

709

Worcester
Philippine Coll.

JQ
1345
.A3

SEVENTH ANNUAL REPORT

OF THE

PHILIPPINE BUREAU OF
CIVIL SERVICE

FOR THE

YEAR ENDED JUNE 30

1907

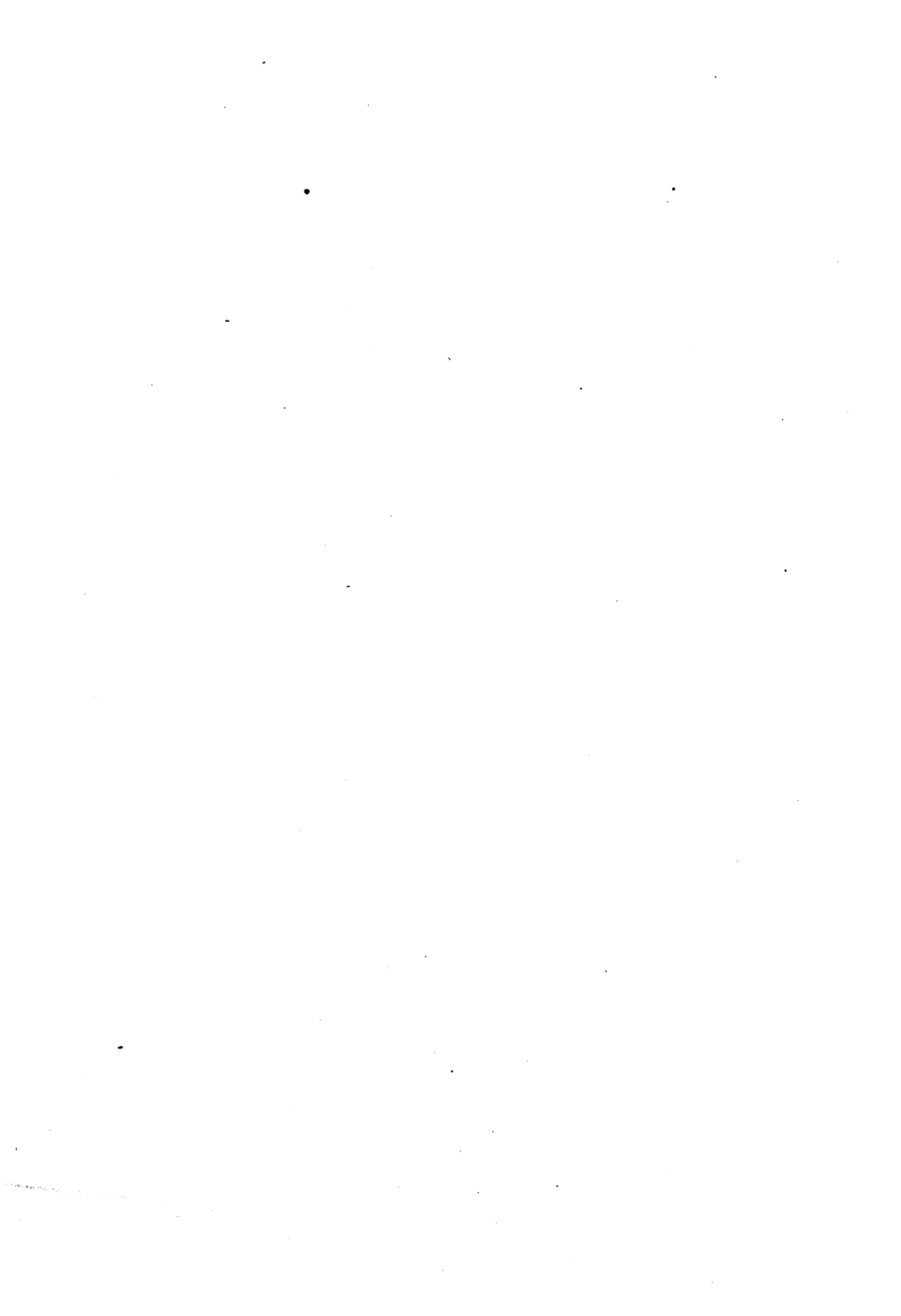
BUREAU OF INSULAR AFFAIRS

WAR DEPARTMENT



WASHINGTON
GOVERNMENT PRINTING OFFICE
1908





SEVENTH ANNUAL REPORT

OF THE

PHILIPPINE BUREAU OF
CIVIL SERVICE

FOR THE

YEAR ENDED JUNE 30

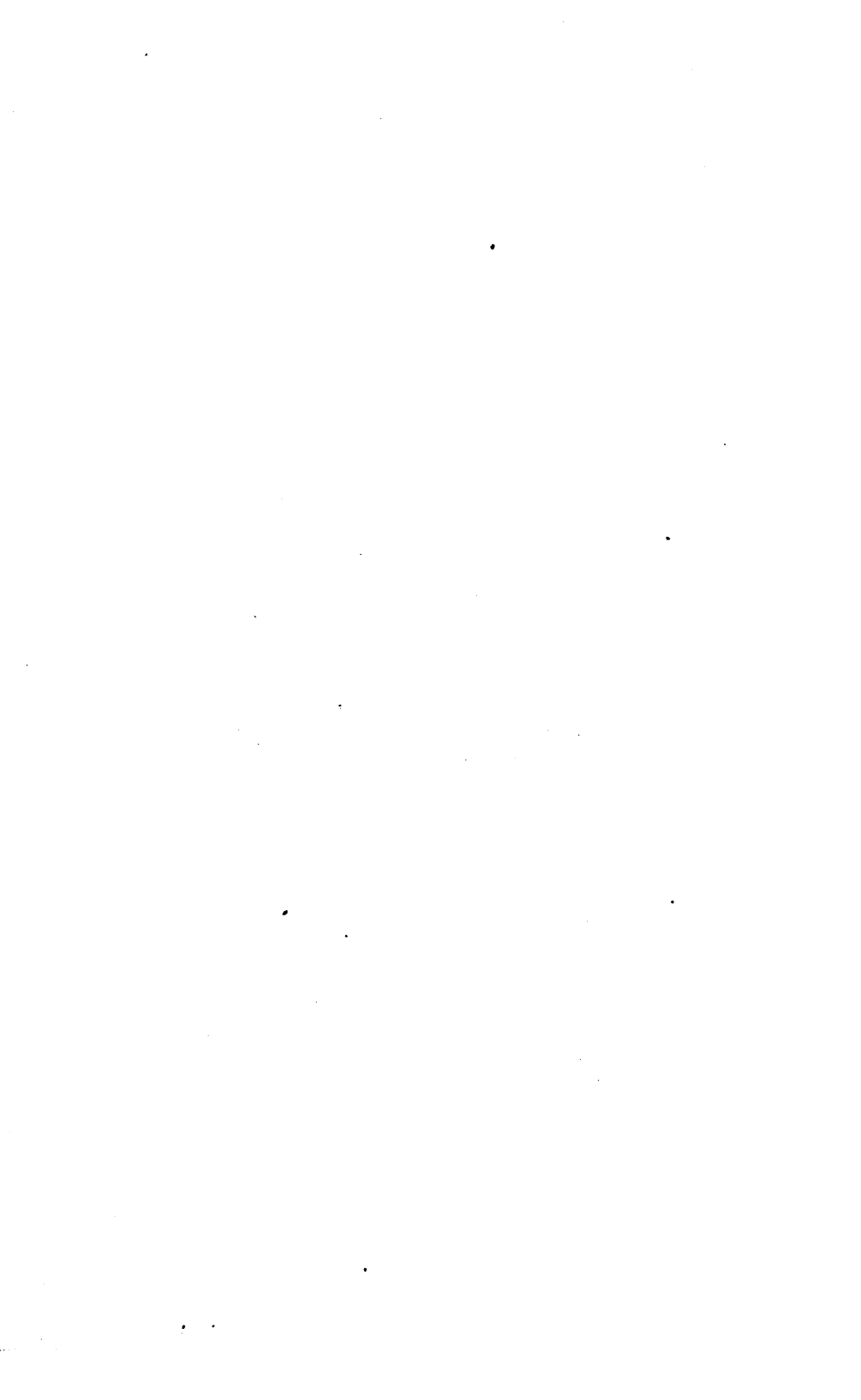
1907

BUREAU OF INSULAR AFFAIRS

WAR DEPARTMENT



WASHINGTON
GOVERNMENT PRINTING OFFICE
1908



CONTENTS.

| | Page |
|--|------|
| Examinations | 117 |
| Assistant provincial treasurer | 117 |
| Junior stenographer | 118 |
| Junior surveyor | 118 |
| Internal-revenue agent | 118 |
| District inspector | 118 |
| Appointments in the classified service | 118 |
| Appointments in the Federal service | 119 |
| Relative number of Filipinos appointed | 119 |
| Salary adjustment | 120 |
| Accrued leave | 121 |
| Economy and efficiency require permanency of personnel | 122 |
| Relation of tenure and promotion to career | 123 |
| Promotion examinations | 123 |
| Need of further application of the examination system | 124 |
| Criticism of officers charged with the enforcement of a civil-service law inevitable | 125 |
| To maintain an efficient service a civil-service law must apply to the personnel as well as to entrance to the service | 125 |
| Favorable conditions of service | 126 |
| Pension and retirement system | 126 |
| Revised civil-service act | 128 |
| Publications | 128 |
| Appendix | 129 |
| Revised civil-service act | 129 |
| Opinions of the Attorney-General | 139 |
| Resolutions of the Philippine Commission | 144 |
| Examination requirements relating to appointment and promotion | 144 |
| Recapitulation of examinations | 145 |
| Recapitulation of appointments made in the Philippine classified civil service | 145 |
| Recapitulation of appointments made in the United States civil service in the Philippine Islands | 146 |
| Table showing the number of Americans and Filipinos in the Philippine civil service and salaries paid | 146 |
| Civil-service rules: | |
| I. General provisions and definition of terms | 149 |
| II. Applications for examination | 149 |
| III. Examinations | 150 |
| IV. Rating of papers and eligibility | 151 |
| V. Certifications | 151 |
| VI. Temporary service | 152 |
| VII. Reinstatements | 153 |
| VIII. Transfers | 154 |
| IX. Promotions | 154 |
| X. Appointment and employment | 155 |
| XI. Procedure in reductions, separations, and suspensions | 156 |
| XII. Prohibitions and penalties | 157 |
| XIII. Official roster of officers and employees | 158 |
| XIV. Employment of semiskilled and unskilled laborers | 158 |
| XV. Hours of labor | 158 |
| XVI. Leaves of absence | 159 |

EXHIBIT No. 1.

REPORT OF THE DIRECTOR OF CIVIL SERVICE.

MANILA, P. I., *September 30, 1907.*

SIR: I have the honor to submit the following seventh annual report relating to the operation of the civil service law and covering the work performed by the bureau of civil service during the fiscal year ended June 30, 1907:

EXAMINATIONS.

During the year covered by this report, 5,764 applicants were examined in Manila and in the provinces for entrance to the service and for promotion, transfer, or reinstatement therein, as compared with 5,293 for the preceding fiscal year, an increase of 471.

The following summary does not include examinations to test fitness of skilled laborers and mechanics for appointment or employment. The number of Filipinos who entered examinations given in English was 3,078, of whom 631, or 21 per cent passed, as compared with 2,231 for the preceding fiscal year, of whom 401, or 18 per cent, passed, an increase of 847, or 38 per cent, in the number of Filipinos examined in English. The number of Filipinos examined in Spanish during the year was 1,863, of whom 675, or 36 per cent passed, as compared with 1,973, of whom 816, or 41 per cent, passed, during the preceding fiscal year, a decrease of 110, or 6 per cent. During the year 642 Americans were examined, of whom 322, or 50 per cent, passed, as compared with 702 examined during the preceding fiscal year, of whom 398, or 57 per cent, passed, a decrease of 60, or 9 per cent.

It will be noted from the above that there was a large increase (38 per cent) in the number of Filipinos taking examinations in English, a decrease of 6 per cent in the number of Filipinos examined in Spanish, and a decrease of 9 per cent in the number of Americans examined. As Filipinos gain a better knowledge of English and of other subjects necessary to qualify them in performing duties other than those of a mere routine clerical order, modifications of former examinations are prepared from time to time to meet conditions as they arise.

Assistant provincial treasurer examination.—In the hope that it would attract to the provincial service young men of good antecedents and high grade qualifications, an effort was made during the past year to obtain a list of eligibles from which selection might be made for appointment to the position of assistant provincial treasurer; examinations for this position were held in Manila and in the provinces on February 18, 19, and May 31–June 1, 1907. The examination is practically the same as that before given for appointment to the position of provincial treasurer, except that the former examination was given in English or in Spanish at the option of the applicant, whereas in the examination recently given the questions were in English only, it being allowable to write the answers in English or in Spanish. The former examination resulted in obtaining a number of eligibles for original appointment to the service, several of whom were Filipinos. In the latter examination only competitors who were already in the service and took the examination for promotion secured eligible ratings. It is regretted that competitors not in the public service with sufficient ability to qualify for this position did not enter the examination. The following extract from the first announcement of the assistant provincial treasurer examination shows clearly its purpose:

"The attention of young men not in government service who are seeking a career which offers adequate reward, both as to money compensation and permanent official position, is earnestly invited to the exceptional opportunities now offered them in the treasury service of provincial governments. The entire treasury personnel, with the exception of a few minor positions, is in the

classified service, thereby insuring permanent tenure of office to all officials and employees who render efficient, satisfactory service, and certainty of promotion to those who demonstrate capacity of a high order. Appointment from the eligible list resulting from the examination announced above will be made to the position of deputy provincial treasurer, with immediate assignment to duty either in a provincial treasurer's office or as treasurer of one of the more important municipalities. Ordinarily one full year of practical experience in the various branches of work to which a deputy may be assigned will be required before consideration for promotion to the position of assistant provincial treasurer (now termed chief clerk or chief deputy) in one of the smaller provinces. From the position of assistant provincial treasurer in a small province promotion will ordinarily be to a similar position in one of the larger provinces. After demonstration of exceptional efficiency and fitness in the position of assistant provincial treasurer in a large province an opportunity will be given for independent work as acting provincial treasurer of some province the treasurer of which is absent on accrued leave. From among assistant provincial treasurers who have demonstrated their fitness for advancement after trial as acting provincial treasurer, selection will be made for permanent appointment to vacancies occurring in the position of provincial treasurer, appointment being first to one of the smaller provinces, and subsequent promotion being to vacancies occurring in larger provinces. The frequency with which vacancies occur in the various grades in the personnel of the treasury service is such as to insure promotion as rapidly as candidates may, by practical experience, fit themselves therefor."

Junior stenographer examination.—During the past year there has been great difficulty in securing from the United States enough stenographers to meet the needs of the service. A new examination, called the junior stenographer examination, was prepared and announced, with a view of testing the fitness of Filipinos who have some knowledge of stenography, but who are not sufficiently expert to take rapid dictation. While none of the competitors has thus far qualified in this examination, several have received temporary employment as junior stenographers or appointment as clerks with a knowledge of stenography; with experience gained in the offices to which assigned, they have made sufficient progress to warrant the expectation that with the acquirement of a better knowledge of English and the increasing thoroughness of instruction in the commercial schools it will be possible to use a larger number of Filipinos in stenographic positions.

Junior surveyor examination.—This examination is intended to test the fitness of Filipinos for surveying work in the bureau of lands. While no Filipinos succeeded in obtaining eligibility in the first examination held, the indications are that they will be able to qualify with a little more training and experience. They obtain their preparation in the public schools and through apprenticeship served in the bureau of lands. It is designed to introduce into the service young Filipinos who, under the guidance and instruction of competent surveyors, will be able to perform a considerable portion of the work now being done by American surveyors.

Internal-revenue agent examination.—An examination designed to test fitness of applicants for the position of internal-revenue agent was prepared and held during the year in Manila and in the provinces. Appointments to the position of agent were formerly made as a result of a first grade or equivalent examination, which, with respect to the permanent appointment of internal-revenue agents, has now been modified by the addition of practical questions relating to internal-revenue laws and decisions. Thus far no person has been regularly appointed as a result of this examination who had not rendered from several months to two years of service as a temporary agent in the bureau of internal revenue.

District inspector examination (bureau of posts).—This examination was prepared to test fitness of applicants for appointment to the position of telegraph inspector and several appointments have been made as a result thereof. Before the transfer of the telegraph division from the constabulary to the bureau of posts, no adequate and thorough tests of fitness were given for appointment to this position.

APPOINTMENTS IN THE CLASSIFIED SERVICE.

The total number of appointments made in the Philippine classified civil service during the year was 3,812. Of this number 550 were made in the

islands for original entrance into the service; 3,059 in the islands by promotion, reduction, transfer, and reinstatement; and 203 by appointment in the United States.

The number of Filipinos and Americans receiving original appointment in the islands, as compared with the preceding year, were as follows:

| | 1906. | 1907. |
|----------------------------------|-------|-------|
| Filipinos: | | |
| From English registers..... | 174 | 204 |
| From Spanish registers..... | 300 | 226 |
| Total..... | 474 | 430 |
| Americans: | | |
| From English registers..... | 119 | 120 |
| Total original appointments..... | 598 | 550 |

The number of appointments made in the islands during the year through changes in the service by promotion, reduction, transfer, and reinstatement was 3,059, as compared with 2,804 during the preceding year; this increase is due to the larger number of promotions, there having been 2,351 promotions during the year covered by this report, as compared with 2,069 during the preceding year. Reference is made to the frequency of promotions under the head of salary adjustment.

The total number of appointments made in the United States to this service was 203, including 3 appointments by transfer from the Federal service and 16 by reinstatement, as compared with a total of 154 for the preceding year. The number of teachers appointed in the United States was 97, as compared with 109 for the preceding year; 23 of the 97 teachers were appointed as a result of the assistant examination and the remainder as a result of the teacher examination. The number of stenographers and typewriters appointed in the United States during the year was 22, as compared with 7 for the preceding year; twice the number appointed and sent to the islands during the year would have been hardly sufficient to meet the requisitions from various bureaus and offices. Special difficulty has also been encountered during the past fiscal year in obtaining from the United States a sufficient number of civil engineers, surveyors, and other technical men to meet the needs of the service. This is due to several reasons, but principally to the fact that the entrance salaries offered here during the past year or two for these classes of officers and employees have been but little higher than salaries paid for similar work in the United States. Substantial recognition of this fact in providing in the current appropriation bill for larger entrance salaries for these classes of officers and employees will, it is believed, materially aid in securing from the United States a higher grade of men in sufficient numbers to meet the immediate needs of the service.

Appointments in the Federal service, Philippine Islands.—During the year 77 appointments, 64 original and 13 by promotion, transfer, and reinstatement, were made in the Federal service in these islands on certification of this office, as compared with 65 for the preceding year. In the absence of eligibles, it has also been necessary to authorize the temporary employment of a considerable number of persons to fill clerical positions. The number of transfers from the Federal service in the Philippines to the insular service has been offset by approximately an equal number of transfers from the insular service to the Federal service. It is proper to state that the bureau of civil service has had the continued cooperation of Federal officers in applying the provisions of the civil-service law and rules to positions in the Federal service in these islands. There has been little attempt on the part of either Federal or insular officers to induce employees in one service to transfer to the other, when such transfer might embarrass the office in which the employee was serving. The policy adopted by the insular government of employing Filipinos, so far as practicable, in the interest of good administration and economy, is receiving favorable recognition by Federal officers. Some of them have recently expressed the intention of appointing Filipinos from the registers of eligibles, and several have already been appointed.

Relative number of Filipinos appointed to the service increasing yearly.—The civil-service law contemplates the appointment of a maximum number of Fill-

pinos and a minimum number of Americans at salaries commensurate with qualifications and duties; whenever a Filipino is found to be qualified to perform creditably and satisfactory the duties of any position held by an American he should be appointed to the first vacancy occurring in that position. Under the examination system of making appointments it is contemplated that the Filipino people shall be given every opportunity to participate in the work of government through selection and appointment on a merit system basis. The process of substituting Filipinos for Americans has been progressive since 1902. On January 1, 1903, the number of Americans in the service above the grade of laborer was about equal to the number of Filipinos. There were in the service on January 1, 1907, 2,616 regularly appointed Americans, and 3,902 regularly appointed Filipinos, as compared with 3,307 Americans, and 4,023 Filipinos on January 1, 1905, and 3,228 Americans and 3,377 Filipinos on January 1, 1904; no statistics were prepared for January 1, 1906. From this it will be seen that in two years the number of regularly appointed Americans in the service has been reduced by approximately 700. During these two years, however, there was a larger number than usual of Americans employed temporarily.

A considerable portion of the routine work is now being done by Filipinos, enabling the government materially to reduce the number of Americans employed in the lower grades by appointing Filipinos as vacancies occur. There has been a considerable increase in the number of Filipinos who entered and passed the second grade examination in English, and a still greater increase in the number receiving appointment. The eligibles obtained as a result of this examination are trained principally in the public schools, have a good conversational knowledge of English, spell, and read fairly well, and, as a rule, have a good knowledge of arithmetic and excel in penmanship. With careful supervision and training many of them in a few months develop into fair junior clerks and junior typewriters, and some of them eventually do superior work. There is little doubt that the expenses of the government could be further reduced in some bureaus by employing more Filipinos to assist in carrying on the ordinary routine work.

In previous reports reference has been made to the capability of Filipinos as tracers or copyists of drawings. This work is now being satisfactorily done by them in the bureaus of lands, coast and geodetic survey, and public works. In mechanical trades positions also Filipinos have shown special aptitude, as is being so amply demonstrated in the bureau of printing and in other bureaus. Filipinos have not been well trained in skilled occupations as artisans and mechanics. Mere theoretical teaching in the public schools is not likely *per se* to prepare adequately a sufficient number of Filipinos to meet in full the demands of industrial activity, unless such teaching is supplemented by a widely existent apprenticeship system, under which there may be practical application of knowledge gained in schools. Aside from reducing the cost of ordinary routine clerical work, the expenses of the government may in the near future be materially reduced by the further employment of Filipinos in manual trades positions at salaries commensurate with their needs and qualifications.

SALARY ADJUSTMENT.

