, the rice producing regions have received one of the great-

est attentions of the government by the grant of crop loans to the rice producers of this country;

WHEREAS, corn, which is one of the prime foodstuffs in the regions of the Visayas and Mindanao, and in these regions the efforts of the government for the food production campaign would be useless unless sufficient funds be given to the corn growers of these regions due to the loss of their working animals;

WHEREAS, the lands in these regions, particularly in the provinces of the Visayas and Mindanao and specifically in the provinces of Cebu, Bohol, and Leyte, could no longer yield more corn due to soil erosion which has caused it to be almost barren, for which reason the production of corn in these regions is very much lower than is expected;

WHEREAS, the government has found some fertilizers for sugar cane, it is but proper and necessary that the government should also look and find ways and means for the fertilization of the corn growing regions to produce more corn;

NOW THEREFORE, BE IT RESOLVED, as it is hereby resolved, that the Secretary of Agriculture and Natural Resources be requested to recommend to Congress thru His Excellency, the President of the Philippines to pass a law to grant crop loans to the corn growing regions of this country and also to find ways and means for the fertilization of these regions so as to produce more corn;

BE IT FURTHER RESOLVED, that copies of this resolution be furnished the Secretary of Agriculture and Natural Resources, the President of the Philippine Republic, the President of the Philippine Senate, the Speaker of the House of Representatives, to all City Mayors of the Philippines, to all Municipal Mayors of the provinces of the Visayas and Mindanao, and to all the newspapers in Cebu and Manila.

CARRIED UNANIMOUSLY.

ernments And Their Officials



Gov. Gregorio Santayana of Quezon with Mayor Bienvenido A. Marquez and Members of the Municipal Council of Padre Burgos seeking National aid from the President of the Philippines on March 29, 1949.

I hereby certify to the correctness of the above quoted resolution.

(Sgd.) PIO A. KABAHAH
Secretary

ATTESTED:

(Sgd.) FLORENCIO S. UROT
President

Minutes of the Conference of Provincial Governors and City Mayors held at the City of Manila from October 4 to 9, 1948.

Present:

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

The meeting was called to order by

the Chairman at 9:00 o'clock Ante Meridian. The minutes of the last Convention were read and signed.

NO. 1

WHEREAS, at the opening of this Convention the Honorable, the Secretary of the Interior delivered the opening address for the proper guidance of each and every member of this convention in particular and the Association in general;

WHEREAS, the policies enunciated in the speech just delivered by the Honorable, the Secretary of the Interior are of paramount importance in the proper administration of provincial, city and municipal governments;

WHEREAS, in order that each and every policy laid down therein could at any time be availed of by each and

every member of this convention;

NOW, THEREFORE, on motion by Governor Ricardo Miranda of Davao, the Conference of Provincial Governors and City Mayors unanimously

RESOLVED, as it hereby resolved, that the speech of the Honorable, the Secretary of the Interior, be inserted in the records of the Convention and that each and every Provincial Governor and City Mayor be furnished with a copy thereof, and that this Body subscribe to all the policies laid down therein.

RESOLVED FURTHER, to furnish copy of this resolution to the Honorable, the Secretary of the Interior, Manila, for his information.

Carried.

NO. 2

WHEREAS, the Department of the Interior is the Agency of the National Government which exercises direct supervision and control for the proper administration of the provincial, city and municipal governments;

WHEREAS, the Honorable, the Secretary of the Interior, as head of the executive department bearing that name, exercises also supervision and control over all provincial, city, and municipal chief executives;

WHEREAS, this Conference of Provincial and City Chief Executives has been made possible through the initiative and sponsorship of the Honorable, the Secretary of the Interior; NOW, THEREFORE, in view of the foregoing considerations the Conference of Provincial Governors and City Mayors has

On motion by Governor Doroteo Aguila of La Union

Resolved, as it is hereby resolved, to consider as it is hereby considered the Honorable, the Secretary of the Interior, as the FATHER of the Conference of Provincial Governors and City Mayors.

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

Carried unanimously.

