

# FILE COPY

CONGRESS OF THE PHILIPPINES  
THIRTEENTH CONGRESS  
*Second Regular Session*

}

## HOUSE OF REPRESENTATIVES

H. No. 4834

---

---

BY REPRESENTATIVES ZUBIRI, BARBERS, DOMOGAN, BADELLES, CARI,  
VICENCIO, AMIN, APOSTOL, AQUINO (R.) AND CABILAO, PER  
COMMITTEE REPORT NO. 1152

---

---

### AN ACT CREATING THE PROVINCE OF BUKIDNON DEL SUR

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

#### ARTICLE I

#### GENERAL PROVISIONS

1  
2  
3 SECTION 1. *Title* – This Act shall be known as the “Charter of the  
4 Province of Bukidnon del Sur”.

5 SEC. 2. *Province of Bukidnon del Sur.* – There is hereby created a new  
6 province from the present Province of Bukidnon to be known as Bukidnon del  
7 Sur. The municipalities that comprised the first and third legislative districts  
8 of the Province of Bukidnon, namely, Maramag, Danggagan, Kadingilan, Don  
9 Carlos, Kitaotao, Kibawe, Damulog, Quezon, Pangantucan and Kalilangan are  
10 hereby segregated from said province and constituted into a separate and  
11 independent province to be known as the Province of Bukidnon del Sur. The  
12 remaining municipalities of Talakag, Malitbog, Baungon, Manolo Fortich,

1 Sumilao, Impasug-Ong, Malaybalay, Valencia, Cabanglasan, Lantapan, San  
2 Fernando and Lobona shall comprise the Province of Bukidnon.

3 SEC. 3. *Territorial Boundaries* – The territorial jurisdiction of the  
4 Province of Bukidnon del Sur shall be within the present metes and bounds as  
5 follows:

6 Bounded on the Northwest by the Municipality of Talakag, Bukidnon  
7 along lines 1 to 3;

8 Bounded on the North by the Municipality of Valencia, Bukidnon along  
9 lines 3 to 15 and 15 to 18, along lines 15 to 17 by Kulaman River;

10 Bounded on the Northeast by the Municipality of San Fernando,  
11 Bukidnon along lines 18 to 21;

12 Bounded on the Southeast by Davao Province along lines 21 to 28;

13 Bounded on the South by North Cotabato Province along lines 28 to  
14 65;

15 Bounded on the Southwest by Bangahan River along lines 65 to 74,

16 Bounded on the West by Lanao del Sur Province and Bangahan River  
17 along lines 74 to the point of beginning

18 Beginning at the point marked "1" on plan being N 70 deg. 55' W.,  
19 42,938.67 m. from BLLM No. 1 of Cad-868, Maramag Cadastre.

20	LINE	BEARING	DISTANCE
21	1 - 2	N61 - 09E	10301.08
22	2 - 3	N72 - 06E	9650.43
23	3 - 4	S89 - 34E	4141.03
24	4 - 5	S87 - 31E	4137.26
25	5 - 6	S53 - 01E	2557.26
26	6 - 7	S67 - 17E	2927.27
27	7 - 8	S04 - 32E	1854.63

1	8 - 9	S41 - 08E	2114.76
2	9 - 10	S16 - 17E	2072.88
3	10 - 11	S71 - 17E	3556.53
4	11 - 12	N89 - 40E	3963.36
5	12 - 13	N87 - 42E	3089.38
6	13 - 14	N87 - 42E	3949.30
7	14 - 15	S05 - 05E	7102.07
8	15 - 16	N43 - 11E	5030.76
9	16 - 17	S32 - 01E	6471.31
10	17 - 18	N71 - 11E	11694.17
11	18 - 19	S18 - 00E	5539.55
12	19 - 20	S17 - 55E	7410.41
13	20 - 21	S17 - 45E	5720.01
14	21 - 22	S16 - 30E	3210.56
15	22 - 23	S18 - 40E	3324.35
16	23 - 24	S25 - 46W	2597.81
17	24 - 25	S28 - 48W	1613.15
18	25 - 26	S44 - 22E	1646.65
19	26 - 27	S05 - 47E	2296.67
20	27 - 28	S18 - 07W	3292.70
21	28 - 29	N59 - 14W	2260.90
22	29 - 30	N61 - 13W	3535.55
23	30 - 31	S66 - 25W	2343.96
24	31 - 32	N67 - 24W	2249.32
25	32 - 33	N88 - 09W	1327.26
26	33 - 34	S55 - 32W	4143.83
27	34 - 35	S59 - 43W	4716.11