In a published article relating to the employment of Filipinos the director of education states:

"There has been in some branches of the government service a tendency on the part of the Filipino employee, as soon as his training fitted him to do the work previously done by an American employee, to demand the same salary as was paid to the American. In some cases this has been given, and Filipinos are being paid salaries of \$1,000, \$1,200, and even \$1,400 gold per year for the simple reason that these salaries were paid to Americans who formerly filled the same positions and did the same work. At first thought it might appear that this was only a just recognition of the equality, which must permeate the civil service. But further consideration shows conclusively how impossible a policy this is. The Americans in these islands are paid practically double what their services would command in the United States. That is, they are paid the large salaries that must always be paid the skilled employees in foreign service. That they are not paid too much is sufficiently evidenced by the fact that it has been difficult to secure first-class American employees at the salaries which have been offered. The proper compensation for a Filipino in the

Philippine Islands should certainly be not higher than that paid to an American for the same class of service in the United States. * * * The principle upon which the government in the Philippines is proceeding, and which is eminently fair to the Filipino teachers, is that as rapidly as the work done by Americans can be done by Filipinos the Americans will be dismissed and the positions filled by Filipinos. But the compensation for the Filipinos accepting office under these circumstances should not by any reason be the high compensation which must be held out to an American in order to induce him to interrupt his career in the United States to enter a service in the Philippine Islands necessarily insecure and involving sacrifices."

One of the difficult problems of government in the Philippines is that of fixing appropriate salaries or rates of compensation—difficult of proper adjustment for the reason that a false salary schedule is necessitated to compensate adequately Americans in the service, who must of necessity be paid salaries considerably higher than are paid in the United States. The majority of Filipinos enter the service through the second or third grade junior clerical or copyist examinations. When appointed as a result of passing the second grade or junior clerical examination given in English, under existing regulations their salaries may be increased to \$900 per annum without further examination. Those who succeed in passing the stenographer, bookkeeper, translator, interpreter, or clerk examination given in English become eligible, so far as examinations are concerned, for probational appointment to grades or positions heretofore generally filled by Americans with rates of compensation above \$900 per annum. The salaries of some Filipinos who have succeeded in passing one or more of these latter examinations have been further increased since the director of education prepared the paper above quoted. Naturally others are anxious to receive the salaries heretofore paid, apparently ignoring the fact that the salary schedule for the American is of necessity an artificial one.

An appropriate basis of comparison to determine proper salaries of Filipinos would be the rates of compensation paid in private life to Filipinos for corresponding work, or in private or public life in other oriental countries, or even in the United States. The salaries of Filipinos should accord with the salaries paid to them in private life in the Philippines and in private and public life in other oriental countries to natives with similar qualifications. If for no better reason, the revenues of the Philippine Islands do not justify the payment for the accomplishment of routine clerical work of larger salaries than are usually paid by private individuals in the islands for similar classes of work, and certainly not larger than are paid in the United States. With this basis of comparison it appears that the salaries paid Filipinos in some cases are disproportionately large already and that the number of these cases is steadily increasing.

To enable Filipinos to participate in the work of government and to bring about a reduction in salary expenditure, the policy of appointing Filipinos as rapidly as they qualify to fill positions vacated by Americans who voluntarily resign or are removed for cause has been adopted and generally observed. Nevertheless, the needs of the service have continued to demand the appointment annually of several hundred Americans. Notwithstanding the substitution of Filipinos in considerable numbers, the salary expenditure is above the normal. Promotion is allowable under the civil service rules at the expiration of the probationary period of six months and thereafter yearly. It is believed that the periods of promotion yearly after the first six months tentatively fixed in the rules should be lengthened and the examination restrictions extended, or the Government will soon find itself paying to Filipinos larger salaries for corresponding work and ability than are paid even in the United States, where salaries and wages are higher than in most other countries in the world.

ACCRUED LEAVE.

In determining rates of compensation for employees in the Philippine civil service it is proper to take into consideration also the liberal annual leave allowances to employees, averaging from six weeks to two months. These annual allowances in addition to Sundays and holidays reduce the working days to an average of little more than two-thirds of the year, while the salary allowance is for a full year's work.

In its last annual report this office recommended that the leave law be so amended as not to permit the indiscriminate granting of "accrued" leave for use in the islands. Governor-General Ide, in his report covering the fiscal year

1906, recommended that the matter be taken up for consideration by the Commission, suggesting that some plan ought to be adopted for the protection of the treasury and the service generally, and in comment thereon stated:

"Accrued leave was primarily intended to enable employees to visit the United States, whereby Americans could regain their strength and vigor, and the Filipino employees could gain a knowledge of American institutions and become acquainted with the customs of the American people, which would be of great value in the service. The maximum annual liability for accrued leave is nearly ₱1,000,000. Much of the accrued leave enjoyed by employees is now passed in the Philippine islands, thereby defeating the purposes of the original intention of the law."

The revised civil service act, recently passed, contains a provision for granting leave with permission to visit foreign countries with practically the same traveling expense and half pay allowances as are granted in connection with visits to the United States. It is hoped that this may result in increasing the amount of accrued leave spent abroad, but unless the granting of accrued leave for use in the islands is restricted the greater part of such leave will be spent in the islands as heretofore and the primary purpose for giving accrued leave will not be realized. Chiefs of bureaus complain that frequent absences for short periods interfere with the proper accomplishment of the work of their bureaus. The law provides that accrued leave shall be granted "subject to the necessities of the public service." It is believed that a chief of bureau may properly decline to approve applications for accrued leave to be taken in the islands when there is no apparent necessity for the absence and when the granting of the leave applied for would interfere with the work of the bureau. The vacation leave provided by law is ample for recreation purposes; accrued leave is intended primarily to enable employees to visit the United States and foreign countries, or to cover absences in the islands on account of illness or urgent necessity when vacation leave is exhausted. The fact remains, however, that this government is allowing for forty-one to sixty-three days' leave per annum, which in the majority of cases covers absences in the islands requested ostensibly for the purpose of recreation or recuperation, but used by some in working for private parties. No other government, so far as this office is aware, allows its officers and employees to be absent from duty so many days in the year on full pay as does the Philippine Government. As the annual liability on account of leave amounts to approximately ₱1,000,000, no small responsibility rests upon this office, which is primarily charged with the proper application of the law.

ECONOMY AND EFFICIENCY REQUIRE PERMANENCY OF PERSONNEL.

Exclusive of officials in Manila, a considerable number of appointments have been made from time to time of persons who had been employed in the United States civil service prior to appointment in the Philippine civil service. The records show that this method of recruiting for the Philippine civil service has not been uniformly productive of satisfactory results. Out of 87 of such transferees appointed in 4 bureaus only 33 remain. While some should have been retained by better rates of compensation, the return of others to the United States was not detrimental to the interests of the service.

In the report of this office to the governor-general for the year ended June 30, 1905, it was stated under the caption of character and permanency of personnel:

"A high grade of efficiency in the public service can not be attained with a transitory personnel. Continuity of service is essential to efficiency. Adequate preparation and special training supplemented by long experience tend to produce a personnel whose services become increasingly valuable.

"A transitory personnel not only does not contribute to a high degree of efficiency, but it adds greatly to the expense of administration. Where officers and employees are, without adequate preparation and experience, placed in positions of responsibility, mistakes are bound to be more or less frequent, and some of them expensive and serious. From the standpoint of economy, therefore, as well as efficiency, appointment in a dependency especially should contemplate a long period of service. The constant withdrawal from the Philippine service of competent men who are just reaching the point where their services would be most valuable and useful to the Government is not in the interests of economy, efficiency, or good government. The Philippine civil service, no less than the military and naval services of the United States, should offer oppor-

tunity for an honorable career for well-trained men. The continuance in the service of self-reliant, well-trained, and efficient young men of good character must be deemed essential to successful administration and good government in the Philippine Islands."

It is a matter of regret to report that the percentage of withdrawals from the service of competent and desirable men has been greater during the past year or two than theretofore, while there have been fewer separations of the incompetent and undesirable. On January 1, 1907, there were 2,616 Americans having regular appointment in the service. During the fiscal year ended June 30, 1907, approximately 500 Americans resigned, about double the number withdrawing from the service during the preceding fiscal year. Of the 500 over 100 were university or college graduates, including scientists, civil engineers, surveyors, physicians, teachers, and subordinate officials, as against 40 university or college graduates for the preceding year. Of the remaining 400, a considerable number were graduates of high or normal schools. The loss to the government of these trained and experienced men is in many instances irreparable. Good men were evidently discouraged, and apparently lost hope that the Philippine public service promised a career which would justify their remaining in it. Whatever the cause, the withdrawal of so many competent Americans is greatly to be regretted, and suggests that encouraging conditions must prevail or well-trained and efficient young men will continue to leave the service and the hope of establishing firmly a dignified and efficient civil service in these islands composed of men above mediocrity and grafting tendencies must be abandoned, to the detriment of good government and to the disappointment of the friends of civil-service reform.

RELATION OF TENURE AND PROMOTION TO CAREER.

The promise of an opportunity for an honorable career is essential to the retention of the best type of young manhood in this service, as indeed it is in any public service. The policy of the American Government from the beginning contemplated the laying of a foundation deep and strong for the superstructure, an efficient public service as good as the best, and a worthy achievement of American honesty and industry in the field of government endeavor. Whenever the competent man feels that tenure of office is insecure or that there is no certainty of promotion of the most competent to the higher positions, he will if he have laudable ambition and capability look forward to an early return to the home land instead of giving his undivided attention to carving out a career for himself by striving to render the best possible service. The American as well as the Filipino must be assured that tenure is permanent, if his service is faithful and satisfactory; otherwise, the best type of American manhood will rarely enter the service and few will remain. If the merit system is adhered to such assurance can unhesitatingly be given. As shown hereinbefore, the needs of the service continue to require the appointment of hundreds of Americans every year. When the time comes that no more Americans need be appointed to carry on the work of government, the tenure of reliable officers and employees remaining in the service will not be affected, as vacancies will continue to occur as rapidly as Filipinos qualify to fill them.

The matter of promotion must depend upon capability and fitness and not on personal influence or favor in any form. Appointments and promotions not made in accordance with the letter and spirit of the civil service law must inevitably tend to demoralization and to lower the general average efficiency in any public service. Integrity and efficiency must therefore be the touchstones to securing impartial consideration in promotion. By adhering to the true principles of the "merit system" and avoiding the adoption of false ones the advantage gained in the splendid progress heretofore made toward good government in the Philippines need not and will not be lost.

PROMOTION EXAMINATIONS.

The only practical method by which promotions on merit may be assured is by means of competitive promotion examinations. No promotion to any position in this service is made without passing the examination required for original appointment thereto. This requirement of eligibility in examination taken non-competitively for promotion prevents promotion of the really incompetent and the practical breaking down of the merit system, but does not insure the promotion of the most competent and trustworthy. Competitive promotion exam-

inations can not be generally applied to this service without increasing the appropriation for this Bureau, as the examiners as well as other employees of the Bureau are required constantly to work overtime to keep abreast of current work. Without strict adherence to the spirit as well as the letter of the law, the public service will suffer by the appointment or advancement of the mentally, morally, or physically unfit. Constructive work can not be done by the incompetent and positions of financial trust and responsibility should not be given to men whose habits of life and political and social relations are likely to outweigh principles of honesty and integrity. No position, high or low, the duties of which presuppose capability to administer actually, honestly, and intelligently the affairs of the position or to perform the work required to be done, can in the interests of good government be filled by an unfit person or by a political or personal appointee who has not the proper qualifications to perform the duties creditably. The actual money loss caused by the payment of government revenues to the incompetent and unreliable is probably less harmful than the deadly effect on the esprit of the service and the disgust and resulting resignations of really competent and reliable men. The possession of brains by a government official or employee is important, and so is the possession of good morals. It has been repeatedly demonstrated that without the latter there is no assurance of reliability and integrity. The interests of good administration require the reasonable observance by employees of the ordinary rules of conduct everywhere approved by right-thinking and law-abiding persons.

THE NEED OF FURTHER APPLICATION OF THE EXAMINATION SYSTEM.

Of the whole number of subordinate officials who have been removed from the Philippine civil service for cause, only 5 per cent entered the service through civil service examination. There are approximately 250 unclassified positions in the constabulary filled by Americans of the grade of officer, which constitute a majority of the unclassified positions in the Philippine civil service filled by Americans. Of the total number of Americans, approximately 600, appointed as officers in the constabulary, about 150, or 25 per cent, have been separated from the service for cause, some 200 have resigned, and about 250 are now in the service. These positions are specifically excepted from the examination requirements of the civil service law, and selections for appointment, being left to the director of constabulary, have been made without testing fitness through a rigid, thorough, and systematic examination system. While free from some of the restrictions of the civil service law, constabulary officers have all the privileges of that law and other special privileges. In addition to leave privileges, constabulary officers are given quarters in kind or commutation thereof, and are allowed under certain regulations expenses while in hospital; a special pension and retirement system is provided for them; periodical increases in salary for length of service and promotions to higher grades and classes are more frequent than in other branches of the insular service. These favorable conditions of service would ordinarily be expected to be productive in a higher degree of honesty and efficiency. Nevertheless, there has been an unusual number of failures among constabulary officers and consequent separations from the service on account of defalcations or other delinquency or misconduct. If appointments and service in the constabulary were subject to the requirements of the civil service act and rules, improvement in character and efficiency of the personnel would undoubtedly follow in this branch of the service, as has heretofore followed with every extension of the law to other grades of positions in the unclassified service. Nothing in this discussion is to be construed as detracting one iota from the record made by those constabulary officers who have rendered creditable and satisfactory service.

In this connection it may be noted that of the employees brought out from the United States by 2 of the large constructing companies in the Philippines over 50 per cent were practically failures and have been "let out" for cause.

It seems quite clear that the statement frequently heard to the effect that the selection of appointees for the public service by chiefs of bureaus without the intervention of a disinterested civil service officer, or the selection of employees by heads of business concerns, without the application of an examination system in either case, secures a better and more satisfactory personnel than the government obtains through the operation of civil service law impartially and rigidly enforced, is not verified by the facts. Results conclusively show that the highest average in general efficiency, integrity, and reliability is *

secured through the open competitive examination system of making appointments. The favorable comments of some officials on the operation of the Philippine civil service law are found in the appendix of this report.^a The unqualified indorsement of the "merit system" by hundreds of officials all over the world may be found in published government reports.

CRITICISM OF OFFICERS CHARGED WITH THE ENFORCEMENT OF A CIVIL-SERVICE LAW
INEVITABLE.

In the publications of this office it is shown that: First, important preliminary evidence of fitness is obtained in the data required in making application for examination; second, if application is acceptable, further evidence of fitness is obtained through appropriate tests of knowledge of subject-matter relating to the position for which application is made; and third, the final test of fitness is given through actual trial by a bureau chief for six months—the probationary period. If not discharged during the probationary period, discharge during this period being discretionary with the bureau chief, it is presumed that the appointee is competent. Occasionally it is discovered that employees thus permanently appointed after the expiration of the probationary period prove to be inefficient. Complaint of a chief of bureau against the examination system with respect to such appointees is not well founded, as the official has ample opportunity to determine the appointee's qualifications during the probationary period.

No civil-service director or commissioner, whether or not he does his duty, is able to escape adverse criticism sooner or later. He may for a brief period undertake to justify partiality of action for special, more often specious, reasons, and accede to the wishes of many; but if he does so the inevitable day comes, all too soon, when he finds himself in the mazes of an inextricable tangle of unhappy precedents of his own creation, all to the detriment of the public service. Nor will he escape criticism if he does his duty in faithfully and consistently enforcing the provisions of a thoroughgoing civil-service law, which means fair competition and no favor for entrance to the public service and advancement therein on merit, and opportunity for the government to obtain the best men.

A single case of hardship, and perhaps a mere *prima facie* one at that, is quite sufficient for some to declare the civil-service law a failure, though such conclusion is contrary to all rules of logic and evidence. As here in the Philippines, so probably elsewhere, on presentation of the facts and reasons for the action taken by the civil-service office adverse criticism is generally found to be without "rhyme or reason." The attitude of those opposed to any comprehensive civil-service examination system, however meritorious that system may be, will render a continuance of the usual amount of adverse criticism unavoidable in individual cases. While the civil-service officer can not escape criticism, he may, by courageous and judicious action, if his mental and moral vision is clear, steer a safe course past Scylla and Charybdis.

TO MAINTAIN AN EFFICIENT SERVICE A CIVIL-SERVICE LAW MUST APPLY TO THE
PERSONNEL AS WELL AS TO ENTRANCE TO THE SERVICE.

A study of the civil-service laws of other countries is convincing to any fair-minded person that were the operation of a civil-service law to cease with original appointment to the various bureaus and departments of a public service there could not be uniform and impartial treatment of the entire personnel, as varying privileges and practices affecting the personnel would arise in each of the several departments. Hence all these laws provide for general supervision over the service by the executive head of a government, carried out by him through the operation of rules and regulations not only having application to entrance to the service, but also intended to secure uniformity in privileges and practices in all the departments, i. e., uniform treatment of the entire personnel with respect to appointments, promotions, transfers, reinstatements, removals, fines, suspensions, leaves of absence, etc.

In the exercise of the power vested in the executive head of a government to promulgate rules and regulations as provided by law for the purpose of securing and maintaining a dignified, economical, and efficient public service, being prima-

^a These have been omitted and are on file in the Bureau of Insular Affairs, War Department.

rily responsible for wise administration or good government, he appoints a civil-service body whose members are directly responsible to him for the proper performance of their duties. Critics of a comprehensive civil-service law who are sincerely in favor of limiting its application have probably failed to keep abreast of the civil-service reform movement and have overlooked the significant fact that in addition to the examination requirements for entering the civil service the merit system is in most countries being wisely applied to the personnel of the service, and that the degree of efficiency and good government the world over largely depends upon the extent and thoroughness of the application of this system to the personnel of the public service. With respect to the objection raised by some that the powers of chiefs of bureaus are circumscribed by the civil-service law and rules, and that the director of the Philippine civil service is invested with too much authority in addition to the purely examination functions of his office, provisions of civil-service laws enacted during the last half dozen years by State and municipal governments in the United States and elsewhere, defining the powers of civil-service commissioners, are interesting and illuminating. Trial has demonstrated that under the just and equitable operation of civil-service law and rules efficiency and economy in the public service have greatly increased in every country where uniformity, fairness, and impartiality are thus secured by the executive head of a government to the entire personnel of the service during the period of employment as well as for entrance into the service.

FAVORABLE CONDITIONS OF SERVICE.

It is believed the conditions essential to give promise of a career in the Philippine service are:

Tenure of office for the efficient must be as secure as it is in any other branch of the United States public service—military, naval, or civil.

No positions should be filled by Americans when competent and reliable Filipinos are available who are capable of filling creditably such positions. If competent and available, Filipinos should be given preference as provided in the civil service act. Neither American nor Filipino should receive the salary of a position which he is not capable of properly filling, while subordinates do his work.

Vacancies in the higher grades must be filled by promotion of the most competent as contemplated by the civil service act.

As in the United States Army, Navy, and Marine Corps, there should be, as stated below, a pension on retirement from the service for disability and retirement pay after a fixed period of service.

PENSION AND RETIREMENT SYSTEM.

In the annual report of this office for the fiscal year ended June 30, 1904, it was stated that a mass of data covering the general subject of pensions and retirement had been obtained by direction of the governor-general, and it was further reported:

“Officers and enlisted men of the military and naval services of the United States receive pay after retirement, and many municipalities in the United States provide for pensioning policemen and firemen on retirement. Some business corporations in the United States have adopted pension systems.

“European nations apparently consider the pension system essential to successful administration in their colonies. The comments of writers and observers on the value of a pension and retirement system are favorable to its adoption.

“It is improbable that a stable and efficient civil service in the Philippine Islands can be established without the adoption of a pension and retirement system. The board therefore recommends that the matter be given favorable consideration.

“Such investigation of the subject as the board has been able to make seems to warrant the conclusions that for a pension system to be successful: (1) The cost must be divided between the government and the personnel; and (2) employees over 40 years of age when appointed shall not be pensionable.”

Governor Wright, in referring to this matter in his report for the fiscal year 1904, stated:

“The policy of providing for a system of retirements and pensions for faithful and efficient civil officers and employees who have passed their entire life

in the service has been the subject of discussion between the chairman of the civil service board and myself, and at my instance he has given the matter considerable study and investigation. While in the United States such a system has been often a topic of discussion, it has never passed that stage, but it has been adopted in some form by Great Britain and the nations of continental Europe. I shall not attempt at this time to enter into a discussion of the subject or to give the arguments pro and con, or to make any specific recommendation, inasmuch as the finances of the islands do not now warrant incurring obligations for increased expenditures and the matter is not pressing. I may say, however, that it is a subject which at some future time should be taken up and fully considered upon its merits. We can only expect to establish a stable and efficient civil service in the islands by offering inducements to well-educated young men of high character to make their life career in the insular service."

This office has been unable to reach a definite conclusion as to whether or not the Philippine government should adopt immediately a pension and retirement system for this service. It is not needed to secure permanency in the Filipino personnel of the civil service. Moreover, the liberal allowance of accrued leave and other allowances provide a certain amount of money on retirement in addition to full pay for all absences during service, which includes periods of illness of average duration and a maximum absence of six months on account of wounds or injuries incurred in the performance of duty. Racial and temperamental characteristics and other conditions make the comparatively mild and healthful climate of Benguet most available and advantageous for Filipinos at a minimum of expense. A change of climate so radical as to necessitate physiologic adaptation is not desirable. Moreover, the great majority of Filipino employees will not go abroad, either from disinclination or for other reasons. On the other hand, a new environment and absence from home render periodical returns to the home land on the part of Americans both desirable and necessary. Americans, therefore, need and use accrued leave to visit the United States, and the money equivalent thereof is required to meet the necessary expenses incident to making the long journey to their homes.