No. 3

WHEREAS, in the last convention

of this Body sometime in the early part of this year, the granting of more local autonomy had been one of the most important problems which had been taken up by this Body with the National Government;

WHEREAS, the granting of more autonomy to Provincial and City Governments has not, in spite of the seeming interest of the Administration to grant same, as yet been realized;

NOW, THEREFORE, on motion of Governor Gregorio Santayana of Quezon, be it

RESOLVED, as it is hereby resolved, to authorize the Chairman of the Convention to create a Committee to petition His Excellency, the President of the Philippines, to arrange for the immediate granting of more autonomy to Provincial and City Governments.

RESOLVED FURTHER, to transmit this resolution to the Chairman of this Convention for his information and guidance.

Carried.

NO. 4

WHEREAS, it is necessary that all resolutions and motions be first arranged and compiled before they are submitted and brought up to this Body for final deliberation, consideration and action;

WHEREAS, to properly attain this and there also arises the necessity of creating a committee to take charge of same;

NOW, THEREFORE, on motion by Governor Jose A. Madarang of Nueva Vizcaya, the Conference of Provincial Governors and City Mayors unanimously

RESOLVED, as it is hereby resolved, to create a Committee on Motions and Resolutions, hereby authorizing the Chairman of the Convention to appoint the members thereof.

RESOLVED FURTHER, to furnish the Chairman of this Convention with a copy of this Resolution for his information, guidance and appropriate action.

Carried.

NO. 5

WHEREAS, this Body of Provincial Governors and City Mayors now in

convention in the City of Manila has been called for the purpose of working solidly for the improvement of the respective provinces and cities;

WHEREAS, in the proper solution and analysis of the varied problems confronting the various provinces and cities, it is absolutely necessary that certain days within the time it is allotted be fixed whereby the members of this convention may air their views and problems with the President and the various Department Secretaries;

NOW, THEREFORE, in view of the foregoing considerations, the Conference of Provincial Governors and City Mayors unanimously

Upon motion by Governor Jose A. Madarang of Nueva Vizcaya

RESOLVED, as it is hereby resolved, to authorize the Honorable, the Secretary of the Interior to request His Excellency, the President of the Philippines, to set one morning for the President to hear our problems.

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

Carried.

NO. 6

WHEREAS, the shortage of the rice supply has been even before the outbreak of the last war, the scourge in the economic life of the people of this country;

WHEREAS, such shortage has since the termination of the war become most acute, and has reached such extent as to constitute the most ticklish and difficult problem which only the Government, by a most decisive and drastic action is in a position to solve;

WHEREAS, this rice crisis or problems threatens the very life of the great masses of our people, and therefore requires an immediate and a most effective solution;

WHEREAS, it is a well-known fact that one of the most principal causes of this ever-recurrent rice problem is the evil practice of *alien rice dealers* of hoarding most if not all the rice supply in the country so that by doing so, they can and actually control

and dictate the price of the cereal, thereby practically monopolizing the rice business and realizing huge profits for themselves, to the great detriment of the consuming public, especially the poor;

WHEREAS, the Government of this Republic is in duty bound to exert, put forth and use all the authority within its power to remedy the sad situation herein pointed out in order to free the people from the BONDAGE of this great evil in their daily existence;

Upon motion by Governor Dominador Chipeco of Laguna,

NOW, THEREFORE, be it resolved that this Convention recommends to the Congress of the Philippines, the immediate enactment of a LAW, providing for the immediate and absolute nationalization of the Rice Business in the Philippines by PROHIBITING ALIEN RESIDENTS OF WHATEVER NATIONALITY FROM ENGAGING, DIRECTLY OR INDIRECTLY, in the rice business. To make such proposed law actually effective stiff penalties should also be provided for any violation thereof against Filipino dummies.

RESOLVED FURTHER, to forward this resolution thru the Honorable, the Secretary of Agriculture and Natural Resources, to His Excellency, the President of the Philippines, recommending the creation of an Educational Extension Service for purposes herein indicated.

Carried.