1	35 - 36	S87 - 53W	3351.01
2	36 - 37	S18 - 51E	2374.21
3	37 - 38	S22 - 23W	3622.26
4	38 - 39	S17 - 55E	1397.78
5	39 - 40	S26 - 43W	1645.75
6	40 - 41	N04 - 31W	1524.73
7	41 - 42	S81 - 24W	999.59
8	42 - 43	S70 - 51W	4664.13
9	43 - 44	S88 - 12W	675.74
10	44 - 45	N38 - 09W	356.09
11	45 - 46	S50 - 02W	887.30
12	46 - 47	S87 - 16W	420.48
13	47 - 48	S41 - 37W	2273.79
14	48 - 49	S84 - 06W	1849.78
15	49 - 50	N66 - 26W	1200.17
16	50 - 51	S63 - 15W	606.66
17	51 - 52	S60 - 48W	444.76
18	52 - 53	N61 - 24W	2528.34
19	53 - 54	N47 - 33W	1748.28
20	54 - 55	N43 - 04W	1259.36
21	55 - 56	N83 - 27W	875.73
22	56 - 57	S45 - 22W	1530.86
23	57 - 58	S76 - 01W	928.25
24	58 - 59	S42 - 56W	983.51
25	59 - 60	N83 - 48W	2266.09
26	60 - 61	N01 - 37W	1676.25
27	61 - 62	N86 - 12W	546.37

1	62 - 63	N59 - 57W	3535.07
2	63 - 64	N49 - 22W	3965.66
3	64 - 65	N62 - 58W	3504.60
4	65 - 66	N29 - 53E	2977.77
5	66 - 67	N05 - 40W	933.95
6	67 - 68	N30 - 39E	1569.24
7	68 - 69	N73 - 21E	1116.83
8	69 - 70	N01 - 15E	460.11
9	70 - 71	S88 - 50E	490.10
10	71 - 72	N34 - 31E	582.49
11	72 - 73	N47 - 44W	594.64
12	73 - 74	N23 - 51E	870.61
13	74 - 01	N29 - 54W	42602.71

14 containing an approximate land area of two hundred seventy-one thousand  
15 seven hundred one hectares (271,701 has.).

16 The foregoing provision shall be without prejudice to the resolution by  
17 the appropriate agency or forum of existing boundary disputes or cases  
18 involving questions of territorial jurisdiction between the Province of  
19 Bukidnon del Sur and the adjoining local government units.

20 SEC. 4. *Capital Town and Seat of Government.* – The capital of the  
21 Province of Bukidnon shall be the City of Malaybalay while the capital of the  
22 Province of Bukidnon del Sur shall be decided by a majority of the votes cast  
23 in a plebiscite

24 SEC. 5. *Corporate Powers of the Province.* – The province constitutes  
25 a political body corporate and as such is endowed with the attributes of  
26 perpetual succession and possessed of the powers which pertain to a provincial

1 corporation to be exercised in conformity with the provision of this Charter.

2 The province shall have the following corporate powers.

3 (a) To have a continuous succession in its corporate name,

4 (b) To sue and be sued;

5 (c) To have and use a corporate seal;

6 (d) To acquire, hold and convey real or personal property;

7 (e) To enter into contracts and agreements, and

8 (f) To exercise such other powers, prerogatives or authority, subject to  
9 the limitations provided in this Act or other laws.

10 SEC. 6. *General Powers* – The province shall have an independent  
11 and common seal and may alter the same at its pleasure. It shall exercise the  
12 powers to levy taxes; to close and open roads, streets, alleys, parks or squares;  
13 to take, purchase, receive, hold, lease, convey and dispose of real and personal  
14 property for the general interests of the province, to expropriate or condemn  
15 private property for public use, to contract and to be contracted with, to sue  
16 and be sued; to prosecute and defend to final judgment and execution suits  
17 wherein the province is involved or interested in; and to exercise all the  
18 powers as are granted to corporations or as hereinafter granted.

19 SEC 7. *Liability for Damages*. – The province and its officials shall  
20 not be exempt from liability for death or injury to persons or damage to  
21 property.

22 SEC. 8. *Legislative Districts* – The Province of Bukidnon del Sur shall  
23 have its own legislative district consisting of municipalities enumerated in  
24 Section 2 while the Province of Bukidnon shall have two legislative districts to  
25 commence in the next national election after the effectivity of this Act.