Since 1904 the matter of providing for a pension and retirement system for the United States civil service has been receiving very careful and thorough consideration. It is understood that a plan has finally been worked out which meets the approval of the executive and administrative officers of the government, and that the subject will be presented to the Congress for action. In the event that a pension and retirement system is adopted for the Federal service by the United States Government, it is believed that there is no insuperable obstacle to extending the privileges of the system to Americans serving in the Philippine Islands under the Philippine government. Both the United States civil service rules and the Philippine civil service rules provide for transfers from one service to the other. There are now in the Philippine service a number of officers and employees who before coming to the Philippines were in the United States civil service. Many officers and employees of this service have already been transferred to the United States service, and it is probable that many others will be so transferred. The inclusion of such officers and employees within the provisions of the proposed pension and retirement system for the United States would preserve any equitable rights earned by them as officers and employees of the Government of the United States, whether serving in the United States or in the Philippine civil service. There will be, year by year, a steady decrease in the number—approximately 2,000—of pensionable Americans in the Philippine civil service. The period of service required of the American in the Philippines for retirement should, of course, be shorter than in the United States or than in the Philippine Islands for Filipinos. It is believed that the insular government might well be asked to provide for making up any deficiency on account of the shorter period of service in the Philippines. If provision were thus made by the United States Government for Americans in this service, conditions of appointment and service would offer a career, and the declared purpose of the civil service act, "the maintenance of an efficient and honest civil service in all the executive branches of the government of the Philippine Islands," would be practically assured of fulfillment. The inclusion of this service within the provision of the proposed pension plan for the United States service would not require the United States Government to increase the appropriation to initiate the system, in view of the fact that comparatively few of the American officers and employees of this service have passed the meridian of life and none of them are old men.

THE REVISED CIVIL SERVICE ACT.

In the last annual report of this office reference was made to certain provisions in appropriation bills, exempting from the operation of the civil-service act and rules several hundred positions, by fixing compensations at other than a per annum rate. This objectionable procedure was changed by the provisions of the revised civil-service law recently enacted, which is a compilation and revision of all previously existing laws relating to the Philippine civil service, including and combining the civil-service act proper and the leave act. In this new act all prior legislation affecting the civil service was specifically repealed, and the positions exempted from examination requirements by appropriation bills as above mentioned were replaced in the classified service. Employees exempted from examination requirements naturally are not satisfied with their status, and after gaining a little experience, chiefs of bureaus are constantly endeavoring to get them into regular classified positions by noncompetitive examinations or without any examination, on the ground that they have become valuable and the office can not afford to lose them. It is apparent that were these unclassified employees not required to compete with all other applicants in the regular prescribed competitive examinations for entrance to the classified service, the competitive feature of examinations (the backbone of the merit system) would be evaded, and employees thus selected by the chief of a bureau would secure regular appointment through noncompetitive examination, while better men were waiting for certification and appointment. Another evil flowing from exempted positions, is the constant temptation of chiefs of bureaus to assign to classified positions such unclassified employees in violation of law and rules.

The experience of those sincerely in favor of the competitive examination system has led them to the conclusion that the power of exemption should be sparingly exercised, as few regular permanent positions can be exempted from examination in the interest of the service. Bearing in mind the important and far-reaching consequences resulting from the exemption of positions filled by employees who enjoy none of the benefits and privileges of the civil service law and are not subject to any of its restrictions, and in particular the transference to a bureau chief of all control over appointment and employment, it is obvious that exemption from examination requirements should be limited to those positions where in the public interest exemption is absolutely necessary.

Those provisions of law which were found by years of experience to be desirable were retained in the revised civil-service act, some of them in modified form, while other provisions of former acts were eliminated as obsolete. Aliens may be appointed only when Filipinos or citizens of the United States are not available. The provision for reduction of office hours during the so-called heated season is repealed. Officers and employees may visit foreign countries with practically the same travel time and expense allowances as have heretofore been given to those granted leave to visit the United States. Skilled laborers who receive less than \$1,000 per annum, messengers, watchmen, and detectives hereafter appointed are not allowed leave under the revised act. Provision is made by which the governor-general and heads of departments may delegate to the director of civil service authority to approve appointments and to grant leaves of absence, thus saving much unnecessary paper work relating to leaves of absence and appointments, without in any way lessening their administrative control over these matters.

PUBLICATIONS.

During the year two editions of the "Manual of Information" were published, and the "Official Roster for 1907" was prepared and 700 copies printed for distribution. The last annual report of the bureau of civil service was published in Washington; a reprint of the appendix of the report, containing the civil service laws and rules, was also published by the Bureau of Insular Affairs for distribution to prospective applicants in the United States.

Respectfully submitted.

WILLIAM S. WASHBURN,
Director of Civil Service.

The GOVERNOR-GENERAL, *Manila, P. I.*

APPENDIX.

THE REVISED CIVIL SERVICE ACT.

[No. 1698.]

AN ACT For the regulation of the Philippine civil service.

By authority of the United States, be it enacted by the Philippine Commission, that:

SECTION 1. This act shall apply to appointments to all positions and employments in the Philippine civil service, insular or provincial, or of the city of Manila, now existing or hereafter to be created, the compensations of which are authorized at an annual, monthly, or daily rate, or otherwise, except the employment of semiskilled or unskilled laborers whose rate of compensation is seven hundred and twenty pesos or less per annum, and the employment of all other persons whose rate of compensation is two hundred and forty pesos or less per annum: *Provided*, That the examination requirements of this act for entrance into the civil service or for promotion therein shall not apply to positions filled by the following:

- (a) Elected officers.
- (b) Employees of the Philippine Assembly selected by it.
- (c) Persons appointed by the governor-general with the advice and consent of the Philippine Commission, unless otherwise specifically provided by law.
- (d) One private secretary to the governor-general and to each of the other members of the Philippine Commission.
- (e) Persons in the military, naval, or civil service of the United States who may be detailed for the performance of civil duties.
- (f) Officers and employees in the department of commerce and police whose duties are of a quasi-military or quasi-naval character.
- (g) Officers and employees in the office of the supervising railway expert who are exempted by the governor-general from compliance with the civil-service law and rules.
- (h) Postmasters and customs inspectors whose rates of compensation do not exceed six hundred pesos and three hundred and sixty pesos per annum, respectively, and who may lawfully perform the duties of postmaster or customs inspector in connection with other official duties or in connection with their private business, such duties of postmaster or inspector requiring only a portion of their time; postmasters who are required to perform the duties of telegraph operators: *Provided*, That in the discretion of the director of posts such postmasters may be appointed subject to the examination requirements of this act; postmasters at army posts whose compensation does not exceed twelve hundred pesos per annum each; and operators and linemen in the bureau of posts.
- (i) Detectives, secret agents, sheriffs, and deputy sheriffs.
- (j) Temporary and emergency employees: *Provided*, That when the work to be performed is temporary in character, or whenever an emergency shall arise requiring work to be done before it is practicable to obtain the prior approval of the director of civil service, the chief of a bureau or office may immediately employ any person, giving preference to eligibles if available, but he shall without delay request approval of such temporary or emergency employment, and the employment of a noneligible shall cease when the director of civil service certifies an available eligible who accepts temporary or promotional appointment.

SEC. 2. It shall be the duty of the director of civil service—

- (a) To keep a record of all officers and employees filling positions in the classified service and of all officers and employees in the unclassified service who

are entitled to leave of absence provided for in this act, and for the purpose of this record he is hereby authorized to require each chief of a bureau or office to furnish the necessary information, in such form and manner as the director of civil service shall prescribe with the approval of the governor-general. An official roster shall be published at intervals to be fixed by the governor-general.

(b) To keep a record of the absences of all officers and employees entitled to the leave of absence provided for in this act, and for the purpose of this record he is hereby authorized to require each chief of a bureau or office to cause to be kept a record of the attendance of such officers and employees and to report to the director of civil service, in the form and manner prescribed by him and approved by the governor-general, all absences from duty of such officers and employees from any cause whatever.

(c) To render an annual report, on or before the first day of July of each year, to the governor-general showing the work performed by the bureau of civil service, the rules which have been certified by the director of civil service and approved by the governor-general and the practical effect thereof, and suggestions for carrying out more effectually the purpose of this act, which is hereby declared to be the maintenance of an efficient and honest civil service in all the executive branches of the government of the Philippine Islands.

(d) To supervise the preparation and rating and have control of all examinations in the Philippine Islands under this act. The director of civil service, with the approval of the governor-general or proper head of department, may designate a suitable number of persons in the Philippine civil service to conduct examinations and to serve as members of examining committees. When examiners with special, technical, or professional qualifications are required for the preparation or rating of examination papers the director of civil service may designate competent persons in the service for such special duty. The duties required of members of examining committees, or of special examiners, shall be considered as part of their official duties and shall be performed without extra compensation. When persons can not be found in the Philippine service with the necessary qualifications for such special examining work as may be required, the director of civil service is authorized to employ at a reasonable compensation persons not in public employment for such work, which compensation shall be paid on the order of the director of civil service out of the general funds appropriated for the purposes of the bureau of civil service.

(e) To make investigations and report upon all matters relating to the enforcement of this act and the rules adopted hereunder. In making such investigations the officers and duly authorized examiners of the bureau of civil service are empowered to administer oaths, to summon witnesses, and to require the production of official books and records which may be relevant to such investigation, and they may also administer such oaths as may be necessary in the transaction of any official business of the bureau of civil service.

(f) To prepare and certify to the governor-general rules adapted to the carrying out of the provisions of this act. It shall be the duty of all officers in the Philippine civil service to aid, in all proper ways, in carrying said rules and any modifications thereof into effect: *Provided*, That the rules so prepared and certified shall not take effect until approved by the governor-general and promulgated by his executive order.

SEC. 3. The rules to be prepared and certified by the director of civil service shall, among other things, provide—

(a) For the preparation and holding in Manila and in the provinces of open competitive examinations for testing the fitness of applicants for appointment to the classified service, and for the preparation and the holding of examinations in the United States under the auspices of the United States civil service commission.

(b) For the holding of competitive examinations when practicable: *Provided*, That appointment to those positions requiring technical, professional, or scientific knowledge may be made as a result of competitive or noncompetitive examination: *And provided further*, That noncompetitive examinations may be given when applicants fail to compete after due notice has been given of an open competitive examination, or when in the opinion of the director of civil service the holding of a competitive examination would not result in securing competitors.

(c) For the selection of skilled workmen by such examinations, competitive or noncompetitive, as may be practicable, and which need not relate to more than the capacity of the applicants to labor, their habits of industry and sobriety, and their honesty.

(d) For the examination of applicants in Spanish and English whenever a knowledge of both languages is essential to an efficient discharge of the duties of the position sought.

(e) For a thorough physical examination by a competent physician of every applicant for examination in the United States, for such physical examination in the Philippine Islands as in the discretion of the director of civil service may be necessary, and for rejection of every applicant found to be physically disqualified for efficient service in the Philippine Islands.

(f) For the allowance in examinations of credit for experience.

(g) For certification by the director of civil service to the different bureaus and offices of those rated highest according to average percentage on the civil-service list of eligibles.

(h) For a period of probation before the appointment or employment is made permanent.

(i) For competitive or noncompetitive promotion examinations whenever practicable.

(j) For transfers from one branch of the classified service to another, or from the Federal classified civil service of the United States to the classified civil service of the Philippine Islands, under limitations to be fixed by the rules.

(k) For the conditions under which reinstatements in the service may be made.

(l) For fixing age limits of applicants for entrance into the classified service.

(m) For eliciting from all applicants for examination and from persons now in the service full information as to their citizenship, nativity, age, education, physical qualifications, and such other information as may reasonably be required affecting their fitness for the service.

(n) For the procedure in making appointments to the service, separations therefrom, and suspensions and reductions therein.

(o) For regulating hours of labor and the allowance of leaves of absence (including the withholding of salary for leave granted) and of traveling expenses and half salary for persons entitled thereto.

SEC. 4. The bureau of civil service shall have a permanent office in the city of Manila. When examinations are held by the bureau of civil service, either in Manila or in the provinces, officers having the custody of public buildings shall allow the reasonable use thereof for the purpose of holding such examinations.

SEC. 5. (a) No person shall be appointed or employed in the civil service of the Philippine Islands except as provided by law, or, in the provincial service, by a resolution of the proper provincial board approved by the executive secretary, and in accordance with this act. No person appointed to or employed in the classified service in violation of law or of civil-service rules shall be entitled to receive salary or wages from the government, but the chief of the bureau or office who makes such unauthorized appointment or employment shall be personally responsible to the person illegally appointed for the salary which would have accrued to him had the appointment or employment been made in accordance with law and civil-service rules, and payment shall be made to him out of the salary of such chief of the bureau or office by the disbursing officer. When the director of civil service shall find that any person is holding a position in the classified civil service in violation of law, he shall certify information of the fact to the insular auditor and to the disbursing officer through whom the payment of salary or wages to such person is by law required to be made. If the insular auditor shall find that a disbursing officer has paid or permitted to be paid salary or wages to any person illegally holding a classified position, the whole amount paid shall be disallowed and the disbursing officer shall not receive credit for the same unless the insular auditor shall find that the chief of the bureau or office is responsible, as above provided, for the payment of salary or wages to such person and that such payment is not due to the failure of the disbursing officer to obtain proper evidence as herein required. In case the disbursing officer is not responsible for the illegal payment, he shall be directed to withhold from the salary of the chief of the bureau or office responsible for the illegal employment an amount equal to that disallowed by the insular auditor. A disbursing officer, the head of any department, bureau, or office, or the insular auditor, may apply for, and the director of civil service shall render, a decision upon any question as to whether a position is in the classified or in the unclassified civil service, or whether the appointment of any person to a classified position has been made in accordance with law, which decision, when rendered, shall be final unless reversed by the governor-general on appeal.

(b) No person appointed to any unclassified position shall be assigned to or employed in a position the duties of which are clerical, nor shall he be assigned to or employed in any other position in the classified service.

(c) No person appointed to a position in the classified service shall, without the approval of the director of civil service, be assigned to or employed in a position of a grade or character not contemplated by the examination from the results of which appointment was made, unless otherwise provided by law.

SEC. 6. In the appointment of officers and employees under the provisions of this act, the appointing officer in his selection from the list of eligibles furnished to him by the director of civil service shall, where other qualifications are equal, prefer—

First. Natives of the Philippine Islands or persons who have, under and by virtue of the treaty of Paris, acquired the political rights of natives of the islands.

Second. Persons who have served as members of the Army, Navy, or Marine Corps of the United States and have been honorably discharged therefrom.

Third. Citizens of the United States.

Provided, however, That with the approval of the governor-general, persons other than those hereinbefore named in this section may be appointed.

SEC. 7. If competent persons are found in the service who in the judgment of the appointing power are available and possess the qualifications required, vacancies in the position of chiefs and of assistant chiefs of bureaus and offices and in the position of superintendent shall be filled by promotion of such persons without examination: *Provided, however,* That an examination may be given when requested by the governor-general or proper head of department.

SEC. 8. Any person who shall willfully and corruptly, by himself or in cooperation with one or more persons, defeat, deceive, or obstruct any person in the matter of his right of examination by the bureau of civil service; or who shall willfully or corruptly make a false rating, grading, estimate, or report upon the examination or standing of any person examined hereunder, or aid in so doing; or who shall willfully or corruptly make any false representations relative thereto or concerning the persons examined; or who shall willfully and falsely or corruptly use or furnish any information for the purpose of injuring the prospects or chances of employment, appointment, or promotion of any person so examined or to be examined, or who shall willfully furnish any special or secret information which will give to the person to be examined an unfair advantage in the examination, shall for each offense be punished by a fine not exceeding two thousand pesos, or by imprisonment for a period not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

SEC. 9. Any person who shall willfully become the beneficiary of an act in violation of the last preceding section shall be punished as provided in that section.

SEC. 10. No person in the Philippine civil service shall be under obligation to contribute to a political fund or to render any political service, nor shall he be removed or otherwise prejudiced for refusing to contribute or render any such service, and no officer or employee in the Philippine civil service shall directly or indirectly solicit, collect, or receive from any other officer or employee subject to his orders or under his jurisdiction, any money or other valuable thing to be applied to the promotion of any political object whatever. Any person violating any of the provisions of this section shall be removed from office and shall be punished by a fine not exceeding one thousand pesos or by imprisonment not exceeding six months, or by both such fine and imprisonment in the discretion of the court.

SEC. 11. No inquiry shall be made and no consideration whatever shall be given to any information relative to the political or religious opinions or affiliations of persons examined, or to be examined, for entrance into the service, or of officers or employees in the matter of promotion: *Provided, however,* That disloyalty to the United States of America as the supreme authority in these islands shall be a complete disqualification for holding office in the Philippine civil service: *And provided further,* That no person shall be eligible for examination or appointment under the provisions of this Act who, after the thirtieth day of April, nineteen hundred and one, has been in arms against the authority of the United States in the Philippine Islands, or who has given aid and comfort to enemies of the United States or who after the passage of this act shall have been in arms against the authority of the United States in the Philippine Islands or shall have given aid and comfort to the enemies of the United States; this provision shall not apply to those persons who were in arms

against the authority and sovereignty of the United States in the Philippine Islands, or their aiders or abettors, prior to July fourth, nineteen hundred and two, who came within the provisions of the proclamation of amnesty of the President of the United States issued upon said date, and who have complied with the terms of said proclamation.

SEC. 12. Every applicant for admission to the Philippine civil service shall, before being admitted to examination in the islands, take and subscribe the following oath before a notary public or other officer authorized to administer oaths:

"OATH OF APPLICANT.

"I -----, having applied for admission to the civil service of the Philippine Islands, do solemnly swear (or affirm) that I recognize and accept the supreme authority of the United States of America in these islands and will maintain true faith and allegiance thereto; that I will obey the laws, legal orders, and decrees promulgated by its duly constituted authorities; that I impose upon myself this obligation voluntarily, without mental reservation or purpose of evasion. So help me God. (The last four words to be stricken out in case of affirmation.)

(Signature) "-----"

"Subscribed and sworn to (or affirmed) before me this----- day of ----- 19-----"

The oath of the applicant shall be filed with his application for examination.

SEC. 13. The officers and employees in the Philippine civil service shall be arranged in the following classes, and, unless otherwise provided by law, it shall be understood that the minimum amount specified for each class indicates the annual salary of each officer or employee in that class:

CLASS 1. All persons receiving an annual salary of six thousand pesos or more, or a compensation at the rate of six thousand pesos or more per annum.

CLASS 2. All persons receiving an annual salary of five thousand five hundred pesos or more, or a compensation at the rate of five thousand five hundred pesos or more, but less than six thousand pesos per annum.

CLASS 3. All persons receiving an annual salary of five thousand pesos or more, or a compensation at the rate of five thousand pesos or more, but less than five thousand five hundred pesos per annum.

CLASS 4. All persons receiving an annual salary of four thousand five hundred pesos or more, or a compensation at the rate of four thousand five hundred pesos or more, but less than five thousand pesos per annum.

CLASS 5. All persons receiving an annual salary of four thousand pesos or more, or a compensation at the rate of four thousand pesos or more, but less than four thousand five hundred pesos per annum.

CLASS 6. All persons receiving an annual salary of three thousand six hundred pesos or more, or a compensation at the rate of three thousand six hundred pesos or more, but less than four thousand pesos per annum.

CLASS 7. All persons receiving an annual salary of three thousand two hundred pesos or more, or a compensation at the rate of three thousand two hundred pesos or more, but less than three thousand six hundred pesos per annum.

CLASS 8. All persons receiving an annual salary of two thousand eight hundred pesos or more, or a compensation at the rate of two thousand eight hundred pesos or more, but less than three thousand two hundred pesos per annum.

CLASS 9. All persons receiving an annual salary of two thousand four hundred pesos or more, or a compensation at the rate of two thousand four hundred pesos or more, but less than two thousand eight hundred pesos per annum.

CLASS 10. All persons receiving an annual salary of two thousand pesos or more, or a compensation at the rate of two thousand pesos or more, but less than two thousand four hundred pesos per annum.

CLASS A. All persons receiving an annual salary of one thousand eight hundred pesos or more, or a compensation at the rate of one thousand eight hundred pesos or more, but less than two thousand pesos per annum.

CLASS B. All persons receiving an annual salary of one thousand six hundred and eighty pesos or more, or a compensation at the rate of one thousand six

hundred and eighty pesos or more, but less than one thousand eight hundred pesos per annum.

CLASS C. All persons receiving an annual salary of one thousand four hundred and forty pesos or more, or a compensation at the rate of one thousand four hundred and forty pesos or more, but less than one thousand six hundred and eighty pesos per annum.

CLASS D. All persons receiving an annual salary of one thousand two hundred pesos or more, or a compensation at the rate of one thousand two hundred pesos or more, but less than one thousand four hundred and forty pesos per annum.

CLASS E. All persons receiving an annual salary of one thousand and eighty pesos or more, or a compensation at the rate of one thousand and eighty pesos or more, but less than one thousand two hundred pesos per annum.

CLASS F. All persons receiving an annual salary of nine hundred and sixty pesos or more, or a compensation at the rate of nine hundred and sixty pesos or more, but less than one thousand and eighty pesos per annum.

CLASS G. All persons receiving an annual salary of eight hundred and forty pesos or more, or a compensation at the rate of eight hundred and forty pesos or more, but less than nine hundred and sixty pesos per annum.

CLASS H. All persons receiving an annual salary of seven hundred and twenty pesos or more, or a compensation at the rate of seven hundred and twenty pesos or more, but less than eight hundred and forty pesos per annum.

CLASS I. All persons receiving an annual salary of six hundred pesos or more, or a compensation at the rate of six hundred pesos or more, but less than seven hundred and twenty pesos per annum.

CLASS J. All persons receiving an annual salary of four hundred and eighty pesos or more, or a compensation at the rate of four hundred and eighty pesos or more, but less than six hundred pesos per annum.

CLASS K. All persons receiving an annual salary of less than four hundred and eighty pesos, or a compensation at the rate of less than four hundred and eighty pesos per annum.

SEC 14. All appointments to and removals from subordinate positions in the Philippine civil service shall be made by the chiefs of bureaus or offices subject to the approval or direction of the governor-general or proper head of department: *Provided, however,* That semiskilled or unskilled laborers whose employment is authorized by law may be employed and discharged by chiefs of bureaus or offices under the general control of the governor-general or proper head of department. The employment or discharge of temporary or emergency employees shall be made and reported in accordance with the provisions of this act.

