

## THE MAURA LAW\*

Royal Decree of May 19, 1893

Your Majesty: Communal government, above any other political institution, is always a factor of importance in the welfare and prosperity of peoples; and when nations are still in their swaddling-clothes, the influence of their municipal organization is still more decisive.

The close and daily contact between the lives of individuals and of families and the wonted ways of the masses that constitute the nation makes unbearable—if they are enforced, and even makes such enforcement problematical—whatever laws are passed on a given subject due regard to the customs, traditions, and temperament of the natives. It follows, therefore, that the clever schemes, which theoretically appear perfect, are useless; as are the examples and the usages which experience has demonstrated to be good in other nations of different civilization and customs. The municipal system must be based upon that which is well rooted and is generally accepted, without nevertheless, foregoing the correction of errors, the righting of abuses, and the measured amelioration of human society according to the laws of Nature.

The local institutions of the Philippine Archipelago have sunk to such a stage of decadence and flux that such portions thereof as have not become tainted are atrophied and useless. There scarcely remain the names of the positions, ranks, and offices whereof the administrative organization of the towns securely consisted and upon which it was based; and what were formerly honors and eminent positions eagerly sought for by men of light and leading have become despised offices, when not instruments of personal cupidity. To review the various causes

of the harm done is of less importance than to seek the remedy therefor; but it cannot be ignored that even in those causes which, with good reason, may be charged to the bungling measures of the Government, there will be noticed the traditional imprint of our policy in the Philippines, which continues matchless in the colonial history of nations, consisting, as it does, in an absolute disinterestedness and a consistent magnanimity of purpose.

The general Administration assumed cares which are naturally incumbent upon the *Principalias* and consequently it was under obligations to take charge also of the administration of the local funds, with the expectation of better results than those obtained in their management by the native tribunals. It erred in the degree of confidence, so difficult to determine, which can be placed in the autonomous administration of any town and in the estimate of the effective resources which the State has there at its disposal, in order that its administration might be beneficial and its tutelary solicitude might be productive of good to the subjects.

For many years has the remedy been studied and prepared, the error being known; and not long ago, an instructive report, which the undersigned Minister requested of the Council of the Philippines and of the possessions of the Gulf of Guinea, was added to the data and reports on the reform of municipal government which had been collected since 1870. The Royal Decree of November 12, 1889, announced and prepared, as a temporary measure in the period of change, the reform which is now undertaken; it ratified the authority granted the Governor-General to create municipalities, similar to the government of the City of Manila, in the capital of each province and in the other towns whose importance justified it. But up to the present time, such

\* As translated by Vicente M. Hilario from Paterno, Pedro A.: *El Regimen Municipal en las Islas Filipinas* (Madrid 1893); See appendix C, Laurel's Local Government in the Philippines.

municipalities have been created only in the capitals of the provinces of Albay, Batangas, Camarines Sur, Ilocos Sur, in the capital of the district of Cebu, and in the cities of Jaro and Iloilo. It should be noted that side by side with such governments, the *Principalias* and the traditional institutions are still in existence within the same municipal boundaries. Now the question is: how to set right, not the few exceptions, but the municipal organization of the towns generally, in Luzon as well as in the Visayas; and for this reason there are preserved in the attached draft of the Decree, in so far as the conditions of the present period will permit, the historical elements of the old regime and even the designations which have been hallowed by custom among the natives.

The very great difference which is observed among the towns of those provinces would make this Decree impracticable, if it were to contain minute regulations which would have to be carried out unchangingly in all these provinces. Only such organic laws have been established as appear sufficient to define the constitution and mode of operation of the local administration, the details conforming to the conditions of each district being left to the regulations which are to be drafted, revised, and approved for each province. In the preparation and approval of these regulations, the main object must be to secure an added, not a reduced, simplicity which is to be sought in the organization and conduct of the local institutions.

Care has been taken to avoid the organization of the secretarial or other similar professions as an integral part of the administration of the towns. It would be contrary to the pristine intention of the reform scheme to place on the same level with the authorities and officers of the town, who are elective and temporary, those nominal public servants who, in view of their permanency and the general character of the natives, would easily degenerate into irresponsible and dissembling wire-pullers of the Administration. At each

appointed time, let every tribunal seek its servants; but the law takes no direct concern of them.

The sphere, wherein the attached Decree grants to the municipal courts an unrestricted and special jurisdiction, is circumscribed to genuinely local interests, in so far as it is possible to distinguish them from the general interests with which they are always united in an indissoluble manner; and within this limited jurisdiction, provided that the general interests and the obedience to law are observed, the higher authorities must consider that the temporary advantage of improving some measures does not counterbalance the permanent injury which is caused by hamstringing and crushing local initiative. When the administration of the persons elected or of the delegates of a *Principalia* is defective, there will, nevertheless, be the peculiar advantage that their errors, unavoidable as they are, can be ascribed only to the self-same natives of the towns, in whose hands lies the remedy for the future.