26 The first district of the Province of Bukidnon shall be composed of the  
27 municipalities of Talakag, Malitbog, Baungon, Manolo Fortich, Sumitao and

1 Libona while the second district shall be composed of the cities of Malaybalay  
2 and Valencia and the municipalities of Cabanglasan, Lantapan, Impasugong  
3 and San Fernando.

## 4 ARTICLE II

### 5 PROVINCIAL OFFICIALS IN GENERAL

6 SEC. 9. *Officials of the Provincial Government.* -- (A) There shall be in  
7 the Province of Bukidnon del Sur, a governor, a vice governor, members of  
8 the sangguniang panlalawigan, a secretary to the sangguniang panlalawigan, a  
9 provincial treasurer, a provincial assessor, a provincial accountant, a  
10 provincial engineer, a provincial budget officer, a provincial planning and  
11 development coordinator, a provincial legal officer, a provincial administrator,  
12 a provincial health officer, a provincial social welfare and development  
13 officer, a provincial general services officer, a provincial agriculturist, a  
14 provincial veterinarian, a provincial civil registrar, a provincial environment  
15 and natural resources officer and a provincial cooperatives officer.

16 (B) In addition thereto, the governor may appoint a provincial  
17 architect, a provincial population officer and a provincial information officer.

18 (C) The sangguniang panlalawigan may.

19 (1) Maintain existing offices not mentioned in subsections (A) and (B)  
20 hereof;

21 (2) Create such other offices as may be necessary to carry out the  
22 purposes of the provincial government; or

23 (3) Consolidate the functions of any office with those of another in the  
24 interest of efficiency and economy

25 Unless otherwise provided herein, heads of departments and officers  
26 shall be appointed by the provincial governor with the concurrence of a  
27 majority of the members of the sangguniang panlalawigan, subject to civil

1 service law, rules and regulations. The sangguniang panlalawigan shall act on  
2 the appointment within fifteen (15) days from the day of its submission.  
3 otherwise, the same shall be deemed confirmed.

4 SEC. 10. *Residence and Office* – During the incumbency of the  
5 governor, he shall have his official residence and office in the capital of the  
6 province. All elective and appointive provincial officials shall hold office in  
7 the provincial capital: *Provided, That*, upon resolution of the sangguniang  
8 panlalawigan, elective and appointive provincial officials may hold office in  
9 any component city or municipality within the province for a period of not  
10 more than seven days for any given month

### 11 ARTICLE III

#### 12 ELECTIVE PROVINCIAL OFFICIALS

13 SEC. 11. *The Provincial Governor*. – (A) The provincial governor, as  
14 the chief executive of the provincial government, shall exercise such powers  
15 and perform such duties and functions as provided for in the Local  
16 Government Code of 1991 and other laws

17 (B) For efficient, effective and economical governance, the purpose of  
18 which is the general welfare of the province and its inhabitants pursuant to  
19 Section 16 of the Local Government Code of 1991, the provincial governor  
20 shall:

21 (1) Exercise general supervision and control over all programs,  
22 projects, services and activities of the provincial government and, in this  
23 connection, shall:

24 (a) Determine the guidelines of provincial policies and be responsible  
25 to the sangguniang panlalawigan for the program of the government;



1 (b) Direct the formulation of the provincial development plan, with the  
2 assistance of the provincial development council and, upon approval thereof  
3 by the sangguniang panlalawigan, implement the same;

4 (c) Present the program of government and propose policies and  
5 projects for the consideration of the sangguniang panlalawigan at the opening  
6 of the regular session of the sangguniang panlalawigan every calendar year  
7 and as often as may be deemed necessary as the general welfare of the  
8 inhabitants and the needs of the provincial government may require;

9 (d) Appoint all officials and employees whose salaries and wages are  
10 wholly or mainly paid out of provincial funds and whose appointments are not  
11 otherwise provided for in this Act as well as those he may be authorized by  
12 law to appoint;

13 (e) Represent the province in all its business transactions and sign on  
14 its behalf all bonds, contracts and obligations, and such other documents upon  
15 authority of the sangguniang panlalawigan or pursuant to law or ordinance;

16 (f) Carry out such emergency measures as may be necessary during  
17 and in the aftermath of man-made and natural disasters or calamities;

18 (g) Determine the time, manner and place of payment of salaries or  
19 wages of the provincial officials and employees, in accordance with law or  
20 ordinance;

21 (h) Allocate and assign office space to provincial and other officials  
22 and employees who, by law or ordinance, are entitled to such space in the  
23 provincial capitol and other buildings owned or leased by the provincial  
24 government;