SEC. 15. In case of the temporary absence or disability of the chief of any bureau or office, or in case of a vacancy in such position, any officer or employee in such bureau or office may be designated by the governor-general or proper head of department temporarily to perform the duties of such chief of bureau or office without additional compensation unless there is a vacancy in the position or the chief is absent from duty without pay and unless the order designating such person shall provide additional compensation, in which latter case the person designated shall receive the compensation provided in said order, not exceeding the salary authorized by law for said position. In case of the temporary absence or disability of any subordinate officer or employee in any bureau or office, the chief of such bureau or office may designate any other subordinate officer or employee in his bureau or office temporarily to perform the duties of the officer or employee who is thus absent or disabled, and it shall be the duty of the person so designated to perform the duties so assigned to him without additional compensation. Whenever any officer or employee shall be designated by proper authority for the temporary performance of the duties of chief or of any subordinate officer or employee of a bureau or office, the person so designated shall be reimbursed for any additional expense which he is obliged to incur on account of a bond premium in the position to which he has been so designated, and such reimbursement shall be made from the appropriation for the department, bureau, or office in which the services are rendered by reason of such designation: *Provided,* That no reimbursement shall be made to persons receiving the full compensation attached to the position the duties of which they are designated to perform as herein set forth.

SEC. 16. For neglect of duty or violation of reasonable office regulations, or in the interests of the public service, chiefs of bureaus or offices are hereby authorized to reduce the salary or compensation of any subordinate officer or

employee, to deduct from his pay a sum not exceeding one month's pay, or as a punishment to suspend him without pay for a period not exceeding two months: *Provided, however,* That if the officer or employee thus punished is in the classified service or is entitled to the accrued leave provided for in this act such deduction from pay or such suspension without pay as a punishment shall receive the approval of the governor-general or proper head of department, after having been submitted to the director of civil service for recommendation: *And provided further,* That any reduction in salary or deduction of pay or any punishment by suspension without pay as provided for in this section shall not affect the right of the person thus disciplined to accrued leave of absence, but in the event of his suspension from duty no accrued leave of absence shall be allowed for the time he is thus suspended as a punishment: *And provided further,* That when the chief of a bureau or office suspends an officer or employee pending investigation of charges against such officer or employee, and subsequently restores such officer or employee to duty, no payment shall be made for the period of suspension unless otherwise directed by the governor-general or proper head of department.

SEC. 17. Nothing herein shall be construed to prevent the Philippine Commission from making appointments to or removals from positions in the Philippine civil service of its own motion under the general powers conferred upon it by the instructions of the President of the United States.

SEC. 18. Upon the approval of the governor-general or proper head of department first had, a vacancy in a position of any class may be filled by the appointment of one person or more of a lower class: *Provided,* That the aggregate of salaries paid is not greater than the salary authorized by law for that position.

SEC. 19. With the approval of the governor-general or proper head of department, and after the recommendation of the director of civil service has been had as to the matter, any chief of bureau or office may make changes in the authorized positions and salaries of his bureau or office: *Provided,* That the total charge for salaries and wages shall not exceed the amount authorized by law: *And provided further,* That the positions or salaries of officials appointed by the Secretary of War, or by the governor-general with the advice and consent of the Philippine Commission, shall not be subject to change as hereinbefore provided.

SEC. 20. Whenever in his judgment the public interest will be promoted by the consolidation of two or more appointive positions, the governor-general may declare such positions to be consolidated, may fix the salary of the position resulting therefrom at not to exceed seventy-five per centum of the sum of the salaries of the positions consolidated, and may apportion the salary so fixed among the branches of the government served by the officer or employee receiving the same.

SEC. 21. Whenever two or more appointive positions have been consolidated as provided in the preceding section of this act, the governor-general may restore them to their previous status when in his opinion the public interest is no longer served by such consolidation, and thereupon the salaries payable to the separated positions shall be the same as were authorized at the time of consolidation.

SEC. 22. The required office hours of all bureaus and offices in the Philippine civil service shall be fixed by executive order of the governor-general, but they shall not be less than six and one-half hours of labor each day, not including time for lunch and exclusive of Sundays and of days declared public holidays by law or executive order: *Provided,* That when the nature of the duties to be performed or the interests of the public service require it, officers and employees may, by direction of the chief of the bureau or office, be required to work on Sundays and holidays without additional compensation unless otherwise specifically authorized by law. It shall be the duty of chiefs of bureaus or offices to require of all employees, of whatever grade or class, not less than the number of hours of labor authorized by law or executive order, but the head of any department, bureau, or office may, in the interests of the public service, extend the daily hours of labor therein specified for any or all of the employees under him, and in case of such extension it shall be without additional compensation unless otherwise provided by law: *Provided, however,* That on Saturdays throughout the year the governor-general may, by executive order, reduce the required number of hours of labor to five hours. This executive order shall not oblige the head of a department, bureau, or office in the Philippine civil service to reduce the hours of labor to five hours, but it shall be within his discretion to reduce the number of hours if consistent with the needs of the

public service; nor shall this provision be regarded as conferring a right upon officers or employees. Unless specifically authorized by law no payment may be made for overtime work. The length of sessions of the courts shall be regulated by existing law, and the provisions of this section shall not apply to judges. The number of hours for the daily sessions of the public schools shall be fixed by the secretary of public instruction, but they shall not be less than five hours a day.

Sec. 23. (a) After at least two years' continuous, faithful, and satisfactory service, the governor-general or proper head of department shall, subject to the necessities of the public service, and upon proper application therefor, grant each regularly and permanently appointed officer or employee in the civil service, insular or provincial, or of the city of Manila, except as hereinafter provided, accrued leave of absence with full pay, inclusive of Sundays and of days declared public holidays by law or executive order, for each year of service in accordance with the following schedule: An employee receiving an annual salary of less than eighteen hundred pesos shall be granted twenty days' leave; an employee receiving an annual salary of from twelve hundred to eighteen hundred pesos with board and quarters, and an officer or employee receiving an annual salary of eighteen hundred pesos or more, but less than three thousand six hundred pesos, shall be granted thirty days' leave; an officer or employee receiving an annual salary of three thousand six hundred pesos or more, shall be granted thirty-five days' leave. Leave shall accrue while an officer or employee is on duly authorized leave of absence with pay.

(b) If an officer or employee elects to postpone the taking of any or all of the leave to which he is entitled under this section, such leave may accumulate and if his salary changes he shall receive the same amount of leave and pay as if he had taken the leave while receiving the salary at which it accrued: *Provided, however,* That after January first, nineteen hundred and five, no person shall at any time have to his credit more than the accrued leave allowed for five years' service.

(c) An officer or employee who has served in the islands for three years or more, and who has accumulated to his credit the accrued leave allowed for two full years, may be granted permission to visit the United States or any other country in the discretion of the governor-general or proper head of department, with the half-pay and traveling-expense allowances hereinafter provided: *Provided,* That such permission shall not be granted oftener than once in every three years.

(d) A person in the teaching service shall not be granted accrued leave in accordance with the schedule provided in this section, but in lieu thereof he may be granted leave on full pay during vacation periods, with permission to spend a vacation period in the United States or in any other country with the approval of the secretary of public instruction, not oftener than once in every three years.

(e) In case an officer, teacher, or other employee is granted leave to visit the United States, he shall be allowed, with half pay in addition to the leave granted, sixty days for the time occupied by him in going to and returning from the United States if he is serving in Manila, and if serving in the provinces sixty days plus the actual and necessary time consumed from date of departure from station to date of departure from Manila, and on returning, from date of arrival at Manila to date of arrival at station, such half salary to be paid on return to duty; if he is granted permission to visit any other country he shall be allowed under the same conditions, and in lieu of the sixty days' half pay above provided, actual and necessary travel-time with half pay not exceeding sixty days. On the completion of two years of continuous, faithful, and satisfactory service, after returning to the islands from leave of absence to visit the United States granted for three or more years' service, he shall be allowed his actual and necessary traveling expenses from his place of residence in the United States to Manila if he come by the route and steamer directed, and if returning from any other country or from the United States, not residing therein, he shall be allowed his actual and necessary traveling expenses to Manila from the port of embarkation in the United States or such other country not exceeding four hundred pesos.

(f) The following classes of persons shall not be entitled to the leave provided in this section:

1. Semiskilled and unskilled laborers and skilled laborers hereafter appointed whose rate of compensation is less than two thousand pesos per annum.

2. Temporary and emergency employees.
3. Persons whose compensations are authorized at other than a per annum rate, except officers detailed from the military, naval, or civil service of the United States.
4. Persons enlisted for a term of years.
5. Detectives hereafter appointed except where appointment is by transfer from a leave-earning position, and secret agents.
6. Messengers and watchmen.
7. Postmasters who are required to perform the duties of telegraph operators except postmasters who are appointed subject to the examination requirements of this act, postmasters at army posts whose compensation does not exceed one thousand two hundred pesos per annum each, and operators and linemen in the bureau of posts.
8. Persons who receive compensation for official duties performed in connection with private business, vocation, or profession, such duties requiring only a portion of their time.

(g) The provisions of this section shall be retroactive in effect so as to entitle officers and employees of the Philippine civil service, whether serving as such by regular appointment or by detail from the Army, the Navy, or the civil service of the United States, previous to the passage of this act, to any accrued leave to which they would have been entitled had act numbered eighty, as amended, been applicable to them at the date of their employment or detail, computing the leave in the case of an officer on the basis of the salary and allowances received while on detail, and in the case of an enlisted man on the basis of first salary received in the Philippine civil service. No application for leave of absence presented by an officer or employee shall be considered if his application is not presented within six months of the date of the acceptance of his resignation.

(h) An officer or employee separated from the service for cause, or who commits an act which requires his separation from the service, shall not be granted leave or any of the other privileges provided in this section and in the following sections:

SEC. 24. After at least six months' continuous, faithful, and satisfactory service the governor-general or proper head of department may, in his discretion, grant to each officer or employee entitled to the accrued leave provided in this act, in addition to such accrued leave, vacation leave of absence with full pay, inclusive of Sundays and of days declared public holidays by law or executive order, for each calendar year of service, in accordance with the following schedule: An officer or employee receiving an annual salary of less than two thousand pesos may be granted twenty-one days' vacation leave; an officer or employee receiving an annual salary of two thousand pesos or more, or a trained nurse, may be granted twenty-eight days' vacation leave. Vacation leave must be taken within the calendar year in which it is earned, or in the first two months of the following calendar year. The vacation leave provided for only one calendar year may be allowed in connection with accrued leave granted. In cases of resignation, vacation leave shall not be allowed in addition to accrued leave. All applications for vacation leave shall be made on a form prescribed by the director of civil service.

SEC. 25. (a) Absence from duty of teachers, due to illness, shall be charged against their vacations, and with the consent of the secretary of public instruction they may remain on duty during vacations for a period equal to that lost on account of illness, in which case no deduction of pay shall be made on account of absence caused by illness.

(b) Absence of other regularly and permanently appointed officers and employees in the Philippine civil service on account of illness shall be charged first against vacation leave and then against accrued leave, until both are exhausted, when further absence shall be without pay.

(c) Payment of salary to an officer or employee for any absence during his first six months of service properly chargeable to vacation leave, or during his first two years of service properly chargeable to accrued leave, shall be withheld until such leave may properly be taken under the provisions of this act: *Provided, however,* That in case of absence due to illness the governor-general or proper head of department may direct that payment for such absence be not withheld if not in excess of the vacation and accrued leave to his credit.

(d) In case an officer or employee in the civil service, insular or provincial, or of the city of Manila, permanent or temporary, is wounded or injured in the performance of duty, the governor-general or proper head of department may direct that absence during the period of disability caused by such wound or

injury shall be on full pay for a period not exceeding six months: *Provided*, That if the officer or employee is entitled to the vacation leave provided in section twenty-four of this act, absence for this reason shall be charged first against such vacation leave: *And provided further*, That the governor-general or proper head of department may, in his discretion, authorize payment of medical attendance, necessary transportation, and hospital fees for officers and employees so wounded or injured: *And provided further*, That payments made under this paragraph shall not be made from the appropriation for general purposes when the bureau or office concerned has an available appropriation for contingent expenses or public works, as the case may be, from which such payments can be made, nor shall the provisions of this section be construed to cover sickness as distinguished from physical wounds.

Sec. 26. If a regularly appointed officer or employee in the Philippine civil service who has rendered faithful and satisfactory service shall die while in the service, the unused accrued leave that might have been granted at the time of death shall be determined, and the salary equivalent of the accrued leave shall be paid to the person or persons entitled to receive his estate.

Sec. 27. The governor-general or proper head of department may, in his discretion, commute accrued leave of absence granted to persons entitled thereto and vacation granted to teachers, and authorize the payment of the amounts so granted in a gross sum from the appropriation from which their salaries should properly be paid: *Provided*, That whenever upon the resignation or death of an officer or employee it is in the interests of the public service that the position occupied by him be immediately filled, the governor-general or proper head of department may direct that the leave granted him be commuted from any unexpended available funds appropriated for salaries and wages in the bureau, office, or province from which separated: *And provided further*, That except on retirement from the service, leave of absence shall not be commuted to any officer or employee who remains in the islands during the period of his leave: *And provided further*, That no officer or employee whose leave of absence has been commuted shall be permitted to return to duty before the expiration of the period covered by such leave until he has refunded to the proper disbursing officer the money value of the unused portion of the leave of absence so commuted: *And provided further*, That in the case of an officer or employee separated from the service through lack of work or the abolition of his position, the governor-general or proper head of department may, in his discretion, allow the reinstatement of such officer or employee without requiring the refund of the money value of the unused portion of the leave of absence hereinbefore mentioned.

Sec. 28. All applications for accrued leave of absence shall be made on a form prescribed by the director of civil service, and shall first be acted upon by the chief of the bureau or office, and by him submitted to the director of civil service for recommendation. The application shall then be forwarded to the head of the department in which the applicant is employed for his final decision, except in respect to those bureaus or offices not under any department, in which case it shall be forwarded to the governor-general for his final decision: *Provided, however*, That the governor-general or proper head of department may authorize the director of civil service to grant accrued or vacation leave of absence in all cases in which he approves the recommendations of the chief of the bureau or office in regard to such leave.

Sec. 29. The appointment of all persons residing in the United States to the Philippine civil service, whether by transfer from the United States civil service or otherwise, shall be subject to the following conditions:

(a) A person residing in the United States who is appointed to the Philippine civil service may pay his traveling expenses from the place of his residence in the United States to Manila: *Provided*, That if any part of his traveling expenses is borne by the government of the Philippine Islands, ten per centum of his monthly salary shall be retained until the amount retained is equal to the amount borne by the government: *And provided further*, That if he shall come by the route and steamer directed his actual and necessary traveling expenses shall be refunded to him at the expiration of two years' satisfactory service in the Philippines.

(b) He shall be allowed half salary from the date of embarkation and full salary from the date of his arrival in the Islands: *Provided*, That he proceed directly to the islands; otherwise he shall be allowed half salary for such time only as is ordinarily required to perform the journey by the route directed: *And provided further*, That such half salary shall not be paid until after the expiration of two years of satisfactory service in the Philippines.

(c) A person residing in the United States accepting an appointment to a position in the civil service of the government of the Philippine Islands, under the conditions named in this act, shall, before receiving such appointment, execute a contract and deliver it to the chief of the bureau of insular affairs, War Department, wherein the appointee shall stipulate that he will remain in the service of the government of the Philippine Islands for at least two years unless released by the governor-general or proper head of department. A breach of the conditions provided in the contract or a removal for cause shall require the proper officer to withhold payment of all salary and traveling expenses due to the person employed and who has violated the conditions of his contract or been removed for cause, and shall debar such person from ever entering again the public service of the Philippine government in any of its branches. In such case an action shall lie for the recovery of the amount expended by the government in bringing the employee to the Philippine Islands.

(d) Irrespective of leave granted, a regularly appointed officer or employee who has rendered continuous, faithful, and satisfactory service for three years or more after arrival in the Philippine Islands, shall, upon his retirement from the service, be allowed half salary for thirty days in addition to full salary for the period which may be granted him as leave of absence under the provisions of this act; and if appointed prior to January twelfth, nineteen hundred and four, he shall also be furnished transportation from Manila to San Francisco, or transportation of equal cost to the government by any other route: *Provided*, That such transportation must be used within six months after retirement from the service.

SEC. 30. The provisions of this act shall not apply to judges of the supreme court, the courts of first instance, or the court of land registration, but their leaves of absence and traveling expenses shall be governed by existing law or such law as may be hereafter enacted.

SEC. 31. All special contracts made with appointees of the Philippine civil service prior to the passage of this act shall remain unaffected by the terms and provisions of this act.

SEC. 32. Act numbered five as amended by act numbered forty-seven, section two of act numbered seventy-eight, sections three and four of act numbered one hundred and sixty-seven as amended by sections one and two of act numbered three hundred and six, act numbered one hundred and sixty-eight, act numbered two hundred and twenty, act numbered three hundred and six, act numbered five hundred and eighty-nine, and act numbered one thousand and seventy-two; act numbered twenty-five as amended by act numbered three hundred and one, act numbered three hundred and twenty-nine, act numbered five hundred and eighty-eight, and act numbered one thousand and ninety-six; sections one and nineteen of act numbered one hundred and two; act numbered three hundred and ninety-two; act numbered four hundred and eight as amended by act numbered eleven hundred and ninety-seven; act numbered six hundred and twenty-six; act numbered one thousand and forty as amended by act numbered twelve hundred and seventy-six; act numbered sixteen hundred and seven; act numbered sixteen hundred and seventy-four; sections three, four, five, and six of act numbered sixteen hundred and seventy-nine; and all other acts or parts of acts inconsistent with this act; are hereby repealed: *Provided*, That nothing in this section shall be deemed to revive act numbered eighty or any other act repealed by any of the acts herein mentioned.

SEC. 33. The public good requiring the speedy enactment of this bill, the passage of the same is hereby expedited in accordance with section two of "An act prescribing the order of procedure by the Commission in the enactment of laws," passed September twenty-sixth, nineteen hundred.

SEC. 34. This act shall take effect on August thirty-first, nineteen hundred and seven, and shall be known as the revised civil service act.

Enacted, August 26, 1907.

OPINIONS OF THE ATTORNEY-GENERAL.

An officer or employee who is separated from the service for cause loses all rights to leave of absence.

Under sections 2 and 3 of act No. 1040 the granting of leaves of absence * * * presupposes that the employee's service has been satisfactory. When an official has been separated from the service for "cause" he has evidently not rendered satisfactory service, and consequently loses all his rights to any leave. (Opinion of Apr. 14, 1904; 382-A.)

Municipal treasurers acting as deputy provincial treasurers are not entitled to leave of absence.

Municipal treasurers acting as deputy provincial treasurers are not entitled to leave of absence under act No. 1040. Subsection *c* of section 1 of act No. 999 provides "the municipal treasurer may also act as a deputy of the provincial treasurer and receive such additional compensation therefor, to be paid from the provincial funds, as the provincial board may fix and the treasurer of the Philippine Islands approve, anything in existing laws to the contrary notwithstanding."

Under this section a municipal treasurer who is acting as deputy to the provincial treasurer is employed both by the municipality and the province and receives pay from both, devoting a part of his time to his municipal office and a part to his provincial office. Such being the case, there are two reasons why he should not be granted leave of absence under act No. 1040. In the first place, it is very doubtful if such an employee works for the province the number of hours required by section 1 of act No. 1040. In the second place, I think that the spirit of subsection *f* of section 2 of act No. 1040 would apply, which provides that persons who receive compensation for official duties performed in connection with private business, such duties requiring only a portion of their time, shall not be entitled to leave.

Although it can not be said that the position of municipal treasurer is strictly private business, yet this position is the employee's regular employment, and his duties as deputy provincial treasurer are performed in connection with it. In other words, the important position is that of municipal treasurer, and afterwards that of provincial deputy. (Opinion of Sept. 7, 1904; 987.)

Elective officers are not entitled to leave of absence.

In my judgment, elective provincial officers are not entitled to leave under the civil-service or leaves of absence acts. Act No. 5, entitled "An act for the establishment and maintenance of an efficient and honest civil service in the Philippine Islands," section 5, as originally passed, contains the provision that said act "shall apply * * * to all appointments of civilians to executive positions;" and said section of said act, as amended July 16, 1901, November 29, 1901, and January 9, 1903, contains the provision that the act "shall apply * * * to all appointments of civilians in the bureaus and offices of the government of the Philippine Islands;" and the other sections of said act No. 5, as originally passed and as subsequently amended, refer in many places to the entry of persons into the civil service by appointment, and nowhere to such entry by election.

Act No. 80 is entitled "An act regulating the hours of labor, leaves of absence, and transportation of appointees under the Philippine civil service," and relates to "employees" in the "offices in the Philippine civil service;" and the same is true of said act as amended on January 28, 1902, August 30, 1902, November 11, 1902, February 27, 1903, April 7, 1903, and May 18, 1903. Act No. 1040, repealing act No. 80 and all acts amendatory thereof, and entitled "An act regulating the hours of labor, leaves of absence, and transportation of officers and employees in the Philippine civil service" * * * expressly provides in subsection *a* of section 2 thereof that "accrued leave of absence" shall be granted "each regularly and permanently appointed officer or employee in the civil service, insular or provincial, or of the city of Manila, except as herein-after provided;" and the other sections and subsections of said act No. 1040 refer in many places to the persons to whom said act applies as being those who have entered the service by appointment. Elective officers are not referred to in any of the acts above mentioned, either as originally passed or as amended, in any way. I am therefore of the opinion that (to quote from subsection *g* of section 2 of act No. 1040) "officers and employees of the Philippine civil service, whether serving as such by regular appointment or by detail from the Army, the Navy, or the civil service of the United States," and no other persons, are entitled to leaves of absence under said acts. (Opinion of Feb. 6, 1904; 3243-1.)

A person reinstated to the Philippine civil service can not be allowed vacation leave prior to the expiration of six months from the date of his reinstatement.

Section 3 of act No. 1040 provides in part: "After at least six months' continuous, faithful, and satisfactory service, the civil governor or proper head

of a department may, in his discretion, grant each officer or employee entitled to the accrued leave provided in section 2 of this act, in addition to such accrued leave, vacation leave of absence with full pay."

Under the provisions of this section, six months' continuous service is plainly a condition precedent to the granting of any vacation leave. In the present case the employee resigned and thereby severed all his relations with the government. This constitutes a distinct break in his services. Therefore he has not rendered six months' continuous service, and no vacation leave can be properly granted him until he has done so.