Without depriving them of the opportunity of testing themselves in the management of their interests and in supplying the necessities of the town itself, the following will be found contributory to practical wisdom: first, the attendance of the parochial priest, who shall discharge duties of supervision and counsel at the more important deliberations; and secondly, the censorship of the provincial board, which will be a real aid to the municipal tribunals and the *Principalias* of each province, unlike the deputations in the Peninsula. Such boards are not to have charge of the direct administration of the provinces; their mission consists in exercising vigilant supervision over the progress of communal affairs in the towns, and in advising the governors in matters of this character.

The *cabezas de barangay* will, by virtue of this Decree, be placed in a more advantageous position than is their present one; and better services may be demanded and expected of them, taking, as they always did, such an essential part in the collection of taxes and

thereby facilitating the relations of the Government with the governed.

Such sources of revenue, whose nature is unequivocally municipal, are removed from under the management of the State officials, in order that they may be placed to the credit of, or deposited in, the treasury of the town within whose jurisdiction that may be collected. To the Municipal Tribunals are entrusted services which they and their subordinates alone can ghuage, regulate, and improve; so that the interest, the responsibility, and the resources wherewith to meet the primary requirements of civil life will be in their own hands, the State preserving and retaining under its own safekeeping the pecuniary means and the obligations and cares required by the other branches of the service with the aid of *Local Funds*—services which, for the present at least, are in need of this guarantee in order that the general interests will not be neglected in any place or at any time.

Without the general Administration abandoning or diminishing the public works, but always reckoning on the opportunity to be able to make full and licit use of the personnel and money at its disposal for the expeditious and encouraging performance of such tasks, and at the same time making new plans work cheek by jowl with the old, the *Principalias* of the towns are themselves placed in a position to be able to proceed with the execution or initiation of such material improvements as are of particular interest to one town, or to several towns which may join their common interests for one such enterprise. The concentration of the local services in the hands of the general Administration has stood for too long a period to permit us to expect now that this initiative will rouse itself abruptly into vigorous action; but the use of the powers which will be vested in the Municipal Tribunals and the daily pressure of public business will induce them sooner or later not to squander the resources entrusted in their hands.

It was not possible to place funds, which were included in the budgets

managed by the State under a varied range of powers, at the disposal of the towns for their local needs, because such funds are too deficient for the improvements which only the skill, the perseverance, and the power of the State itself can carry out. But because of the circumstance that in most of the towns the sources of revenue will not furnish sufficient funds for such works, after the other permanent and unshirkable necessities have been met, the local corporations are empowered to create a direct tax—for their own benefit—on rural property, which as yet is not taxed in the Philippines. The simplicity and the relative ease wherewith this tax can be collected and administered and the well known fact that such an impost—when its proceeds are to be utilized solely and exclusively for works beneficial to the town masses—will repay full returns to the resources thus taxed, — all these advantages vouchsafe the hope that the tax will establish itself in the more advanced towns and will become more popular according as the rural property will be so substantially developed as to be in a position to support such a tribute, and as the advance in culture will make felt those needs which lie beyond the reach of the present excise.

The undersigned Minister will shortly submit, for the approval of Your Majesty, another decree to change the rules governing the sale and adjustments of public lands, greatly favoring and facilitating the acquisition and consolidation of individual property. For this end also, and for other purposes, are intended the important reforms in the Mortgage Law, whereof an account will also be given soon to Your Majesty.

For this reason, municipal tribunals are at the present time forbidden to impose a new tax on cultivated rural property, if they did not make such an impost applicable also to uncultivated property.

The social and economic conditions of the towns of the Philippines do not permit that public lands be reserved for persons applying for them at the cost of a large outlay which is suffi-

cient capital to place such tracts under cultivation; and if their acquisition is to be facilitated, there is need of overcoming the economic obstacles in the system, as evinced by experience, so as to prevent thereby that the land be held for speculative purposes by leisurely idlers, as our mining laws do with regard to the subsoil. The tax on rural property, like that on registered mining claims, should encourage the owners to work the land, or to abandon and leave it for those men who, through labor and capital, resolve to make it give up its bounties.

To the sources of revenue of the towns is added the personal service tax, which is a most valuable asset if administered and utilized with honesty and intelligent zeal. The employment in community undertakings of the persons subject to such a tax will, of course, stimulate the acquisition of the riches which Nature holds out to us, and will compel the administrators of the towns to provide the necessary funds with the means allowed them. Certain regulations adapted to the system now established, which the Governor-General will approve after a report thereon by the Council of Administration, ought to prevent the abuses to which the personal service tax is always subject.