25 (i) Ensure that all executive officials and employees of the province  
26 faithfully discharge their duties and functions as provided for by law and the  
27 Local Government Code of 1991, and cause to be instituted administrative or

1 judicial proceedings against any official or employee of the province who may  
2 have committed an offense in the performance of his official duties;

3 (j) Examine the books, records and other documents of all offices,  
4 officials, agents or employees of the province and, in aid of his executive  
5 powers and authority, require all national officials and employees stationed in  
6 the province to make available to him such books, records and other  
7 documents in their custody, except those classified by law as confidential;

8 (k) Furnish the Office of the President copies of executive orders  
9 issued by him within seventy-two (72) hours after their issuance;

10 (l) Visit component cities and municipalities of the province at least  
11 once every six months to deepen his understanding of problems and  
12 conditions, listen and give appropriate counsel to local officials and  
13 inhabitants, inform the officials and inhabitants of component cities and  
14 municipalities of general laws and ordinances which especially concern them,  
15 and otherwise conduct visits and inspections to ensure that the governance of  
16 the province will improve the quality of life of the inhabitants;

17 (m) Act on leave applications of officials and employees appointed by  
18 him and the commutation of the monetary value of their leave credits in  
19 accordance with law;

20 (n) Authorize official trips of provincial officials and employees  
21 outside of the province for a period not exceeding thirty (30) days;

22 (o) Call upon any national official or employee stationed in or assigned  
23 to the province to advise him on matters affecting the province and to make  
24 recommendations thereon; coordinate with said official or employee in the  
25 formulation and implementation of plans, programs and projects; and when  
26 appropriate, initiate an administrative or judicial action against a national

1 government official or employee who may have committed an offense in the  
2 performance of his duties while stationed in or assigned to the province,

3 (p) Authorize payment for medical care, necessary transportation,  
4 subsistence, hospital or medical fees of provincial officials and employees  
5 who are injured while in the performance of their official duties and functions,  
6 subject to availability of funds;

7 (q) Represent the province in interprovincial or regional sports  
8 councils or committees, and coordinate the efforts of component cities or  
9 municipalities in the regional or national palaro or sports development  
10 activities;

11 (r) Conduct an annual palarong panlalawigan, which shall feature  
12 traditional sports and disciplines included in national and international games,  
13 in coordination with the Department of Education; and

14 (s) Submit to the Office of the President the following reports: an  
15 annual report containing a summary of all matters pertinent to the  
16 management, administration and development of the province and all  
17 information and data relative to its political, social and economic conditions,  
18 and supplemental reports when unexpected events and situations arise at any  
19 given time during the year, particularly when man-made or natural disasters or  
20 calamities affect the general welfare of the province, region or country.

21 (2) Enforce all laws and ordinances relative to the governance of the  
22 province and the exercise of the appropriate corporate powers provided for in  
23 Section 22 of the Local Government Code of 1991, implement all approved  
24 policies, programs, projects, services and activities of the province and, in  
25 addition to the foregoing, shall.

1 (a) Ensure that the acts of the component cities and municipalities of  
2 the province and of its officials and employees are within the scope of their  
3 prescribed powers, duties and functions;

4 (b) Call conventions, conferences, seminars or meetings of elective  
5 and appointive officials of the province and its component cities and  
6 municipalities, including national officials and employees stationed in or  
7 assigned to the province, at such time and place and on such subject as he may  
8 deem important for the promotion of the general welfare of the province and  
9 its inhabitants;

10 (c) Issue such executive orders for the faithful and appropriate  
11 enforcement and execution of laws and ordinances.

12 (d) Be entitled to carry the necessary firearm within his territorial  
13 jurisdiction;

14 (e) In coordination with the mayors of component cities and  
15 municipalities and the National Police Commission, formulate the peace and  
16 order plan of the province and upon its approval, implement the same in  
17 accordance with Republic Act No. 6975, otherwise known as the Philippine  
18 National Police Law; and

19 (f) Call upon the appropriate national law enforcement agencies to  
20 suppress disorder, riot, lawless violence, rebellion or sedition, or to apprehend  
21 violators of the law when public interest so requires and the police forces of  
22 the component city and municipality where the disorder or violation is  
23 happening are inadequate to cope with the situation or the violators.