Subsection *c* of section 4 of act No. 1040 provides in part: "Payment of salary to an officer or employee for any absence during his first six months of service, properly chargeable to vacation leave * * * shall be withheld until such leave may properly be taken under the provisions of section two or three of this act."

According to this subsection, payment for vacation leave shall be withheld until the leave may be properly taken under the above-quoted section 3 of act No. 1040. As previously stated, the employee in question can not properly take vacation leave until six months after his reinstatement. Therefore, in accordance with the provisions of said subsection *c* of section 4, payment must be withheld for the vacation leave taken by a duly reinstated employee until six months after his reinstatement. (Opinion of Mar. 27, 1905; 5647-A.)

When the resignation of an employee before the expiration of two years' service is accepted on account of illness, or other cause, no accrued or vacation leave can be allowed, nor can a proportional part of traveling expenses and half salary en route to the islands from the United States be paid.

Vacation leave is granted to employees for the purpose of allowing them to recuperate, and always presupposes that the employee is still in the government service. Likewise, the phrase "in cases of resignation, vacation leave shall not be allowed in addition to accrued leave" is a general statement, and as it is nowhere modified it covers all cases. Therefore, vacation leave can never be granted on resignation. This, however, does not mean that an employee who has been ill may not charge absences from duty prior to his resignation to vacation leave.

In regard to accrued leave, paragraph *a*, section 2, of act No. 1040 makes two years' continuous, satisfactory service a condition precedent to the granting of any accrued leave, but paragraph *c* of section 4 of the same act modifies this condition to the extent that in case of absence during his first two years' service due to illness, etc., the civil governor or proper head of a department may direct that salary due from such accrued leave need not be withheld. This covers only those cases in which the employee overstays his vacation leave from illness. It is intended as maintenance to an employee who is still in the service, but does not provide for commuting leave on resignation for any cause. I am, therefore, of the opinion that accrued leave can not be granted before two years' service.

Section 9, paragraph *a*, of act No. 1040 makes it an absolute condition that traveling expenses borne by an employee shall not be refunded until after two years of service. There is no provision in the law for any proportional payment of any kind. I am therefore of the opinion that such a proportional part of traveling expenses and half salary provided by paragraphs *a* and *b* of section 9 of act No. 1040 can not be paid to persons who have served less than two years, no matter what the reason for their resignation. (Opinion of June 30, 1904; 3235.)

The thirty days on half pay granted on resignation after three years' service begins at the end of accrued leave allowed, and leave does not accrue on such thirty days. Leave of absence on half pay for sixty days allowed in connection with leave of absence to visit the United States, begins at the expiration of the accrued and vacation leave granted.

In a case where an employee has rendered continuous, faithful, and satisfactory service for three or more years after arrival in the Philippine Islands resigns, and in addition to his regular leave is granted thirty days on half pay while going to the United States, does leave accumulate on said thirty days?

It has been held by the civil-service board, and approved by the civil governor, that leave does not accrue on such thirty days.

Do the thirty days above mentioned begin prior to or at the end of accrued leave?

It has also been decided in the same manner as the first question, that such leave begins at the end of the accrued leave.

The further question is raised by the letter of the auditor of August 22, inclosed herein, as to when the sixty days allowed by section 2, paragraph e, of act No. 1040 should be charged.

It has also apparently been held by the civil-service board, and approved by the governor, that said sixty days are allowed at the end of vacation and accrued leave. It is my opinion that all of these rulings are final and are supported by the spirit and letter of the law; hence there is no need for a further discussion of same. (Opinion of Oct. 20, 1904; 3258.)

An employee appointed in the United States does not earn accrued leave during the period of travel from San Francisco to Manila.

The question submitted in the within papers is as follows: Does an employee appointed in the United States under the provisions of act No. 1040 earn accrued leave during the period of travel from San Francisco to Manila?

As a general rule, all employees from the United States are provisionally appointed there and their appointment made final upon arriving in the islands. The exact facts are not set out in the within paper, but it is presumed that such is the present case. Paragraph a of section 2 of act No. 1040 provides that "permanently" appointed employees are entitled to accrued leave. Until the employee arrives in the islands he is not such a permanent employee, but is a provisional employee. Therefore, under the provisions of this section the employee would not be entitled to have accrued leave while en route from San Francisco to Manila.

Also section 5 of Rule V provides: "If the eligible was provisionally appointed in the United States, his regular appointment will be effective the day following the date of his actual landing in the Philippine Islands, provided he reports immediately at the office of the board, and leave shall not accrue prior to date of regular appointment." These rules were promulgated by the governor-general and within their scope are binding on all officials.

As the above section, in accordance with the provisions of act No. 1040, provides that leave does not accrue until after a regular appointment in the islands, no leave should accumulate while the employee is en route. (Opinion of Mar. 23, 1905.)

Payment for leave of absence of an officer or employee who has served in more than one bureau or office during the period for which leave is allowed should be made for the entire leave taken from the funds of the bureau or office in which he is serving at the time the leave is granted.

I have the honor to acknowledge receipt of the inclosed papers relating to the commutation of the accrued leave of George N. Hurd, assistant attorney in this office. Unquestionably in equity the greater part of this accrued leave should be paid by the city of Manila, in whose service Mr. Hurd was at the time the same was earned. However, the provisions of act No. 1040 and the uniform ruling of the auditor's office would seem to require that the same be paid by the bureau of justice. Act No. 1040, section 6, specifically provides that upon the resignation or death of an officer or employee, payment for the accrued leave shall be made from the salary appropriated for the position last filled by him. It is true that Mr. Hurd is still living, and has not resigned, but in all reason this accrued leave should come from the same fund as in the case of his death or resignation.

In this connection attention is called to the fact that at the time of the passage of act No. 1040 the recorder of the Commission was instructed to prepare an act providing that accrued leave should be paid pro rata by the departments where the same was earned. The bill was prepared, but at the earnest solicitation of the auditor and of the chairman of the civil-service board it was abandoned.

The reasons stated by the civil-service board for its objection to the proposed measure were as follows: "The board concurs with the auditor in opposing a pro rata division of leaves, believing with him that upon the transfer of an officer or employee all obligations in the way of leaves of absence should be assumed by the bureau, province, or city to which transfer is made. As stated by the auditor, payments of salary on account of leave would eventually be approximately equalized, and the assuming of all obligations for leave by the bureau, province, or city to which transfer is made would tend to prevent transfers except where the transfer is made on account of the special fitness of the officer or employee for the position to be filled."

The uniform rulings of the civil-service board and of the auditor since the passage of act No. 1040, so far as I have been able to obtain them, have been to require the bureau in which the applicant is employed at the time the leave is granted to pay the same. This ruling is manifestly in accordance with the law, and it would seem that even if the law did not require it that it would be inequitable at this date to change it, and that less injustice would be done by following the rule than by abandoning it.

I am therefore of the opinion that the accrued leave of Mr. Hurd should be paid by the bureau of justice. (Opinion of June 19, 1905. Concurred in by the acting auditor, June 23, 1905; 5133-A.)

The civil-service board has authority to require eligibility in an appropriate examination as a condition precedent to increase in salary of a classified employee without an examination status.

Section 4 of act No. 5 provides in part: "The board shall prepare rules adapted to carry out the purpose of this act," etc.

"Paragraph *e* of section 6 of act No. 5 as amended provides: 'The rules to be prepared and certified by the board shall provide * * * for competitive or noncompetitive promotion examinations, as the board shall determine.'

"In pursuance of said section 4 the rules of the civil-service board have been promulgated annually since 1901. Section 1 of said rules says: 'The board shall have authority to prescribe such regulations in pursuance of and in execution of these rules and of the civil-service act as may not be inconsistent therewith.'"

The distinction, therefore, must be clearly kept in mind between the rules to be prepared by the board and promulgated by the governor-general under the authority of act No. 5, and the regulations to be prepared and promulgated by the civil-service board under authority of the rules. In raising this question the distinction between the "rules" and "regulations" was confused, and I think this is responsible for the difficulty. The exact language used was as follows: "A question arises whether the board has lawful authority to impose any promotion test pending the adoption of the regulations authorized by section 6, paragraph *e*, supra, of the civil-service act. The power to adopt promotion regulations is especially conferred by the section and paragraph quoted. But what law authorizes the board to exact promotion tests pending the adoption of such regulations? Is this not exercising a power before it accrues?"

Or, in other words, the adoption of the regulations mentioned is a condition precedent to any promotion test.

However, said paragraph *e*, section 6, does not provide for the promulgation of regulations, but for the promulgation of rules. Section 6 of Rule IX was so promulgated, and provides:

"Until the promotion regulations herein authorized have been promulgated by the board for any department, bureau, office, or branch of the service, and the board has notified such department, bureau, office, or branch of the service that it is prepared to conduct the promotion examinations authorized under the civil-service act and rules, promotions therein may be made upon any tests of fitness not disapproved by the board which may be determined upon by the appointing officer: *Provided*, That pending the adoption of such regulations, in case of proposed promotion from one class to another class of an employee who has not entered the service through the examination prescribed for the class to which promotion is proposed, such employee shall be required to obtain an eligible rating in such prescribed examination taken noncompetitively, and the appointment by promotion thus made shall not become effective prior to the date of taking the examination in which an eligible rating is obtained."

Under this section, the governor-general has specifically authorized the civil-service board to hold noncompetitive examinations for promotion from one class to another of employees who enter the service without examination, and did not place any condition precedent upon this authority. The board then had authority to act immediately upon the promulgation of the rule regardless of regulations. The regulations referred to in said rule are not such a condition precedent and have apparently been confused with the rule itself.

I am therefore of the opinion that the civil-service board clearly has the authority to exact a promotion test from an employee who entered the service without examination before that employee may be promoted in salary. (Opinion of May 26, 1905; 2058.)

RESOLUTIONS OF THE PHILIPPINE COMMISSION.

An employee must have served three full years or more, irrespective of any accrued leave that may be due him, before becoming entitled to the privileges of subsection (d), section 29 of act No. 1698.

The true construction of paragraph 4 of section 4 of act No. 80, as amended [now subsection (d), section 29 of act No. 1698], requires that an employee in the Philippine civil service must have served three full years or more after the passage of the civil-service act, irrespective of the time of his accrued leave of absence, before he becomes entitled to be furnished with transportation from Manila to San Francisco and half salary for thirty days in addition to full salary for the period to which he may be entitled as leave of absence. (Resolution of November 10, 1903; 4069.)

Transportation due under subsection (d), section 29 of act No. 1698, must be used within six months after date of separation from the service or it is forfeited; if an employee desires to return to the United States via Europe, commutation of the value of such transportation may be made.

By the provisions of act No. 80 it was not contemplated that an employee of the civil government who had rendered faithful and continuous service for three years or more should be permitted to commute his transportation in the event that he did not intend to return to the United States, but that he was to receive passage in kind. Act No. 1040 permits him to receive the cost of transportation by any other route to the extent that it would cost the Government to furnish him direct transportation from Manila to San Francisco. As it is desirable to establish a fixed rule as to the time within which applications for return transportation may be made, it is hereby directed that such applications must be filed within six months after the resignation of the employee entitled to such transportation. In the event the officer or employee resigning after service of three years or more desires to return to the United States via Europe, the executive secretary is authorized to make arrangements for his transportation upon the payment by the officer or employee concerned of the difference between the cost of transportation which would have to be furnished by the insular government from Manila to San Francisco and the cost of the transportation by the desired route. (Resolution of February 14, 1905; 4622.)

Original appointments or promotions dependent upon an appropriation act shall not be made effective prior to the date of passage of the appropriation act; save in exceptional cases, appointments and promotions shall not be retroactive.

In all cases in which the salary of a position is increased or a new position created by an appropriation act, appointment to such new position or increased salary shall not be of date prior to the date of the passage of the appropriation act, or such other date as may have been fixed specifically by law or resolution of the Philippine Commission for the increase in salary or the creation of the new position, as the case may be.

Aside from exceptional cases, appointment shall not be effective as of date prior to that upon which the appointment or promotion is actually made. (Resolution of July 27, 1906; 11953.)

Examination requirements relating to appointment and promotion.

| | |
|----------------------------|--|
| Third grade, English----- | } Probational appointments and promotions as a result of eligibility in either of these examinations shall not be made to positions the salary or compensation of which is above Class J. |
| Third grade, Spanish----- | |
| Second grade, Spanish----- | } Probational appointments and promotions as a result of eligibility in either of these examinations shall not be made to positions the salary or compensation of which is above Class E. |
| Junior typewriter----- | |
| Second grade, English----- | } Probational appointments as a result of eligibility in any of these examinations shall not be made to positions the salary or compensation of which is above the minimum of Class D; promotions shall not be made to positions the salary or compensation of which is above Class A. The basic subjects of the junior translator examination and the junior interpreter examination are given in English only, and promotions as a result of eligibility in either of these examinations with basic subjects in Spanish shall not be made to positions the salary or compensation of which is above Class E. |
| First grade, Spanish----- | |
| Junior translator----- | |
| Junior interpreter----- | |
| Typewriter----- | } Probational appointments and promotions as a result of eligibility in this examination shall not be made to positions the salary or compensation of which is above Class A. |

Interpreter----- } Probational appointments and promotions as a result of eligibility in this examination shall not be made to positions the salary or compensation of which is above Class 10.

First grade, English----- }
 Assistant----- }
 Teacher----- } Probational appointments and promotions above Class 10 require eligibility in one of these examinations, or in an equivalent examination.
 Bookkeeper----- }
 Stenographer----- }
 Translator----- }

The basic subjects of the translator examination and the interpreter examination are given in English only, and promotions as a result of eligibility in either of these examinations taken with basic subjects in Spanish shall not be made to positions the salary or compensation of which is above Class 10.

Recapitulation of examinations.^a

| | For original appointment. | | | For promotion or transfer. | | | Total. | | |
|----------------------|---------------------------|----------------|------------------|----------------------------|----------------|------------------|------------------|----------------|------------------|
| | Number examined. | Number passed. | Per cent passed. | Number examined. | Number passed. | Per cent passed. | Number examined. | Number passed. | Per cent passed. |
| During the year: | | | | | | | | | |
| English----- | 3,347 | 820 | 24 | 373 | 133 | 36 | 3,720 | 953 | 26 |
| Spanish----- | 1,534 | 583 | 38 | 329 | 92 | 28 | 1,863 | 675 | 36 |
| Total----- | 4,881 | 1,403 | 29 | 702 | 225 | 32 | 5,583 | 1,628 | 29 |
| Previously examined: | | | | | | | | | |
| English----- | 10,890 | 4,454 | 41 | 2,796 | 1,357 | 49 | 13,686 | 5,811 | 42 |
| Spanish----- | 13,386 | 6,222 | 46 | 2,103 | 853 | 41 | 15,489 | 7,075 | 46 |
| Total----- | 24,276 | 10,676 | 44 | 4,899 | 2,210 | 45 | 29,175 | 12,886 | 44 |
| Total English----- | 14,237 | 5,274 | 37 | 3,169 | 1,490 | 47 | 17,406 | 6,764 | 39 |
| Total Spanish----- | 14,920 | 6,805 | 46 | 2,432 | 945 | 39 | 17,352 | 7,750 | 45 |
| Grand total----- | 29,157 | 12,079 | 41 | 5,601 | 2,435 | 43 | 34,758 | 14,514 | 42 |

^a The report in detail as to examinations held, number examined, etc., has been omitted and is on file in the Bureau of Insular Affairs, War Department.

Recapitulation of appointments made in the Philippine classified civil service during the year ended June 30, 1907.^a

| Nature of appointment. | From English registers. | From Spanish registers. | Total. |
|--|-------------------------|-------------------------|--------|
| During the year: | | | |
| Original, in Philippine Islands----- | 324 | 226 | 550 |
| Through changes in the service----- | 1,417 | 1,642 | 3,059 |
| Original, in the United States----- | 184 | ----- | 184 |
| By transfer from the United States classified civil service----- | 3 | ----- | 3 |
| By reinstatement in the United States----- | 16 | ----- | 16 |
| Total----- | 1,944 | 1,869 | 3,812 |
| Previously appointed----- | 9,777 | 7,443 | 17,220 |
| Grand total----- | 11,721 | 9,311 | 21,032 |

^a The details of these reports have been omitted and are on file in the Bureau of Insular Affairs, War Department.

Recapitulation of appointments made in the United States civil service in the Philippine Islands upon certification by the bureau of civil service during the fiscal year ended June 30, 1907.

| Position. | Number. |
|---|---------|
| ORIGINAL. | |
| Butcher..... | 1 |
| Clerk..... | 36 |
| Engineer, chief..... | 1 |
| Mate..... | 2 |
| Messenger..... | 16 |
| Pack master..... | 1 |
| Stenographer..... | 1 |
| Storekeeper..... | 3 |
| Storeman..... | 3 |
| Total original..... | 64 |
| By promotion, transfer, or reinstatement..... | 13 |
| Grand total..... | 77 |

Table showing the number of Americans and Filipinos in the Philippine civil service on January 1, 1907, and the salaries paid.^a

| Position. | Salary. | Number of— | | Salaries of— | |
|--------------|---------|------------|------------|--------------|------------|
| | | Americans. | Filipinos. | Americans. | Filipinos. |
| Class 1..... | P30,000 | 1 | — | P30,000 | — |
| | 24,000 | 1 | — | 24,000 | — |
| | 21,000 | 3 | — | 63,000 | — |
| | 20,000 | 4 | 3 | 80,000 | P60,000 |
| | 15,000 | 1 | — | 15,000 | — |
| | 14,000 | 2 | — | 28,000 | — |
| | 12,000 | 9 | 1 | 108,000 | 12,000 |
| | 11,000 | 2 | 1 | 22,000 | 11,000 |
| | 10,000 | 16 | 9 | 160,000 | 90,000 |
| | 9,000 | 11 | 5 | 99,000 | 45,000 |
| | 8,500 | 1 | — | 8,500 | — |
| | 8,000 | 11 | — | 88,000 | — |
| | 7,500 | 6 | — | 45,000 | — |
| | 7,200 | 1 | — | 7,200 | — |
| | 7,000 | 8 | 1 | 56,000 | 7,000 |
| | 6,500 | 5 | — | 32,500 | — |
| 6,000 | 27 | 7 | 162,000 | 42,000 | |
| Class 2..... | 5,500 | 11 | — | 60,500 | — |
| Class 3..... | 5,400 | 2 | — | 10,800 | — |
| | 5,200 | 1 | — | 5,200 | — |
| | 5,000 | 44 | 11 | 220,000 | 55,000 |
| Class 4..... | 4,900 | — | 1 | — | 4,900 |
| | 4,800 | 8 | 1 | 38,400 | 4,800 |
| | 4,600 | — | 1 | — | 4,600 |
| | 4,500 | 56 | 5 | 252,000 | 22,500 |
| Class 5..... | 4,400 | 2 | — | 8,800 | — |
| | 4,200 | 2 | — | 8,400 | — |
| | 4,060 | 1 | — | 4,060 | — |
| | 4,000 | 109 | 15 | 436,000 | 60,000 |
| Class 6..... | 3,960 | 1 | — | 3,960 | — |
| | 3,900 | 1 | — | 3,900 | — |
| | 3,620 | — | 1 | — | 3,620 |
| | 3,600 | 188 | 8 | 676,800 | 28,800 |
| Class 7..... | 3,500 | 2 | — | 7,000 | — |
| | 3,400 | 10 | 1 | 34,000 | 3,400 |
| | 3,300 | 1 | — | 3,300 | — |
| | 3,200 | 240 | 14 | 768,000 | 44,800 |
| Class 8..... | 3,120 | 1 | — | 3,120 | — |
| | 3,000 | 81 | 15 | 243,000 | 45,000 |
| | 2,800 | 343 | 21 | 960,400 | 58,800 |
| Class 9..... | 2,790 | 1 | — | 2,790 | — |
| | 2,760 | 1 | — | 2,760 | — |
| | 2,740 | — | 1 | — | 2,740 |
| | 2,700 | 4 | 5 | 10,800 | 13,500 |
| | 2,640 | 1 | — | 2,640 | — |
| | 2,600 | 117 | 2 | 304,200 | 5,200 |
| | 2,520 | 2 | — | 5,040 | — |
| | 2,400 | 590 | 61 | 1,416,000 | 146,400 |

^a A large number of tables showing this information in detail have been omitted and are on file in the Bureau of Insular Affairs, War Department.