NO. 7

WHEREAS, under the present regulations, Provincial and City Budgets duly approved by the respective Provincial and City Boards, before they become of full force and effect, are subject to the approval of the Department of the Interior as the Agency of the National Government which has supervisory and control over the administrative functions of the provinces and cities, and the Department of Finance, the agency of the National Government charged with the supervision and control of their finances, under Section 323 of the Revised Manual of Instructions to Treasurers;

WHEREAS, the Provincial and/or City Boards are the agencies charged with the administrative functions of the provinces and/or cities and the Provincial and/or City Treasurers over their finances;

WHEREAS, before the approval by the Provincial and/or City Boards of their respective budgets, the opinion and recommendation of the Provincial and/or City Treasurers are invariably sought;

WHEREAS, the respective Provincial and City Boards know more than any other offices of the needs and problems of their respective governments and as such they should be given more autonomy if not free hand in the consideration and approval of their respective budgets;

NOW, THEREFORE, in view of the foregoing considerations, the Conference of Provincial Governors and City Mayors has

Upon motion by Governor Mamerto Ribo of Leyte, unanimously

RESOLVED, to request the Honorable, the Secretary of the Interior, the Secretary of Finance, and the Auditor General, Manila, to amend Section 323 of the said Revised Manual of Instructions to Treasurers in the sense that Provincial and City Budgets shall become effective without the approval of the Secretary of the Interior and the Secretary of Finance once they are approved by the respective Provincial and/or City Boards and the Provincial and/or City Treasurers, but that copies of said budgets shall be furnished the latter officials.

RESOLVED FURTHER, to forward this resolution to the Honorables, the Secretary of the Interior, the Secretary of Finance, and the Auditor General, Manila, for their information and favorable consideration.

Carried.

NO. 8

WHEREAS, pursuant to Resolution No. 4 of this Body there was created a Committee to take charge of all bills, resolutions and motions;

WHEREAS, in order to facilitate the work of this Convention it is necessary that all resolutions and motions

before being submitted to this convention be first studied by said committee as to their feasibility, legality, advisability and practicability;

NOW, THEREFORE, in consideration of the foregoing premises, the Conference of Provincial Governors and City Mayors has

On motion by Governor Felipe Azcuna of Zamboanga unanimously

RESOLVED, as it is hereby resolved, that all resolutions and motions submitted to the Convention shall, before being acted upon by this Body, be first referred to the Committee on Resolutions and Motions for study as to their feasibility, legality, advisability and practicability.

RESOLVED FURTHER, to transmit this resolution to the Committee on Resolutions and Motions, thru its Chairman, furnishing copies hereof to all Governors and City Mayors for their information.

Carried.

NO. 9

WHEREAS, under the present regulations, the 5% Provincial Surcharge on public works projects accrues exclusively to the Engineering Fund as per Section 771 of the Revised Manual of Instructions to Treasurers of the General Auditing Office;

WHEREAS, it is but just and proper that part of the Provincial Surcharge accrues to the General Fund of the province so that there shall be equitable distribution of Provincial Income in the interest of public service;

On motion by Governor Alfredo Abueg of Palawan, the Conference of Provincial Governors and City Mayors

RESOLVED, as it is hereby resolved,

Bazar La Moda

TAN TIN BO, *Prop.*

Copra Buyer &

General Merchandise

Boac,

Marinduque

to earnestly request the Honorable, the Secretary of Public Works and Communications and the Honorable, the Auditor General, Manila, to amend Section 771 of the Revised Manual of Instructions to Treasurers of the General Auditing Office in the sense that 2% of the Provincial Surcharge fixed and provided in the above-mentioned section 771 of the Revised Manual of Instructions to Treasurers on public works projects accrue to the General Fund for the province, in the interest of the public service.

RESOLVED FURTHER, to forward this resolution to the Honorable, the Secretary of Public Works and Communications and the Honorable, the Auditor General, Manila, strongly recommending favorable consideration, furnishing copies hereof to all Engineering Offices of the country for their information.

Carried.