A most important matter for similar regulations will be the form of accounting for, and of managing the funds of, the towns; for neither will there be any omission of the inflexible norm necessary to preclude malversation and corruption, nor will there be any seeking after that state of perfection which is incompatible with the customs and conditions of that country. The Decree proposed to Your Majesty lays down only divers bases which are known to be sufficient in counselling simplicity in development. The bootless repetition of proceedings, which would call for a periodical renewal of municipal budgets, is shunned; and as it is impracticable to suppress altogether every rule which will bring to normalcy the receipts and expenditures, provision is

made for the preparation of a statement of each, in order that it may continue for an indefinite period, although anticipating always the possibility of modifying the rule so as to adapt it to the inevitable changes of circumstance. It is required at all events that the expenditures be kept within the maximum limit of the net receipts; and through the permanence of the regular budgets and the prohibition of the introduction of any change in them during the course of the calendar year—a change which must be postponed to the following year, even after its approval—a statement and audit of the annual accounts is made readily and most expeditiously. Any extraordinary or incidental expenditure, as well as any work undertaken at the expense of the municipality, must be excluded from the permanent budget and from the ordinary annual account; and all the resolutions, acts and objects of approval, resources, the liquidation and account relating to these unusual or accidental disbursements shall be treated separately.

The needs of the governmental system and the powers of constituted authorities are safeguarded in regard to the general Administration as well as the provincial governments, by means of the sections of the Decree re-regulating the suspension and removal of the members or of the corporations that are to administer the local affairs; but in the even tenor of things, much latitude is allowed the *Principales*, and all that is most essential to the good management of the community interests in every town is made dependent upon their initiative and sense of responsibility. The subordinate and superior agencies to which are entrusted the tasks of supervision, advice, and review will no doubt be able to induce discretion and obviate the need of applying remedies for losses and abuses. But they cannot assume the powers of the local authorities; and because such agencies cannot destroy, but only direct them, it is to be hoped that the emancipation of each town in the ad-

ministration of its private affairs will be as lasting as the success of the reform will dictate.

Although the beneficent consequences of this emancipation—which in no case can be immediate—would be slow or scarce, yet they must be awaited without the fear that the management of the towns will make any worse the present condition of the affairs which may be entrusted to them, as well as without the slightest dread regarding the services of general interests, because the latter are retained in the hands of the Administration, until experience will have evinced that they would be safe and advantageously placed in the hands of the *Principalias*.

The betterment of the local institutions does not hinge solely upon the policy of the Government. Time, wedded to persevering effort, is more necessary now on account of the condition of our native Filipinos, who have been subjected for so long a time to a bangling centralization of town and country affairs; but the undersigned Minister hopes that, in the near future, the principles and regulations he proposes to Your Majesty—more than any other plans now engrossing attention—will be contributory to the profit and progress of that people whom Providence has committed to the generous tutelage of the Spanish monarchs. It would be bootless to expect that they would display such initiative as the people of another race, of different culture and habits, might evince under an identical autonomous municipal government; but it does not even appear considerate to regret that things be thus and so, because each people must live according to its idiosyncrasies. It is preferable to compromise; and it would savor of tyranny to impose upon subjects what they detest or repel, however perfect it may be. The more singular and more inconstant the condition of the inhabitants of the Philippine Archipelago is, the greater should be the consideration given to the reform which respects local differences, prepossessions, and initiative, instead of dwarfing and thwarting them with vehement longing for their

Republic of the Philippines  
COMMISSION ON ELECTIONS  
Manila

LIST OF MUNICIPAL OFFICIALS ELECT  
November 11, 1947 Elections  
(Continued from April number)

PROVINCE OF BOHOL

ALBURQUERQUE

- Mayor ..... Placido M. Mantiza (L)  
Vice-Mayor ..... Gemeniano Buñgabon (L)  
Councilors:  
1. Severo Pinlac (L)  
2. Domingo Pamaos (L)  
3. Lucio Jay (L)  
4. Valeriano Buñgabong (N)  
5. Dionisio Camiling (L)  
6. Nicomedes Solis (N)

ANDA

- Mayor ..... Aquilino A. Deligero (L)  
Vice-Mayor ..... Santiago Amper (L)  
1. Ramon C. Amper (L)  
2. Alfonso Castillo (L)  
3. Santiago Deloso (L)  
4. Antonio Deligero (N)  
5. Fructuoso Olalo (L)  
6. Filomeno Amora (N)

ANTEQUERA

- Mayor ..... Luis B. Gementiza (L)  
Vice-Mayor ..... Gregorio Bahalla (L)  
Councilors:  
1. Eugenio Bolanio (L)  
2. Maximo Refamonte (N)  
3. Pedro Baloria (L)  
4. Ramon Aleria (L)  
5. Doroteo Putane (N)  
6. Basilio Samocino (N)

BACLAYON

- Mayor ..... Osmundo L. Oppus (L)  
Vice-Mayor ..... Eleuterio R. Ramo (L)  
Councilors:  
1. Victorino Sambas (N)  
2. Cesario Ugat (L)  
3. Restituto Oppus (N)

improvement.

Supported by these reasons, the undersigned, with the concurrence of the Council of Ministers, has the honor to submit to Your Majesty the attached draft of Decree.

At the Royal Feet of Your Majesty,  
ANTONIO MAURA Y MONTAÑER.  
*Madrid, May 19, 1893.*

(To be continued)