Table showing the number of Americans and Filipinos in the Philippine civil service on January 1, 1907, and the salaries paid—Continued.

| Position. | Salary. | Number of— | | Salaries of— | | |
|---------------|--------------|------------|------------|--------------|------------|-------|
| | | Americans. | Filipinos. | Americans. | Filipinos. | |
| Class 10..... | P2,300 | 2 | 1 | P4,600 | P2,300 | |
| | 2,280 | 137 | 2 | 312,360 | 4,560 | |
| | 2,200 | 89 | 16 | 195,800 | 35,200 | |
| | 2,160 | 53 | | 114,480 | | |
| | 2,080 | | 1 | | 2,080 | |
| | 2,040 | 19 | | 38,760 | | |
| Class A..... | 2,000 | 159 | 21 | 318,000 | 42,000 | |
| | 1,992 | 1 | | 1,992 | | |
| | 1,920 | 1 | 1 | 1,920 | 1,920 | |
| Class B..... | 1,800 | 152 | 66 | 273,600 | 118,800 | |
| | 1,680 | 16 | 24 | 26,880 | 40,320 | |
| Class C..... | 1,600 | | 8 | | 12,800 | |
| | 1,560 | 2 | | 3,120 | | |
| Class D..... | 1,500 | | 1 | | 1,500 | |
| | 1,440 | 27 | 63 | 38,880 | 90,720 | |
| | 1,420 | | 1 | | 1,420 | |
| | 1,400 | | 4 | | 5,600 | |
| | 1,320 | | 8 | | 10,560 | |
| | 1,300 | | 1 | | 1,300 | |
| Class E..... | 1,200 | 10 | 175 | 12,000 | 210,000 | |
| | 1,188 | | 1 | | 1,188 | |
| | 1,100 | | 2 | | 2,200 | |
| Class F..... | 1,080 | | 84 | | 90,720 | |
| | 1,060 | | 1 | | 1,060 | |
| | 1,020 | | 2 | | 2,040 | |
| | 1,000 | | 7 | | 7,000 | |
| | 980 | | 3 | | 2,940 | |
| | 972 | | 1 | | 972 | |
| Class G..... | 960 | 2 | 199 | 1,920 | 191,040 | |
| | 940 | | 5 | | 4,700 | |
| | 920 | | 1 | | 920 | |
| | 916 | | 1 | | 916 | |
| | 900 | | 63 | | 56,700 | |
| | 888 | | 1 | | 888 | |
| | 880 | | 2 | | 1,760 | |
| | 864 | | 1 | | 864 | |
| | 852 | | 2 | | 1,704 | |
| | 840 | | 242 | | 208,280 | |
| Class H..... | 836 | | 1 | | 836 | |
| | 824 | | 5 | | 4,120 | |
| | 816 | | 5 | | 4,080 | |
| | 800 | | 16 | | 12,800 | |
| | 792 | | 1 | | 792 | |
| | 780 | | 20 | | 15,600 | |
| | 760 | | 2 | | 1,520 | |
| | 744 | | 4 | | 2,976 | |
| | 732 | | 2 | | 1,464 | |
| | 720 | 1 | 565 | 720 | 406,800 | |
| Class I..... | 714 | | 1 | | 714 | |
| | 700 | | 7 | | 4,900 | |
| | 696 | | 1 | | 696 | |
| | 690 | | 1 | | 690 | |
| | 680 | | 1 | | 680 | |
| | 660 | | 55 | | 36,300 | |
| | 648 | | 1 | | 648 | |
| | 640 | | 4 | | 2,560 | |
| | 616 | | 1 | | 616 | |
| | 612 | | 1 | | 612 | |
| | 600 | 2 | 399 | 1,200 | 239,400 | |
| | Class J..... | 599 | | 3 | | 1,797 |
| | | 594 | | 1 | | 594 |
| | | 592 | | 2 | | 1,184 |
| 588 | | | 3 | | 1,764 | |
| 580 | | | 18 | | 10,440 | |
| 576 | | | 5 | | 2,880 | |
| 560 | | | 2 | | 1,120 | |
| 550 | | | 4 | | 2,200 | |
| 544 | | | 18 | | 9,792 | |
| 540 | | | 32 | | 17,280 | |
| 534 | | | 2 | | 1,068 | |
| 532 | | | 1 | | 532 | |
| 528 | | | 2 | | 1,056 | |
| 525 | | | 2 | | 1,050 | |
| 522 | | | 2 | | 1,044 | |
| 520 | | | 20 | | 10,400 | |
| 516 | | 2 | | 1,032 | | |
| 504 | | 5 | | 2,520 | | |
| 500 | | 6 | | 3,000 | | |

Table showing the number of Americans and Filipinos in the Philippine civil service on January 1, 1907, and the salaries paid—Continued.

| Position. | Salary. | Number of— | | Salaries of— | |
|-------------------|---------|------------|------------|--------------|------------|
| | | Americans. | Filipinos. | Americans. | Filipinos. |
| Class J..... | P496 | | 3 | | P1,488 |
| | 492 | | 2 | | 984 |
| | 486 | | 3 | | 1,458 |
| | 480 | | 509 | | 240,000 |
| Class K..... | 475 | | 1 | | 475 |
| | 472 | | 2 | | 944 |
| | 460 | | 2 | | 920 |
| | 456 | | 6 | | 2,736 |
| | 450 | | 7 | | 3,150 |
| | 444 | | 8 | | 3,552 |
| | 432 | | 8 | | 3,456 |
| | 420 | | 67 | | 28,140 |
| | 408 | | 6 | | 2,448 |
| | 400 | | 22 | | 8,800 |
| | 396 | | 10 | | 3,960 |
| | 390 | | 3 | | 1,170 |
| | 384 | | 3 | | 1,152 |
| | 375 | | 2 | | 750 |
| | 372 | | 11 | | 4,092 |
| | 360 | 3 | 211 | P1,080 | 75,960 |
| | 350 | | 2 | | 700 |
| | 348 | | 1 | | 348 |
| | 336 | | 8 | | 2,688 |
| | 330 | | 1 | | 330 |
| | 324 | | 1 | | 324 |
| | 320 | | 3 | | 960 |
| | 318 | | 1 | | 318 |
| | 300 | | 83 | | 26,400 |
| | 288 | | 2 | | 576 |
| | 276 | | 1 | | 276 |
| | 252 | | 16 | | 4,082 |
| | 240 | 2 | 123 | 480 | 30,720 |
| | 228 | | 5 | | 1,140 |
| | 225 | | 1 | | 225 |
| | 216 | | 3 | | 648 |
| | 204 | | 1 | | 204 |
| | 200 | | 8 | | 1,600 |
| | 192 | | 2 | | 384 |
| | 180 | 5 | 79 | 900 | 14,220 |
| | 174 | | 1 | | 174 |
| | 160 | | 2 | | 320 |
| | 150 | | 2 | | 300 |
| | 144 | | 3 | | 432 |
| | 135 | | 1 | | 135 |
| | 120 | 4 | 233 | 480 | 27,960 |
| | 108 | | 7 | | 756 |
| | 100 | | 1 | | 100 |
| Total..... | | 2,616 | 3,902 | 7,869,242 | 3,234,494 |

CIVIL-SERVICE RULES.^a

RULE I.—*General provisions and definition of terms.*

1. The director of civil service^b shall have authority to prescribe such regulations in pursuance of and in execution of these rules as are not inconsistent therewith, and shall prescribe blank forms for all applications, examinations, certifications, reports, records, and returns received under these rules and the regulations made in pursuance thereof.

2. Except as provided therein, the first 11 rules apply to the classified service only; the remaining rules have a general application to both the classified and the unclassified service.

3. The several terms hereinafter mentioned, wherever used in these rules, shall be construed as follows:

(a) The term "director" refers to the director of civil service.

(b) The term "grade" refers to a number of positions or employees arranged in a group upon the basis of the duties performed, without regard to the salaries received.

(c) The term "class" refers to a number of positions or employees arranged in a group upon the basis of the salaries received, without regard to the duties performed.

(d) Whenever the term "officers" is used it shall be understood to refer to civil officers employed in, or military officers detailed to, the Philippine civil service.

(e) The term "classified service" includes all positions in the Philippine civil service not excepted by the revised civil-service act.

(f) All printed "forms" mentioned in these rules refer to forms of the bureau of civil service.

RULE II.—*Applications for examination.*

1. No applicant shall be admitted to competitive examination who has not taken the oath of allegiance to the United States and who is not a citizen of the United States, a native of the Philippine Islands, an honorably discharged soldier, sailor, or marine of the United States, or a person who has under and by virtue of the treaty of Paris acquired the political rights of natives of the islands.

2. Every applicant for examination must furnish information as to his citizenship, nativity, age, education, and physical capacity, and such other information tending to show his qualifications or disqualifications for the service, as may be required by the director.

3. No applicant shall be admitted to examination or be appointed in the United States to this service originally, by reinstatement, or by transfer, until he has been thoroughly examined by a competent physician and found to be physically qualified for efficient service in the Philippine Islands. A physical and medical examination may, in the discretion of the director, be required of applicants for examination in the Philippine Islands.

4. No applicant shall be admitted to examination in the Philippine Islands until he has furnished evidence satisfactory to the director of his loyalty to the supreme authority of the United States of America in these islands.

^a Revised to March 25, 1908, except certain unimportant modifications made by act No. 1698, q. v.

^b Act 1407, section 4, enacted October 26, 1905, provided that "the director of civil service shall perform the duties now imposed by law on the Philippine civil-service board and on the chairman of the Philippine civil-service board."

5. No application for examination shall be accepted from any person serving in the Army, the Navy, or the Marine Corps of the United States unless written consent of the proper military, naval, or marine authority under whom such person is serving is filed with his application.

6. No application for examination for entrance into the classified service shall be accepted from any applicant who is under 18 or over 40 years of age: *Provided*, That in the interest of good administration, the director, with the concurrence of the governor-general or proper head of a department, may by regulation determine the age limitations within the maximum and minimum limits herein specified, and confine competition for such positions to persons who meet the requirements as to age: *And provided further*, That whenever in the discretion of the director the needs of the service require it, the age limitations named herein may be extended for any particular kind of examination.

7. The director may, in his discretion, refuse to examine an applicant, or to certify or attest an appointment of an eligible, who is physically unfitted for the performance of the duties of the position to which he seeks appointment; or who has been guilty of a crime, or of infamous, notoriously disgraceful, or immoral conduct, drunkenness, or dishonesty; or who has been dismissed from the service for other delinquency or misconduct within one year next preceding the date of his application; or who has intentionally made a false statement in any material fact, or practiced or attempted to practice any deception or fraud in securing his examination, registration, or appointment. Any of the foregoing disqualifications shall be good cause for the removal of the person from the service after his appointment.

8. No application shall be accepted for examination to test fitness for a position which belongs to one of the recognized mechanical trades unless it shall be shown that the applicant has served as apprentice or as journeyman, or as apprentice and journeyman, at said trade for such periods as the director may prescribe.

RULE III.—*Examinations.*

1. Examinations of a suitable and practical character, absolutely impartial, and involving such subjects and tests as the director may determine, shall be held to ascertain the relative capacity and fitness of applicants for the positions to which they seek to be appointed.

2. Whenever the director shall find, after consultation with the head of the proper department, bureau, or office, that a knowledge of both the Spanish and the English language is essential to an efficient discharge of the duties of a position to be filled, he shall test English-speaking applicants as to their knowledge of the Spanish language, and Spanish-speaking applicants as to their knowledge of the English language.

3. No person shall be appointed to, or employed in, any classified position unless he shall have passed the examination provided therefor, or unless he is specially exempt from such examination by the provisions of the revised civil-service act and rules.

4. No noncompetitive examination shall be held except:

(a) When applicants fail to compete after due notice has been given of an open competitive examination.

(b) To test fitness for promotion.

(c) To test fitness for reinstatement or transfer.

(d) To test fitness for positions requiring professional, technical, or scientific qualifications, when, in the judgment of the director, it is not practicable to hold a competitive examination.

(e) To test fitness for positions of skilled workmen, mechanics, or artisans.

5. Examinations in the Philippine Islands shall be held in Manila and in the provinces upon such dates as the director may deem best for the interests of the service and the convenience of applicants, and examinations in the United States will be held under the auspices of the United States Civil Service Commission at the request of the director.

6. The director shall appoint such examining committees or special examiners as it may deem necessary from officers and employees in the Philippine civil service: *Provided*, That if the head of any bureau in Manila shall object to the appointment of any officer or employee of his bureau as a member of an examining committee, or as a special examiner, such appointment shall be subject to the approval of the governor-general or proper head of a department. The members of examining committees and special examiners are examiners of the bureau of civil service, and shall perform such duties as the director

may require in connection with examinations, investigations, appointments, and promotions, and in the performance of such duties they shall be under his direct and sole control and authority. The duties performed by members of examining committees and special examiners shall be considered part of the duties of the office in which they are serving, and time shall be allowed for the performance of such duties during the office hours of said office.

7. All officers of the Philippine civil service shall facilitate civil-service examinations, and officers having the custody of public buildings at places where such examinations are to be held shall, for this purpose, permit and arrange for the use of suitable rooms under their charge and for furnishing and lighting the same when required.

RULE IV.—*Rating of papers and eligibility*

1. Examination papers shall be rated according to their excellence on a scale of 100, and the subjects of each examination shall be given such relative weights as the director shall prescribe. After a competitor's papers have been rated he shall be duly notified of the result thereof by the director or by the head of his bureau or office at the request of the director.

2. Every competitor who attains a general rating of 70 or over shall be eligible to appointment, subject to the provisions of these rules, to the position for which he was examined, and the names of eligibles shall be entered in the order of their general ratings, without regard to the date of examination, on the proper register of eligibles.

3. The period of eligibility shall be one year from the date on which the name of the eligible is entered on the register, but this period may be extended if, in the discretion of the director, the needs of the service warrant it: *Provided*, That in case an eligible shall be mustered into the military or naval service of the United States at a time when the United States is engaged in war or in suppressing an insurrection, his period of eligibility shall, under such conditions as the director may prescribe, be considered as suspended during the time he is serving in the Army or Navy of the United States: *And provided further*, That the eligibility to appointment of any person resulting from examinations held only in the Philippine Islands shall be suspended during the absence of such person from the Philippine Islands.

RULE V.—*Certifications.*

A vacancy in a classified position, if not filled by promotion, reduction, transfer, or reinstatement, or through noncompetitive examination, shall be filled under the following provisions:

1. The appointing officer shall make requisition upon Form No. 9 for the names of eligibles for the position vacant, specifying the duties of the position, and the director shall certify to said officer from the proper register the three names at the head thereof which have not been three times certified to the office or branch of the service in which the vacancy exists: *Provided*, That certification for temporary appointment shall not be counted as one of the three certifications to which an eligible is entitled: *And provided further*, That whenever the request for certification, or any law, rule, or regulation shall call for persons of one sex, those of that sex shall be certified; otherwise sex shall be disregarded in certification.

2. The appointing officer shall select one of the three names certified, and if at the time of selection there are more vacancies than one, he may select more than one name: *Provided*, That if an appointing officer shall object to an eligible certified, stating that because of disloyalty, physical defect, mental unsoundness, or moral or other disqualification particularly specified in section 7 of Rule II, such eligible would be unsuitable for the position to be filled, and if said officer shall support such objections with evidence satisfactory to the director, certification shall be made of the eligible on the register whose rating is next below those already certified in place of the one to whom objection is made and sustained.

3. In making selections from certifications of eligibles by the director, appointing officers shall, when other qualifications are equal, prefer:

First. Natives of the Philippine Islands.

Second. Honorably discharged soldiers, sailors, and marines of the United States.

4. The director, whenever practicable, shall forward to the appointing officer in connection with each certification the applications and examination papers of the persons certified, and said officer may summon personally before him the eligibles certified and make such inquiries of them as he may think proper. The papers forwarded by the director to the appointing officer for his information shall be returned to the director with notice of selection on Form No. 18.

5. Whenever a person residing in the Philippine Islands or in the United States is selected for appointment to the classified civil service, the appointing officer shall notify the director and the director shall notify the appointee. Upon his reporting for duty, the appointing officer shall immediately forward to the director probationary appointment on Form No. 33; such appointment is not to be made effective prior to the date upon which the appointee actually enters upon the performance of his duties. If the eligible was provisionally appointed in the United States, his regular appointment will be effective the day following the date of his actual landing in the Philippine Islands, provided he reports immediately at the office of the bureau of civil service, and leave shall not accrue prior to date of regular appointment. At the expiration of the probationary period of six months, if his conduct and capacity are satisfactory to the appointing officer, his retention in the service shall be equivalent to his absolute appointment; but if his conduct and capacity be not satisfactory, he may at any time during or at the expiration of his probationary period be notified by the appointing officer that he will not receive absolute appointment because of such unsatisfactory conduct or want of capacity, and such notification, without other formality shall discharge him from the service. Full report of the cause of the discharge shall be made to the director. A probationer may be reduced in class or grade at any time during or at the expiration of his probationary period by a notification of reduction from the appointing officer without other formality; in such case the appointing officer shall immediately forward to the director new appointment on Form No. 33, accompanied by a full statement of the cause of the reduction. The name of a probationer who has been separated from the service without delinquency or misconduct may be restored to the register of eligibles, in the discretion of the director, for the remainder of his period of eligibility.

6. An eligible may waive certification or decline appointment without losing his position on the register upon furnishing reasons satisfactory to the director, but without such action his name shall be dropped from the register upon his declination of an appointment. No eligible shall have the right to decline an appointment from the same register more than twice.

7. Certification for original appointment shall, whenever practicable, be made to the lowest class in a grade, but a vacancy in a position in any class requiring the exercise of special, technical, or professional knowledge may be filled by original appointment.

8. When two or more eligibles have the same rating, precedence in certification shall be determined in accordance with section 3 of this rule, if applicable; otherwise, by the order in which their applications were filed.

9. All appointments of persons residing in the United States, as well as those residing in the Philippine Islands, to positions in the classified civil service shall be made through the bureau of civil service in strict accord with the rules and regulations prepared by the director, and the same procedure shall be followed in making selections for appointment in the United States as is followed in making selections in the Philippine Islands. Official correspondence by cable or letter with or relating to prospective appointees residing in the United States must be transmitted through the director for appropriate action.

RULE VI.—*Temporary service.*

1. Whenever there are fewer than three eligibles upon a register, the appointing officer may appoint probationally the one eligible, or one of the two eligibles, certified, in the same manner as if three eligibles had been certified; but if he elects not to make probationary appointment from such certification, he shall select for temporary appointment the one eligible, or one of the two eligibles, if either will accept such temporary appointment. Temporary appointment made from an eligible register as provided in this section may continue until such temporary appointee is given probationary appointment or until the director certifies three eligibles, when probationary appointment must be made.

2. Whenever there are no names of eligibles upon a register for any grade in which a vacancy exists, and the public interests require that it shall be filled before eligibles can be provided, such vacancy may, subject to the *antecedent* approval of the director, be filled by the employment without examination of a person for such time as will enable the director to provide one or more eligibles. Such temporary employment shall expire when the director shall certify an eligible who accepts either temporary or probationary appointment.

3. Whenever an emergency shall arise in the provinces requiring that a vacancy shall be immediately filled before eligibles can be certified or temporary employment authorized by the director, the appointing officer shall *first* make requisition for a certification of eligibles, and pending the certification of eligibles such vacancy may be immediately filled by the appointing officer through emergency employment, to continue for such time only as may be required for the appointment of an eligible, or for the authorization of temporary employment by the director. It shall be the duty of every appointing officer to report at once to the director, giving reasons for such emergency employment and to obtain authority therefor.

4. Whenever the work to be done is, in the judgment of the director, temporary in character, he may authorize temporary employment without examination, which employment may continue until the completion of the work.

RULE VII.—*Reinstatement.*

Any person who has been regularly appointed to a position in the classified civil service and who has through no delinquency or misconduct been separated therefrom may, if no good reason to the contrary appears, upon the requisition of the proper officer on Form No. 8 and the certificate of the director, be reinstated to a vacant position of a class not higher than that from which he was separated, under the conditions named below. The last two sections of this rule apply to the unclassified as well as to the classified service.

1. If the person regularly entered the classified service without examination, a noncompetitive examination may be required, in the discretion of the director, prior to reinstatement.

2. If for original entrance to the position proposed to be filled by reinstatement there is required, in the opinion of the director, an examination essentially higher than, or different from, the examination for original entrance to the position previously held by the person whose reinstatement is proposed, a noncompetitive examination may be required prior to reinstatement.

3. A person who has served six months or less in the Philippine civil service may be reinstated as a probationer within a period of six months following his separation from the service under the former appointment; a person who has served more than six months but less than two years, and who has received absolute appointment, may be reinstated within one year; a person who has served two years, but less than three years, may be reinstated within two years; a person who has served three years, but less than four years, may be reinstated within three years; a person who has served four years, but less than five years, may be reinstated within four years; and a person who has served five years or more may be reinstated within five years from the date of his separation from the service.

4. Subject to the other conditions of these rules, any person whose separation from the civil service was caused by his enlistment or acceptance of a position in the active military or naval service of the United States, and who was honorably discharged therefrom, may be reinstated without regard to the length of time he has been separated from the civil service.

5. A person in the United States who resigned from the Philippine classified or unclassified civil service before having rendered three years' service in the Philippine Islands, and who is reinstated in either of said services, shall not be entitled to the half salary and traveling expenses provided by law for persons residing in the United States who are appointed to the Philippine civil service.

6. No person separated from the Philippine classified or unclassified civil service before having served the full period prescribed by law or contract shall be allowed to reenter either of said services, until he shall have made good all loss caused by such separation and shall have refunded to the Government such proportion of the total expenses, if any, incurred by it by reason of his appointment, including salary and traveling expenses prior to the date he actually entered upon the duties of his position, as the time he failed to serve is to the

time required by said law or contract, and then only on the approval of the head of the department from which he was separated. All amounts so refunded to the insular government shall be paid to the disbursing officer of the executive bureau, and by him deposited in the insular treasury as general funds. Applications of such persons for reenrance to the service should be made through the director.

RULE VIII.—*Transfers.*

1. A person in any bureau, office, or branch of the service may be transferred within the same bureau, office, or branch of the service upon any test of fitness, not disapproved by the director, which may be determined upon by the appointing officer, subject to the limitations of the proviso of section 2 of this rule.

2. A person who has received absolute appointment may, upon the completion of Form No. 7 by the heads of the bureaus or offices interested, and the certificate of the director, be transferred from a position in one bureau, office, or branch of the service to a position in another bureau, office, or branch of the service: *Provided*, That such transfer shall not be made without examination to a position if for original entrance to such position there is required under these rules an examination essentially higher than, or different from, the examination required for original entrance to the position from which transfer is proposed.

3. No transfer shall be made of a person from any position in the unclassified service to a position in the classified service: *Provided*, That a person who has by promotion or transfer from the classified service entered the unclassified service, and has served continuously therein from the date of said promotion or transfer, may be retransferred to the classified position from which he was transferred or to any position to which transfer could be made therefrom.

4. Any person who has been transferred from one classified position to another classified position may be retransferred to the position in which he was formerly employed, or to any position to which transfer could be made therefrom, without regard to the limitations of these rules.

5. A person in the classified service of the Federal Government of the United States may be transferred to any position in the Philippine classified service, subject to the conditions of these rules with respect to age limitations and examinations, and when an examination is required previous to such transfer the director may accept such tests of fitness as may be made upon his request by the United States Civil Service Commission.

6. An officer or employee occupying a competitive position in the Philippine classified civil service who has served three years or more therein may be certified for transfer to the Federal classified civil service, subject to the provisions of the United States civil service rules and to the following requirements:

(a) Three years' continuous service in the islands, without visiting the United States.

(b) Four years' continuous service in the islands, visiting the United States only once during this period.

7. No head of a bureau or office of the government of the Philippine Islands, or any subordinate officer or employee thereof, shall, directly or indirectly, invite, solicit, or even discuss with a subordinate officer or employee, classified or unclassified, permanent or temporary, of another bureau or office, or of the Army or the Navy of the United States in these islands, his appointment or transfer to the bureau or office of such head or subordinate, until the consent in writing is first obtained of the head of the bureau or office in which the desired officer or employee is a subordinate, or of the governor-general or proper head of a department, or of the officer of the Army or the Navy under whom he may be employed or serving.