NO. 10

WHEREAS, under the present policy, Provincial and City Budgets are still subject to the approval of the Departments of the Interior and Finance before they become effective;

WHEREAS, this arrangement entails unnecessary delays in carrying out immediately important projects and paralyzes government activities requiring immediate attention;

WHEREAS, the Provincial and City Boards are conscious of their duties and powers with regard to the consideration and approval of their respective budgets and know more of the needs of their own governments and as such they should be given free hand in the consideration and approval of their respective budgets;

NOW, THEREFORE, in view of the foregoing considerations, the Conference of Provincial Governors and City Mayors has

Upon motion by Governor Jovencio Mayor of Romblon

RESOLVED, to request the Honorable, the Secretary of Finance, to endorse favorably the petition as embodied in Resolution No. 7 of this Body that the approval of Provincial and City Budgets by the respective Prov-

APRIL, 1949

MEMORANDUM for EVERY CITIZEN:

[Excerpts from Speeches and Messages of His Excellency

ELPIDIO QUIRINO
President of the Philippines

If every citizen were to conduct himself in accordance with the rules of good manners and right conduct, there would be less need for laws, policemen and courts. There would be tranquility within the nation and peace all over the world. I urge everyone to cultivate courtesy as a way of life for that also is the way of democracy and of universal peace.—*From Message in connection with the Courtesy Week sponsored by the Rotary Club of Manila launched February 3, 1949.*

* * *

On that core of Christian compassion for the human being rests the strength of the Red Cross throughout the world. Wherever there is suffering, there are people of goodwill — selfless, bighearted men and women — prepared and eager at all times to help the needy. * * * It is, therefore, our duty—the duty of every man, woman and child in our country, regardless of race, nationality or creed—to support the Philippine National Red Cross so that it may adequately perform the great mission entrusted to it. Only as it commands the determined backing of the people can it be expected to discharge its responsibility to the community and the nation—*From Remarks on Opening the 1949 Red Cross Campaign, Feb. 14, 1949.*

incial and City Boards as the final act for their effectivity.

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

Carried.

(To be continued)

Republic of the Philippines
Department of Public Works and Communications
BUREAU OF POSTS
Manila

SWORN STATEMENT
(Required by Act No. 2580)

The undersigned, **PETRA O. RIVERA**, managing editor, business manager, owner, and publisher of the **LOCAL GOVERNMENT REVIEW**, published monthly in English at 83 D. Tuazon Ave. Cor. 50 Laon-Laan, Quezon City, after having been duly sworn in accordance with law, hereby submits the following statement of ownership, management, circulation, which is required by Act No. 2580, as amended by Commonwealth Act No. 201:

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(Sgd.) **PETRA O. RIVERA**
Owner, Publisher, and Business Manager

Subscribed and sworn to before me this 1st day of April, 1949, at Manila, the affiant exhibiting her Residence certificate No. A-264701 issued at Manila on April 1, 1949.

(Sgd.) **EMILIANO ANONAS**
Notary Public
My commission expires Dec. 31, 1949

Doc. No. 291
Page No. 29
Book No. 9
Series of 1949.

Announcement

This is the regular thickness of this magazine as per contract with printer. Additional pages depend upon special circumstances. Monthly table of contents will be dispensed with to give way for publication of more materials. Table of contents and index will be furnished free to subscribers every end of volume. SO, KEEP EVERY COPY FOR BINDING INTO BOOK UPON END OF THE YEAR.

—THE MANAGEMENT.

HOROSCOPE*

Were You Born in April?

APRIL 1

Born of this date is a highly developed intuition that should be your guide in making all important decisions. Yours is a mental capacity that can be strengthened by the study of psychology. Legal work is yours.

APRIL 3

An adventuresome nature is born on this date accompanied by a keenness to find new places and meet new people. Do not be too hasty in your judgment and learn that your happiness is where you are.

APRIL 5

You are one who will gain much from life when you have mastered the truth—that you get by giving. You can turn a friend into money, but you can not turn money into a friend.

APRIL 7

Born of this date has a rugged path but with mental and physical qualifications to carry through to success. Quick wit and sharp tongue should be controlled lest they bring distress. Think more of what you do.

APRIL 9

Be of high faith and a close follower of your ideals. Reward in the end will justify your hard efforts to achieve success. This year is one in which you will see more clearly through the mist.

APRIL 11

One with a leaning toward financial or accounting work is born this date though the physical condition seems to recommend outside employment. A dualistic nature makes it difficult to fully use a constructive mind.