RULE IX.—*Promotions.*

1. No vacancy in any position shall be filled by original appointment when-ever there is in the bureau or office in which the vacancy exists any person in a position in a lower class or grade who is competent and qualified and is willing to be promoted to the existing vacancy.

2. In providing regulations and competitive examinations for promotion the director shall give due weight to the previous experience and efficiency of

officers and employees and shall introduce such tests of fitness as he may deem proper after consultation with the heads of the different bureaus, offices, or branches of the service in which promotion examinations may be held, for the purpose of determining the relative efficiency of officers and employees.

3. In each department, bureau, office, or branch of the service the director may be subject to the proviso contained in section 6 of Rule III, designate a promotion examining committee of not less than three persons. The members of the committee shall perform such duties with respect to promotions and promotion examinations as the director may require, in the performance of which duties they shall be under the sole control and authority of the director.

4. There shall be kept in each office, on forms prescribed by the director for that purpose, a comparative record from which the relative efficiency of employees may be determined. Among the elements of efficiency to be considered are quantity of work or the amount performed, quality of work or the degree of its excellence, physical condition, habits, character, conduct, aptitude and adaptability, punctuality, and attendance. This record shall be at all times open to the inspection of the director. A report shall be made to the director semiannually on Form No. 54, on the first days of January and July, giving the comparative term and corresponding efficiency rating applicable to each person according to the following scheme:

| | |
|---|-----------|
| Very superior: Indicating the highest degree of efficiency or excellence..... | 95 to 100 |
| Superior: Indicating a high degree of efficiency or excellence..... | 85 to 94 |
| Good: Indicating a degree of efficiency above the average..... | 75 to 84 |
| Fair: Indicating an ordinary degree of efficiency..... | 70 to 74 |
| Poor: Indicating inefficiency..... | Below 70 |

5. No recommendation of any person for promotion, whether verbal or in writing, shall be received or considered unless it be made by the officer or officers under whose supervision he is or has been employed, and the presentation of any other recommendation shall be considered an unwarrantable interference with the public service.

6. Until the promotion regulations herein authorized have been promulgated by the director for any department, bureau, office, or branch of the service, and the director has notified such department, bureau, office, or branch of the service that he is prepared to conduct the promotion examinations authorized under the revised civil service act and rules, promotions therein may be made upon any tests of fitness not disapproved by the director which may be determined upon by the appointing officer: *Provided*, That pending the adoption of such regulations, in case of proposed promotion from one class to another class of an employee who has not entered the service through the examination prescribed for the class to which promotion is proposed, such employee shall be required to obtain an eligible rating in such prescribed examination taken non-competitively, and the appointment by promotion thus made shall not become effective prior to the date of taking the examination in which an eligible rating is obtained.

7. Save in exceptional cases, promotion or increase of salary shall not be made during the first six months after the appointment of an officer or employee in either the classified or the unclassified service, nor more frequently than once in twelve months thereafter, nor more than one class at a time. The question of whether a case is or is not an exceptional one shall be determined by the governor-general or proper head of a department.

8. When a promotion is proposed by the head of a bureau or office and report on Form No. 3 or Form No. 54 is overdue, action on such proposed promotion shall be suspended pending the receipt of said report in proper form.

RULE X.—*Appointment and employment.*

1. All appointments to classified positions, except temporary appointments and appointments made by the governor-general by and with the advice and consent of the Philippine Commission, whether original, by promotion, reduction, transfer, or reinstatement, must be made in accordance with the provisions of the revised civil service act, on Form No. 33, and transmitted to the director of civil service. If the appointments are allowable under the revised civil service act and rules, they shall be either approved by the director of civil service and returned to the appointing officer or, where some question requires determination and in other cases where it seems advisable, forwarded to the governor-

general or proper head of department for direction. A monthly report shall be made by the director of civil service to the governor-general and heads of departments of appointments approved under the authorization given in this section; appointments thus reported which are not revoked within ten days after the receipt of such monthly report shall be held to have been approved in accordance with the provisions of the revised civil service act. In case such appointments are revoked they shall be considered as having been effective until the date of revocation.

2. The payment of any money on account of salary to any officer or employee in the classified service is not warranted prior to the receipt by the disbursing officer of notification from the head of the bureau or office that the appointment or employment of such officer or employee has been duly authorized as provided by the revised civil service act and rules.

3. No person appointed to any unclassified position shall be assigned to or employed in a position the duties of which are clerical, nor shall he be assigned to or employed in any other position in the classified service.

4. No person appointed to a position in the classified service shall, without the approval of the director, be assigned to or employed in a position of a grade or character not contemplated by the examination from the results of which appointment was made, except as otherwise provided by law.

RULE XI.—Procedure in reductions, separations, and suspensions.

1. When the head of a bureau or office deems it necessary to recommend a regularly and permanently appointed subordinate officer or employee in the classified civil service for reduction in salary or compensation, he shall in writing notify the person affected of the proposed action and the grounds upon which such action is premised, and shall prescribe a reasonable period, which shall not be less than twenty-four hours, within which a written reply may be submitted if desired, together with any written evidence he may desire to submit. Upon receipt of the reply or after the expiration of the period within which such reply should have been submitted, the head of the bureau or office shall forward to the director a certified copy of the letter of notification and the reply and evidence, if any shall have been received. These papers shall be promptly forwarded to the governor-general or proper head of department by the director, together with his recommendation in the case, for final action.

2. In case of proceedings to remove a regularly and permanently appointed subordinate officer or employee in the classified civil service for cause, the head of the bureau or office may suspend such person at once, if he deem that course necessary, and, in any event, shall in writing notify the person in interest that his removal for cause is to be recommended, and of the ground upon which such recommendation is based, at the same time prescribing a reasonable period within which a written answer, supported by such written evidence as he desires to present, shall be submitted, such period to be not less than twenty-four hours after the actual receipt of the notification by the person recommended for removal. In the event of no response being received within the period prescribed, evidence of the receipt of the written notification, together with a certified copy of the same, shall be forwarded to the director. If reply has been received, it shall be similarly forwarded, with a certified copy of the notification mentioned, together with any other evidence or papers in the case. The director shall promptly forward, with recommendation, all the papers in the case for final action. If such action be approval of the recommendation to remove for cause, the person affected shall be dropped from the rolls of the office as discharged on the day he was suspended, if suspension was made; otherwise his discharge shall not be effective on the date of receipt by the head of the bureau or office in interest of the notification of approval by the governor-general or proper head of department. Except by the specific approval of the governor-general or proper head of department, had in each specific instance, no officer or employee shall so construe the provisions of any law now in force as to authorize or require the official publication of the cause of removal of any person from the Philippine civil service in more specific terms than "for the good of the service."

3. In every instance of a tender of resignation by a regularly and permanently appointed subordinate officer or employee in the classified civil service, it shall be the duty of the officer authorized to act thereon to accept or decline to accept the same in writing, and if the resignation be accepted, to give him a letter stating clearly the character of the services rendered and whether or not,

in the light of present information, a possible future application for reinstatement in the same bureau or office would be favorably considered. In the event of a statement to the effect that such application would not be favorably considered, reasons therefor shall be stated and the person in interest informed that he may, should he so desire, submit a written reply and such other written evidence as he may elect. When completed, certified copies or the originals of all the papers in the case shall be forwarded to the director; in case of objection to reinstatement, the papers will be forwarded by the director with his recommendation for review and final action. For obvious reasons no officer or employee should be continued in his position who could not be recommended for reinstatement were he to resign.

4. In cases of deduction from pay or suspension from duty without pay, under the provisions of section 16 of Act No. 1698, of a subordinate officer or employee in the classified or the unclassified civil service, the head of the bureau or office shall notify the person affected in writing of the action proposed and shall give him a reasonable period of time within which to submit a written answer, which shall be not less than twenty-four hours, supported by such written evidence as he desires to present. The papers in the case shall be forwarded to the director for recommendation and shall be transmitted by him to the governor-general or proper head of department for final action. The deduction from pay shall not be made nor shall the suspension from duty take place until the approval of the governor-general or proper head of department has been obtained.

5. If any of the papers in the proceedings under this rule are written in Spanish, the head of the bureau or office shall furnish translations in English, whenever practicable, as well as the originals or certified copies thereof. All papers relating to the removal or resignation of subordinate officers or employees in the classified civil service shall be filed in the office of the director.

6. In all cases of removal or reduction of officers or employees in the unclassified service above the grade of semiskilled laborer, the head of the bureau or office shall furnish the director with a full statement of the cause of the removal or reduction. In cases of resignation when an application for reinstatement would not be favorably considered, the director shall be furnished with a full statement of the character of the services rendered and the reasons why application for reinstatement would not be favorably considered.

RULE XII.—*Prohibitions and Penalties.*

1. No person in the Philippine civil service shall use his official authority or official influence to coerce the political action of any other person or body.

2. No officer or employee in the Philippine civil service shall discharge or promote or degrade or in any manner change the official grade or compensation of any other officer or employee, or promise or threaten so to do, for giving or withholding, or neglecting to make, any contribution of money or other valuable thing for any political purpose whatever.

3. No inquiry shall be made, and no consideration whatever shall be given to any information relative to the political or religious opinions or affiliations of persons examined, or to be examined, or of officers or employees in the matter of promotion, and no discrimination shall be exercised, threatened, or promised against, or in favor of any person employed, examined, or to be examined, because of his political or religious opinions or affiliations.

4. No recommendation of an applicant, competitor, or eligible involving any disclosure of his political or religious opinions or affiliations shall be considered by the director by any examining committee or special examiner, or by any nominating or appointing officer.

5. No officer or employee shall engage in any private business, vocation, or profession, or be connected with any commercial undertaking without written permission from the head of the bureau or office in which he is serving, and of the governor-general or proper head of department. As a general rule, in any enterprise which involves the taking of time, this prohibition will be absolute in the case of those officers and employees whose remuneration is fixed on the assumption that their entire time is at the disposal of the government; if granted permission to engage in a business requiring time of applicant, copies must be furnished the director.

6. Discourtesy to private individuals or to government officers or employees, drunkenness, gambling, dishonesty, chronic or flagrant violation or neglect of duty, notoriously disgraceful or immoral conduct, physical incapacity due to

immoral or vicious habits, incompetency, lending money at exorbitant rates of interest, willful failure to pay just debts, contracting loans of money or other property from merchants or other persons with whom the bureau or the borrower is in business relations, pecuniary embarrassment arising from reprehensible conduct, the pursuit of private business, vocation, or profession without permission in writing from the head of the bureau or office in which employed and of the governor-general or proper head of department, disreputable or dishonest conduct committed prior to entering the service, or the willful violation by any person in the Philippine civil service of any of the provisions of the revised civil service act or rules, may be considered reasons demanding proceedings to remove for cause or to reduce in class or grade. No head of a bureau or office shall knowingly continue in the public service any subordinate officer or employee guilty of any of the above-named derelictions, without submitting the facts through the director to the governor-general or proper head of department.

7. In making removals or reductions, or in imposing other punishment, for delinquency, or misconduct, penalties like in character shall be imposed for like offenses, and action thereon shall be taken irrespective of the political or religious opinions or affiliations of the offenders.

RULE XIII.—Official roster of officers and employees.

The director shall keep an official roster of all regularly and permanently appointed officers and employees in the civil service of the Philippine Islands above the grade of semiskilled laborer, and for the purpose of this roster each head of a bureau or office shall furnish to the director:

1. The necessary information in such form and manner as he may prescribe.

2. A statement on Form No. 3, on the first day of each month, of all changes, and the dates thereof, in the service under the control and authority of the head of the bureau or office, setting forth, among other things, the following: The name of every person appointed, reinstated, promoted, reduced, transferred, or separated from the service; the position to which an appointment or reinstatement is made; the position from which and the position to which a promotion or transfer is made; the position from which a separation is made, whether by removal, resignation, or death, and the compensation of every position from which or to which a change is made.

RULE XIV.—Employment of semiskilled and unskilled laborers.

(Rendered noneffective by act No. 1698.)

RULE XV.—Hours of labor.

1.^a It shall be the duty of all chiefs of bureaus and offices in the Philippine civil service to require of all subordinate employees, except teachers, of whatever grade or class, not less than seven hours of labor each day, exclusive of Sundays and all days declared public holidays by law or Executive order, except that on Saturdays throughout the year the number of hours may be reduced to five: *Provided*, That the office hours of all bureaus and offices in the city of Manila shall be fixed at from 8 o'clock antemeridian to 4 o'clock postmeridian with a reasonable intermission, not exceeding one hour, for lunch, on all working days except Saturdays, and from 8 o'clock antemeridian to 1 o'clock postmeridian on Saturdays; no change in these office hours shall be made without the specific written approval of the governor-general or proper head of department, and in case of such change the number of hours of labor herein fixed shall not be reduced.

2. When the nature of the duties to be performed or the interests of the public service require it, the head of any department, bureau, or office may extend the daily hours of labor herein specified for any or all of the employees under him, and in case of such extension it shall be without additional compensation unless otherwise provided by law. Officers and employees may be required by the head of the bureau or office to work on Sundays and public holidays also, without additional compensation unless otherwise specifically authorized by law.

^a Original section 1 revoked September 4, 1907, and the new rule here given substituted (Executive Order No. 30, s. 1907).

3. Each head of a bureau or office shall require a daily record of attendance of all the officers and employees under him entitled to leave of absence or vacation (including teachers) to be kept on Form No. 48, and also a systematic office record showing for each day all absences from duty from any cause whatever. At the beginning of each month he shall report to the director on Form No. 3 all absences from any cause whatever, including the exact amount of undertime of each person for each day. Officers or employees serving in the field or on the water shall not be required to keep a daily record on Form No. 48, but monthly report of absences on Form No. 3 must be made.

RULE XVI.—*Leaves of absence.*

1. Except judges, all regularly and permanently appointed officers and employees of the Philippine civil service, insular, provincial, and municipal (Manila), including teachers, may be granted leave of absence or vacation in accordance with the provisions of Act No. 1698.

2. (a) Applications for accrued leave of officers and employees must be made in writing two weeks in advance, wherever possible, of the date on which the leave is desired to become effective, on Form No. 39, to the head of the bureau or office for recommendation and transmission to the director. The first indorsement on said form must be completed by the head of the bureau or office.

(b) In case of the death of an officer or employee the head of the bureau or office shall transmit to the director application on Form No. 39 for accrued leave due, and application on Form No. 55, supported by medical certificate on Form No. 41, for vacation leave covering absence on account of illness immediately preceding death.

(c) When an officer or employee is separated from the civil service without prejudice, by resignation, death, or other cause, the money value of accrued leave granted, estimated in accordance with the provisions of Act No. 1698, may become immediately due and payable if the state of the appropriation from which his salary is payable warrants immediate payment. If the leave granted is commuted, payment therefor shall be made as provided by law; if the leave granted is not commuted, payment shall be made by the disbursing officer of the bureau or office from the unexpended balance for salaries and wages, and the position shall remain vacant for a period equal to the accrued leave granted.

(d) An officer or employee who applies for accrued leave which was earned at different rates of compensation shall be granted leave with pay at the salary he is last receiving for a period equaling in money value the period of accrued leave estimated in accordance with the provisions of Act No. 1698, and he may be granted, if he so desires, such additional leave, without pay, as will give him the aggregate length of time on leave, with and without pay, as provided in the aforesaid act.

3. (a) All applications for vacation leave of absence for a period of one full day or more must be made on Form No. 55 five days in advance, wherever possible, and transmitted to the director immediately: *Provided*, That applications on this form for two days or less may be retained by the head of any bureau or office, if so preferred by him, and forwarded to the director on the first day of the following month as inclosures to monthly report on Form No. 3; when forwarded with Form No. 3, the first indorsement on Form No. 55 need not be completed. Applications for less than one day will not be made on this form. All absences, including fractions of a day, must be recorded on Form No. 48 and reported to the director monthly on Form No. 3. In case of illness or unavoidable absence from other cause notice must be immediately sent to the head of the bureau or office, and the application, containing a brief explanation of the cause of delay in filing, forwarded later.

(b) The vacation leave of an employee whose salaries during a calendar year embrace the two rates of vacation leave provided in the schedule of section 24 of Act No. 1698 shall be computed by allowing credit for the two rates in proportion to the part of the year served at each rate.

(c) When vacation leave is requested by any officer or employee (except a teacher) during his first six months of service from the date of original appointment the director shall state on the application the date on which payment for such leave may properly be made under the provisions of Act No. 1698, and, unless the governor-general or proper head of department directs otherwise, on account of illness of the officer or employee, the head of the bureau or office shall require that payment for such leave be withheld until that date.

(d) Form No. 55 shall be used by teachers for all absences during school terms on account of illness or other cause, and the director of education shall require payment for such absences to be withheld until they have performed duty during vacation for a period equal to their absences from duty on account of illness, as required by Act No. 1698: *Provided*, That if the absences were due to illness, the withholding of salary may be postponed to the beginning of the next summer vacation. Teachers in applying for permission to visit the United States shall use Form No. 55, which must be accompanied by a complete statement by the director of education of the service record and all absences from duty of the teacher.

(e) Applications of officers and employees for leave of absence on account of wounds or injuries incurred in the performance of duty, extending beyond the allowable vacation leave (par. d, sec. 25, Act No. 1698), must be made on Form No. 40, supported by medical certificate on Form No. 41 and evidence showing that the wounds or injuries were incurred in the performance of duty.

4. Payment for vacation leave for more than two days granted any officer or employee who has served less than two years shall be withheld until five days after his return to duty. When an officer or employee who has served more than two years is granted vacation leave (either alone or in connection with accrued leave) in excess of the accrued leave that may be due on expiration of the leave granted, payment for such excess leave shall be withheld until five days after return to duty. In either case, in the event that it shall appear during the first five days after return to duty from leave that it is not the intention of the officer or employee to continue in the performance of his duties any longer than to draw all back salary which may be due him, payment shall be withheld and full report thereof forwarded by the head of the bureau or office, through the director, to the governor-general or proper head of department for action. If he fails to return to duty no payment for the leave withheld shall be made, unless the failure to return is due to illness and payment is authorized by the governor-general or proper head of department.

5. All absences of an officer or employee in excess of the vacation or accrued leave allowable shall be without pay, unless the governor-general or proper head of department directs that payment for such absence be made, in accordance with paragraph c, section 25 of Act No. 1698, on account of the absence being due to illness of the officer or employee: *Provided*, That if an officer or employee was appointed in the last seven months of the calendar year he may be granted the proportionate vacation leave for the year, payment being withheld until the leave is properly due under the provisions of Act No. 1698. At the expiration of the first two years of service the officer or employee may make written application covering the period for which pay was withheld. This application shall be forwarded by the head of the bureau or office with his recommendation, through the director, to the governor-general or proper head of department, who may direct that payment be made, if funds are available, and that the absence be charged against accrued leave.

6. If an officer or employee is separated from the service by resignation or otherwise after having taken vacation leave in excess of that proportion due for the part of the calendar year served by him, such excess vacation leave shall be charged against his salary or accrued leave: *Provided*, That if the vacation leave was allowed on account of illness of the officer or employee, the governor-general or proper head of department may direct that no deduction be made from his salary or accrued leave for such excess vacation leave previously allowed.

7. An officer, teacher, or other employee appointed under the provisions of Act No. 1698 who is separated from the service by resignation or otherwise before having served two full years in the islands shall not be allowed any leave on separation.

8. (a) The resignation of a teacher who has served in the islands two full school years or more may be accepted at the end of a school year and he may be allowed the vacation current: *Provided*, That the total vacation enjoyed by him shall not exceed twelve weeks for every forty weeks actually taught.

(b) As a rule, the resignation of a teacher will not be accepted prior to the termination of the school year: *Provided*, That if for illness or other urgent necessity the resignation of a teacher who has served in the islands more than two years is accepted by the secretary of public instruction without prejudice prior to the termination of the school year, he may be allowed salary for one week's vacation for every month actually taught by him since the preceding summer vacation, any absence chargeable to vacation to be deducted from this

allowance; but the total vacation enjoyed by him shall not exceed twelve weeks for every forty weeks actually taught. Vacation may be allowed to the estate of a teacher who dies on the same basis as to a teacher whose resignation is accepted on account of illness.

9. In every case where action by the governor-general or head of department is contingent upon illness of an officer or employee evidence of illness must be submitted on Form No. 41, except where a teacher applies for permission to make up, during vacation, time lost from duty on account of illness; if the illness was due to immoral or vicious habits, favorable action will not be taken.

10. When an application for leave is received by the director and report on Form No. 3 is overdue, action on such application may be suspended pending the receipt of such report in proper form.

11. Absence on Saturday shall be counted as absence for one full day. A Sunday or a holiday occurring at the beginning or at the end of a period of accrued or vacation leave shall not be considered as a day chargeable to leave. Leave of absence for any reason other than serious illness must be contingent upon the necessities of the service.

12. Officers or employees on leave of absence shall report to the heads of their respective bureaus or offices at the end of each month by registered mail their post-office addresses for the ensuing month, and shall promptly report in a similar manner and in sufficient detail every unexpected and unavoidable delay which may have occurred during the period contemplated by their leave of absence. Absence from duty at station in the Philippine Islands after the expiration of the leave due shall be without pay.

13. No officer or employee in the Philippine civil service shall be dropped from the rolls of his office for unexplained absence in the United States until at least forty days after the expiration of the period of absence contemplated by the leave granted.

14. (a) All officers and employees who are granted leave of absence for the purpose of visiting the United States and who contemplate returning to duty upon the expiration of such leave of absence shall, before leaving the islands, make application to the executive secretary for transportation returning to Manila. In each application the date of the expiration of leave of absence and the post-office address of the applicant while in the United States must be stated.

(b) Immediately upon reaching the United States remittance covering cost of return transportation must be made to the Chief of the Bureau of Insular Affairs, War Department, Washington, D. C., with a statement of the date on which the applicant desires to leave the United States. All subsequent communications regarding return transportation and prompt report of any changes occurring in the applicant's post-office address must also be directed to the Chief of the Bureau of Insular Affairs, and a duplicate copy of each such communication mailed at the same time to the head of the bureau or office interested.

(c) An officer or employee entitled to traveling expenses from his place of residence in the United States to Manila under the provisions of section 23 or 29 of act No. 1698, or from foreign countries under the provisions of section 23 of act No. 1698, shall file with the insular auditor his expense account within thirty days, if possible, after arrival at Manila.

I N D E X .

| | Page- |
|---|---------------|
| Accrued leave. (<i>See</i> Leave of absence) | |
| Address, to be reported each month by officers or employees on leave of absence..... | 161 |
| Age limitations | 131, 150 |
| Allowances on resignation after three years' service | 139 |
| Americans: | |
| Number in service, with salaries paid..... | 120, 146-148 |
| Resignations, number of..... | 123 |
| Applicants: | |
| Examination, not eligible to | 149, 150 |
| Examined, number..... | 117 |
| Oaths of | 132 |
| Qualifications of..... | 149, 150 |
| Applications: | |
| Accrued leave of absence— | |
| In case of persons who resign | 136 |
| Procedure in making | 136, 138 |
| Examination..... | 149, 150, 161 |
| Leave of absence, suspension of action on | 160 |
| Trades positions..... | 150 |
| Vacation leave of absence, procedure in making | 159 |
| Appointments: | |
| Absolute— | |
| Defined | 152 |
| Failure to receive | 152 |
| Americans, number of | 119 |
| By whom made | 134 |
| Civil-service rules, application of | 129 |
| Classified service, procedure in making..... | 134, 152 |
| Declination of..... | 152 |
| Employees authorized at salaries lower than those for which appropriation is made | 135 |
| Evidence of regularity of, prerequisite to payment of salary | 155 |
| Examination— | |
| Prerequisite to | 150 |
| Requirements relating to | 144, 161 |
| Federal civil service in the islands..... | 119 |
| Filipinos— | |
| Increase of..... | 119 |
| Number of..... | 119 |
| Governor-general or heads of departments, subject to approval of | 134, 155 |
| Islands, made in the— | |
| Certification upon | 118, 145 |
| Changes in the service through..... | 119, 145 |
| Recapitulation | 145 |
| Philippine Commission's authority | 135 |
| Preferences | 132 |
| Probationary | 131, 151 |
| Recapitulation of..... | 145 |
| Retroactive save in exceptional cases, not to be | 144 |
| Statistical information in regard to | 145, 146 |
| Subordinate officers and employees..... | 134 |
| Temporary. (<i>See</i> Temporary appointment.) | |

| Appointments—Continued. | Page. |
|---|---------------|
| United States— | |
| Made in the— | |
| Original | 119, 146 |
| Recapitulation | 146 |
| Reinstatement by | 119, 146 |
| Transfer by | 119, 146 |
| Persons from the— | |
| Conditions | 138 |
| Contract | 139 |
| Half salary | 138 |
| Traveling expenses | 138 |
| Usually made to lowest class in grade | 152 |
| Violation of law and rules in | 131 |
| When preference is to be observed in | 132, 151 |
| Assignment of unclassified employees to classified positions not permissible .. | 156 |
| Assignments within the classified service permissible | 156 |
| Attendance, daily record of | 129, 159 |
| Attorney-General, opinions of | 139-143 |
| Auditor, insular, expense account to be filed with | 161 |
| Bureau of Civil Service: | |
| Director of— | |
| Annual reports to be made by | 130 |
| Duties of | 129, 130 |
| Examinations— | |
| Control of | 130 |
| Designation of | 130 |
| Investigations by | 130 |
| Records to be kept— | |
| Absence and attendance | 130 |
| Officers and employees, list of | 129, 130 |
| Roster, publication of | 130 |
| Rules, preparation of | 130, 131, 149 |
| Office for | 131 |
| Certification: | |
| Examination papers to accompany | 151 |
| Methods of | 151 |
| Rule in regard to | 151 |
| Selection from | 151 |
| Sexes, by | 151 |
| Temporary appointment | 151 |
| Waiving conditions of | 152 |
| Changes: | |
| Grade or class for political or religious reasons forbidden | 158 |
| Positions in bureaus | 135 |
| Service, in the, reports of, to be made, when | 130, 158 |
| Chiefs of Bureaus: | |
| Filling of vacancies without examination | 132 |
| Temporary absence or disability | 134 |
| Civil service: | |
| Act— | |
| Application to personnel | 125, 129 |
| Appointments in violation of | 131 |
| Enforcement of | 129 |
| Offices included within provisions of | 129 |
| Revision of | 129 |
| Philippine Islands, extent of | 129 |
| Rules— | |
| Approval and promulgation of | 149 |
| Criticism of officers charged with enforcement of | 125 |
| Definition of terms in | 149 |
| Enforcement of | 130 |
| Class, the term defined | 149 |
| Classification, officers and employees | 133 |
| Classified service: | |
| Appointment to, subject to examination | 150 |
| Assignment of unclassified employees to, not permissible | 132, 156 |
| Extent of | 129 |

| Classified service—Continued. | Page. |
|---|--------------------|
| Favorable condition of | 126 |
| Procedure in making appointments to | 151, 152, 155 |
| Rules applicable to | 149 |
| Transfers to, from unclassified service | 154 |
| What is meant by | 140 |
| Withdrawals from | 123 |
| Coercion, political, prohibited | 132, 157 |
| Commutation of accrued leave on resignation or death | 136, 159 |
| Conditions of the appointment of persons in the United States to the Philippine service | 138 |
| Consolidations of positions | 135 |
| Contract between employee and government, nature of | 139, 153 |
| Contracts, special | 139 |
| Contributions, political, prohibited | 132 |
| Correspondence, official, how conducted | 152 |
| Deaths, allowance for leave in case of | 138 |
| Disbursing officers: | |
| Evidence of regularity of appointment to be furnished to | 131, 156 |
| Salaries, when prohibited from paying | 131, 156 |
| Disqualifications for examination or eligibility | 132, 149, 151 |
| Efficiency: | |
| Considered in competitive examinations for promotion | 130, 155 |
| Record of, disposition of | 156 |
| Scheme for rating | 155 |
| Elective officers, leave of absence | 140 |
| Eligibility: | |
| Period of | 151 |
| Suspension of— | |
| During absence from the islands | 151 |
| On enlistment | 151 |
| Eligible rating, what constitutes | 151 |
| Eligibles: | |
| Objection to, by appointing officers | 151 |
| Selection of | 151 |
| Temporary appointment of | 153 |
| With same rating | 152 |
| Emergency employment, when authorized | 153 |
| Employees: | |
| Absence of | 137 |
| Classification of | 133 |
| Deceased, accrued leave of absence due | 138 |
| Emergency | 129, 137 |
| Leave of absence when separated from service for cause | 139 |
| Official roster of officers and | 129 |
| On leave to report address monthly | 161 |
| Permission to visit the United States | 136 |
| Resignation before expiration of two years— | |
| Half salary not allowed | 141 |
| Leave not allowed | 141 |
| Traveling expenses not paid | 141 |
| Return transportation to the United States for, when furnished | 139 |
| Salary classification of | 133 |
| Separated for cause, leave forfeited | 137 |
| Temporary absence or disability, designation | 134 |
| Enlisted men: | |
| Excepted from the requirements for reinstatements | 153 |
| How to proceed to secure an examination | 149 |
| Examinations: | |
| Americans, number entering | 117 |
| Assistant provincial treasurer | 117 |
| Chiefs of bureaus | 132 |
| Classes of persons debarred from | 149 |
| Competitive, authority for holding | 130, 150 |
| Control of | 130 |
| Dates and places of | 130, 150 |
| Disqualification for | 131, 132, 149, 150 |
| District inspector | 118 |

| | Page. |
|---|---------------|
| Examinations—Continued. | |
| English, number of Filipinos entering | 117 |
| Exemptions | 129 |
| Internal revenue agent | 118 |
| Junior stenographer | 118 |
| Junior surveyor | 118 |
| Need of further application of | 124 |
| Noncompetitive promotion | 130, 143, 150 |
| Noncompetitive, when they may be held | 130, 150 |
| Obstructing and cheating | 132 |
| Offices for holding | 131 |
| Papers, method of rating | 151 |
| Papers to accompany certification | 151 |
| Physical | 130, 149 |
| Prerequisite to appointment to classified service | 150 |
| Promotions | 123 |
| Recapitulation of | 145 |
| Requirements relating to appointments and promotions | 144, 161 |
| Rule in regard to | 150 |
| Spanish, number of Filipinos entering | 117 |
| Statistical information in regard to | 145, 146 |
| Transfer, when required | 150 |
| When held | 131 |
| Examiners, designation of | 130 |
| Examining committee, appointment of | 130, 150, 154 |
| Experience considered in competitive examinations for promotion | 130, 154 |
| Federal Civil Service: | |
| Appointments to, in Philippines | 119 |
| Persons in, paid from insular funds | 137 |
| Transfers— | |
| From | 119, 154 |
| To | 119, 154 |
| Filipinos: | |
| Examinations in English, number taking | 117 |
| Number in service | 120, 146-148 |
| Preferred in appointments | 132 |
| Salaries | 121, 146-148 |
| Work done by | 120, 121 |
| Forms: | |
| Prescribed by director of civil service | 149 |
| Term defined | 149 |
| Frauds, penalties for | 132 |
| Grade, term defined | 149 |
| Half salary: | |
| Allowable, when not | 141 |
| Begins, when | 141 |
| Granted, when | 136, 141, 144 |
| Leave does not accrue thereon, when | 141 |
| Heated season, office hours during | 135, 158 |
| Hours of labor: | |
| During heated season | 135, 158 |
| Extended, may be | 135, 158 |
| Holidays | 135 |
| Minimum | 135, 158 |
| Rule in regard to | 158 |
| Saturdays | 135 |
| Sundays | 135 |
| Judges, provisions as to | 139 |
| Laborers, semiskilled and unskilled: | |
| Classified positions, not to be assigned to | 158 |
| Employment of | 158 |
| Leave of absence, not entitled to benefits of | 136 |
| Monthly reports concerning | 158 |
| Natives to be given preference as | 158 |
| Oath of loyalty required of | 158 |
| Removal of | 158 |
| Salaries of | 161 |

| | Page. |
|---|----------|
| Laws relating to Philippine civil service | 129 |
| Leave of absence: | |
| Accrued— | |
| Accumulation of, extent to which allowed..... | 136 |
| Allowances in connection with, to visit the United States..... | 122 |
| Application for..... | 138, 159 |
| Appointments made in the United States, when begins..... | 142 |
| Commutation of, on resignation or death..... | 138, 159 |
| Computed, how..... | 159 |
| Conditions under which granted..... | 136 |
| Death, in case of..... | 159 |
| Excess vacation leave to be charged to, on separation..... | 160 |
| Lack of work or abolishment of position, in case of..... | 138 |
| Payment for, when withheld..... | 136 |
| Permission to visit the United States and other countries..... | 136 |
| Private secretaries, governor-general, and Commissioners..... | 139 |
| Procedure in applying for..... | 136 |
| Restriction of, recommended..... | 121, 122 |
| Schedule under which granted..... | 136, 159 |
| Teachers, not allowable to..... | 136 |
| Time limit in filing applications in cases of persons who resign..... | 136 |
| When earned at different rates of compensation..... | 159 |
| When payment for, may be made in advance..... | 159 |
| Contingent upon necessities of the service..... | 161 |
| Does not accrue on half salary, when..... | 141 |
| During first two years' service in excess of vacation leave..... | 160 |
| Elective officers..... | 140 |
| Illness, on account of— | |
| Evidence to be submitted..... | 159, 160 |
| How charged against regularly appointed employees..... | 137 |
| How charged against teachers..... | 137, 160 |
| Six months' separation after..... | 136 |
| When salary may be paid in cases of..... | 138, 160 |
| Municipal treasurers..... | 140 |
| Payment for, when served in more than one bureau or office..... | 142 |
| Persons not entitled to..... | 136, 137 |
| Record of, to be kept by heads of bureaus and offices..... | 130, 159 |
| Report of, to be made by heads of bureaus and offices..... | 130, 159 |
| Resigning before expiration of two years, employees..... | 141 |
| Rule governing..... | 159 |
| Saturday, Sunday, or a holiday..... | 161 |
| Separation for cause, not allowable on..... | 139, 144 |
| Separation prior to two years' service, not allowable on..... | 136, 160 |
| Unexplained, in the United States..... | 161 |
| Vacation— | |
| Application for— | |
| For two days or less..... | 159 |
| How made..... | 137, 159 |
| To be made five days in advance..... | 159 |
| Conditions under which granted..... | 137 |
| During first six months' service..... | 137, 159 |
| During first six months' service after reinstatement..... | 140 |
| Excess to be charged to accrued leave of salary on separation..... | 160 |
| Payment for, when withheld..... | 160 |
| Private secretaries, governor-general and Commissioners..... | 139 |
| Schedule under which granted..... | 137 |
| Teachers..... | 137, 160 |
| When action may be suspended on applications for..... | 161 |
| When salary changes during the year..... | 159 |
| Withholding of salary on account of..... | 138, 160 |
| Without pay..... | 138 |
| Loyalty: | |
| Evidence of, required..... | 149 |
| Oath of..... | 133 |

| | Page. |
|---|---------------|
| Medical certificates, when required..... | 159, 160 |
| Municipal treasurers not entitled to leave of absence..... | 140 |
| Neglect of duty, penalty for..... | 135 |
| Noncompetitive examinations: | |
| Promotion— | |
| Authority to require in case of..... | 143, 155 |
| When required..... | 150 |
| Reinstatement, may be required for..... | 150 |
| Oaths, administration of..... | 133, 149 |
| Office hours. (See Hours of labor.) | |
| Officers: | |
| Classification of..... | 133 |
| Elective, not entitled to leave of absence..... | 140 |
| Examinations to be facilitated by..... | 150 |
| Term defined..... | 149 |
| Opinions, Attorney-General..... | 139-143 |
| Overtime work, provisions for..... | 158 |
| Pay, deductions from..... | 135 |
| Penalties for violations of civil-service rules..... | 156, 157 |
| Pension and retirement system, recommendations..... | 126, 127 |
| Permission: | |
| Necessary to engage in private business..... | 157 |
| Requisite to seek transfer..... | 154 |
| Personnel, permanency of, economy and efficiency require..... | 122 |
| Physical examination, when necessary..... | 131, 149 |
| Political action, coercion of, forbidden..... | 132, 157 |
| Political contributions prohibited..... | 132 |
| Political or religious opinions of applicant not to be disclosed..... | 132, 157 |
| Positions, changes or consolidations..... | 135 |
| Preference in appointment..... | 132, 151 |
| Private business in connection with public service..... | 157 |
| Probationary appointment..... | 131, 151 |
| Probationer: | |
| Discharge of..... | 152 |
| Name of, may be restored to the register..... | 152 |
| Reduction of..... | 152 |
| Professional positions, method of filling vacancies in..... | 130, 152 |
| Prohibitions and penalties..... | 131, 157, 158 |
| Promotion: | |
| Authority to require examinations for..... | 143, 155 |
| Examination requirements relating to..... | 143, 144, 155 |
| Examinations..... | 123 |
| Examining committees..... | 155 |
| Experience and efficiency considered in competitive examinations for..... | 130, 154 |
| Frequency of..... | 155 |
| Noncompetitive examinations, when required for..... | 130, 150 |
| Not to be retroactive save in exceptional cases..... | 143 |
| Positions to be filled by..... | 132 |
| Recommendations for, by whom may not be made..... | 155 |
| Relation to career..... | 123 |
| Rule for..... | 155 |
| Salary limitations for, resulting from certain examinations..... | 161 |
| Suspension of action on..... | 155 |
| Vacancies to be filled by..... | 132, 155 |
| Provinces, examinations held in..... | 131 |
| Publications..... | 128 |
| Public buildings, authorization to use for examinations..... | 131, 151 |
| Recommendations: | |
| Disclosing political or religious opinions not to be considered..... | 157 |
| For promotion, by whom may not be made..... | 155 |
| Record: | |
| Attendance and absences..... | 130, 159 |
| Daily time..... | 158 |
| Efficiency of employees, kept and reported semiannually..... | 155 |
| Leaves of absence to be kept by heads of bureaus and offices..... | 130 |

| | Page. |
|---|--------------------|
| Reductions: | |
| In salary, when allowed | 134, 157 |
| Probationer | 152 |
| Procedure in | 156 |
| Unclassified employees, reports to be made on | 152 |
| Reentrance to the service in case of violation of contract | 153 |
| Regulations, violation, penalty for | 135 |
| Reinstatement: | |
| Eligibility for, to be considered in cases of resignation | 156 |
| Examinations for when required | 150 |
| Persons in the United States | 153 |
| Persons separated from the service prior to the completion of contract | 153 |
| Rule governing | 153 |
| Salary limitation for | 153 |
| Time limitations for | 153 |
| Vacation leave not to be allowed until six months after | 137, 140 |
| Removals, Philippine Commission's authority | 135 |
| Religious opinions not to be disclosed by applicants | 132, 157 |
| Removal: | |
| Actions which render employees liable to | 131, 157 |
| Cause of, how to be published by officer | 156 |
| During probationary period | 152 |
| Officers or employees for cause, procedure in | 156, 157 |
| Officers or employees subject to approval of governor-general or Secretary of Department | 134 |
| Unclassified employees, reports to be made on | 157 |
| Unskilled laborers not subject to approval of governor-general or Secretary of Department | 134 |
| Reports: | |
| Efficiency, to be made semiannually to the bureau of civil service | 155 |
| Monthly, of changes in the service to be made to the director of civil service | 130, 156, 157, 158 |
| Resignations: | |
| Allowances on, after three years' service | 138 |
| Cause of | 123 |
| Character of service to be stated on | 156 |
| Commutation of accrued leave on | 138, 159 |
| Number of | 123 |
| Procedure in cases of | 156 |
| Resolutions, Philippine Commission | 46 |
| Retirement, half salary after three years | 139 |
| Retirement and pension system, recommendations | 126, 127 |
| Retransfers to the classified service | 154 |
| Roster of officers and employees, publication of | 130, 158 |
| Rules: | |
| Preparation of | 130 |
| Provisions of | 130, 131 |
| Salaries: | |
| Adjustment of | 120, 121 |
| Classification of employees | 133 |
| Deduction from | 156 |
| Equivalent of accrued leave due payable to estate on death | 138 |
| Withheld— | |
| Account of absence | 139 |
| Account of appointment in violation of act and rules | 131 |
| Violation of contract | 139 |
| Scientific positions, method of filling vacancies in | 130, 152 |
| Separation: | |
| After six months' leave of absence on account of illness, wounds, or injuries | 137 |
| For cause, leave not allowable on | 139 |
| Prior to two years' service, leave not allowable on | 160 |
| Sex, when regarded in certification | 151 |
| Sick leave. (<i>See Leave of absence on account of illness.</i>) | |
| Skilled workmen, examinations for positions of | 130 |

| | Page. |
|--|---------------|
| Soldiers, sailors, and marines, discharged, preferred in appointment | 132 |
| Spanish: | |
| Papers in cases of separation written in, to be translated | 157 |
| Translating, tests in | 150 |
| Special contracts, when and how made | 139 |
| Special examiners, appointment of | 130, 150 |
| Statistical information regarding examinations and appointments | 145 |
| Suspension: | |
| Of action on applications for leave | 161 |
| Of action on promotions | 155 |
| Without pay | 135 |
| Teachers: | |
| Absence of, during school session | 160 |
| Absence of, on account of illness | 137, 160 |
| Resignation of, when allowed | 160 |
| Vacation | 136 |
| Allowed on resignation | 160 |
| Pay allowed to estate in case of death | 160 |
| With permission to visit the United States | 160 |
| Technical positions, method of filling vacancies in | 130 |
| Temporary appointment: | |
| Eligibles | 152 |
| Eligibles, certification for | 152 |
| Temporary employees: | |
| Appointment of | 129 |
| Not entitled to leave of absence | 137 |
| Temporary employment: | |
| Authority for | 129 |
| Emergency | 152 |
| Restrictions upon | 129, 130 |
| Tenure of office | 123 |
| Trades positions, applications for | 150 |
| Transfers: | |
| Examination for | 154 |
| Form required for | 154 |
| From the Federal classified civil service | 131, 137, 154 |
| Permission requisite to seek | 154 |
| Rule governing | 154 |
| To the Federal classified civil service | 154 |
| Within the Philippine classified civil service | 154 |
| Translating tests, Spanish and English | 150 |
| Transportation: | |
| Application for return to Manila | 161 |
| Cost of return, deposited with the Bureau of Insular Affairs | 161 |
| Time allowed for, when visiting the United States | 138 |
| When furnished to employees returning to the United States | 144 |
| When to be used | 144 |
| Traveling expenses: | |
| Account of, to be filed with insular auditor | 161 |
| Appointment in United States | 138 |
| Employees resigning before expiration of two years | 141 |
| From the United States not allowable on separation prior to expiration of two years' service | 141 |
| From the United States not allowable to natives of the Philippine Islands | 136 |
| Returning from leave | 142 |
| returning from leave | 138 |
| When allowed | 140 |
| Treasurers, municipal, not entitled to leave of absence | 156 |
| Unclassified employees, reduction and removal of, reports on | 156 |
| Unclassified positions: | |
| Assignments | 132 |
| Designations of | 129 |
| Unclassified service: | |
| Assignment of employees in, to classified positions not permissible | 155 |
| Extent of | 129 |
| Rules applicable to | 149 |
| Transfers from, to classified service | 154 |

| | Page. |
|---|----------|
| United States civil service. (<i>See</i> Federal service.) | |
| Vacancies: | |
| Appointment of one person or more of lower grade | 135 |
| Chiefs of bureaus and assistants | 132 |
| Filled by promotion | 134, 154 |
| Methods of filling | 151 |
| Vacation: | |
| Teachers | 138 |
| Resignation of teachers, when allowed | 160 |
| Vacation leave. (<i>See</i> Leave of absence.) | |
| Violation of contract, reentrance into service after | 153 |
| Withholding of salary on account of absence | 138 |
| Work, temporary in character, authorization for employment of | 153 |
| Workmen, skilled, positions of | 130, 150 |
| Wounds or injuries, absence on account of | 137, 160 |