APRIL 13

You have an inspiring, fearless nature and are particularly attached to color and sound. You have a tendency to disregard obligations and this should be avoided. Your best efforts are immortalized in your progeny.

APRIL 15

An interest in the solution of mathematical problems qualifies you for intricate statistical work. As an expert accountant or handler of mechanical problems you should go far.

APRIL 2

Strong powers to make others agree with your thoughts is the qualification of one who would succeed in the sales field. Caution is suggested to curb on inclinations to gain riches too quickly.

APRIL 4

An impulsive nature starts many things that are left unfinished and finds you short of the success you can earn. Learn to concentrate on the work at hand and specialize.

APRIL 6

One born of this date finds greatest success in combining efforts with others. You are not by nature a lone worker. Public service should find full expression for your talent and ability—federal work is suggested.

APRIL 8

Here is an aptness to seek too much independence of others who would be of help if you would be more trusting and friendly. Of a nervous temperament, you should cultivate relaxation. The world is not so serious.

APRIL 10

Born of this date is a happy and joyful nature that will not take things seriously. Your inclination will be to become visionary and you may have difficulty settling down in one place on one job.

APRIL 12

Born today is a good thinker and a good provider. Work to you should be a matter of enjoyment and helpfulness to others. You will learn easily and with study can go far as a teacher in commercial work.

APRIL 14

You should cultivate application as your ability to create plans will cause great unrest and dissatisfaction with your accomplishments. Your success will come more from planning than executing your plans.

APRIL 16

Born of this date is one of a free-spending soul who saves neither himself nor his substance. You will have to guard against doing too much for others and too little for yourself. Your faculty of making friends is great.

APRIL 17

If you were born on this date you have a boundless capacity for work, a romantic mind, a leaning toward philosophy and a constant struggle to live on a higher plane.

APRIL 19

Born of this date a sweet, sympathetic nature should do well in welfare work where a good human understanding can best express itself. You will have no difficulty getting along with either rich or poor.

APRIL 21

Yours is the ability to direct the work of others. As a personal producer you will not go far unless you build up the right association. Building trades offer a full expression for your natural ability.

APRIL 23

Out of life you will gain much, rather seeking to live fully than to attain great wealth or material progress. Your natural leaning toward selfish interest can best be overcome in doing for others.

APRIL 25

Obstacles will mean nothing when placed in the path of one with such driving power and endurance. Yours is a very positive nature. With both physical and mental far above average you should go far in success.

APRIL 27

You should not be your own boss because you work best when following the leadership of others. Your interest and careful attention to details should make you a good accountant.

APRIL 29

Born of this date you are sure of yourself with an inclination to pomp and ceremony with a love for fine clothes and society. Your ability to express yourself will do well in theatrical work.

APRIL 18

Your fondness for outdoor life should lead to interest in exploration, mining or agriculture. Confinement should be avoided. Cultivate the happy habit of getting along with folks and do not be too much with yourself.

APRIL 20

Learn to concentrate and overcome the inclination to have many interests at one time. Friends will endeavor to take advantage of an abundance of easy-going good nature. Railroad work and travel will interest you.

APRIL 22

Your great success will come from activity in commercial ventures, because of your marked diplomatic ability and keen, active mind. Work that deals with the selling will profit you most.

APRIL 24

Born this date is a great lover of investigation and research. You will refuse to accept things as you find them. Work in chemistry or food and drug analysis will best express your true bent.

APRIL 26

One born on this date is apt to be of a very serious nature that is deeply attached to religious work and given to the worry of how others lead their lives. Light reading is recommended with plenty of out-door life.

APRIL 28

Indications are that you will be a leader of men, able to sway multitudes with oratory and convince them by logical conclusions. Best results will come to you in the field of business.

APRIL 30

Your life's interest will be centered in a home and family—a great home builder is born today with the understanding that creates lasting love for children. This life should be spent on a farm.

"There is quite as much education and true learning in the analysis of an ear of corn as in the analysis of a complex sentence; ability to analyze clover and alfalfa roots savors of quite as much culture as does the study of the Latin and Greek roots."

—O. H. Benson.