24 (3) Initiate and maximize the generation of resources and revenues,  
25 and apply the same to the implementation of development plans, program  
26 objectives and priorities as provided for under Section 18 of the Local  
27 Government Code of 1991, particularly those resources and revenues

1 programmed for agro-industrial development and countrywide growth and  
2 progress and, relative thereto, shall:

3 (a) Require each head of an office or department to prepare and submit  
4 an estimate of appropriations for the ensuing calendar year, in accordance with  
5 the budget preparation process under Title V, Book II of the Local  
6 Government Code of 1991;

7 (b) *Prepare and submit to the sangguniang panlalawigan for approval*  
8 *the executive and supplemental budgets of the province for the ensuing*  
9 *calendar year in the manner provided for under Title V, Book II of the Local*  
10 *Government Code of 1991;*

11 (c) Ensure that all taxes and other revenues of the province are  
12 collected, and that provincial funds are applied to the payment of expenses and  
13 settlement of obligations of the province, in accordance with law or ordinance.

14 (d) Issue licenses and permits and suspend or revoke the same for any  
15 violation of the conditions upon which said licenses or permits had been  
16 issued, *pursuant to law or ordinance,*

17 (e) Adopt adequate measures to safeguard and conserve land, mineral,  
18 marine, forest and other resources of the province, in coordination with the  
19 mayors of component cities and municipalities,

20 (f) Provide efficient and effective property and supply management in  
21 the province, and protect the funds, credits, rights and other properties of the  
22 province; and

23 (g) Institute or cause to be instituted administrative or judicial  
24 proceedings for violations of ordinances in the collection of taxes, fees or  
25 charges, and for the recovery of funds and property, and cause the province to  
26 be defended against all suits to ensure that its interests, resources and rights  
27 are adequately protected.

1 (4) Ensure the delivery of basic services and the provision of adequate  
 2 facilities as provided for under Section 17 of the Local Government Code of  
 3 1991, and in addition thereto, shall:

4 (a) Ensure that the construction and repair of roads and highways  
 5 funded by the national government shall be, as far as practicable, carried out in  
 6 a spatially contiguous manner and in coordination with the construction and  
 7 repair of the roads and bridges of the province and of its component cities and  
 8 municipalities, and

9 (b) Coordinate the implementation of technical services by national  
 0 offices for the province and its component cities and municipalities, including  
 1 public works and infrastructure programs of the provincial government and its  
 2 component cities and municipalities.

3 (5) Exercise such other powers and perform such other duties and  
 4 functions as may be prescribed by law or ordinance.

5 (C) The provincial governor shall receive a minimum monthly  
 6 compensation corresponding to Salary Grade Thirty (30) prescribed under  
 7 Republic Act No. 6758, otherwise known as the Salary Standardization Law  
 8 and its implementing guidelines.

9 SEC. 12. *The Vice Governor* - (A) The vice governor shall:

0 (1) Be the presiding officer of the sangguniang panlalawigan and sign  
 1 all warrants drawn on the provincial treasury for all expenditures appropriated  
 2 for the operation of the sangguniang panlalawigan,

3 (2) Subject to civil service law, rules and regulations, appoint all  
 4 officials and employees including the secretary of the sangguniang  
 5 panlalawigan, except those whose manner of appointment is specifically  
 6 provided under existing laws;

1 (3) Assume the office of the governor for the unexpired term of the  
2 latter in the event of permanent vacancy as provided for in Section 44, Book I  
3 of the Local Government Code of 1991;

4 (4) Exercise the powers and perform the duties and functions of the  
5 governor in cases of temporary vacancy as provided for in Section 46, Book I  
6 of the Local Government Code of 1991; and

7 (5) Exercise such other powers and perform such other duties and  
8 functions as may be prescribed by law or ordinance

9 (B) The vice governor shall receive a monthly compensation  
10 corresponding to Salary Grade twenty-eight (28) as prescribed under  
11 Republic Act No. 6758 and the implementing guidelines issued pursuant  
12 thereto.

#### 13 ARTICLE IV

##### 14 THE SANGGUNIANG PANLALAWIGAN

15 SEC. 13. *Composition.* – (A) The sangguniang panlalawigan, the  
16 legislative body of the province, shall be composed of the provincial vice  
17 governor as presiding officer, the regular sangguniang panlalawigan members,  
18 the president of the provincial chapter of the liga ng mga barangay, the  
19 president of the panlalawigang pederasyon ng mga sangguniang kabataan, the  
20 president of the provincial federation of sanggunian members of component  
21 cities and municipalities and the sectoral representatives, as members.

22 (B) In addition thereto, there shall be three sectoral representatives: one  
23 from the women, and as shall be determined by the sanggunian concerned  
24 within ninety (90) days prior to the holding of the local elections; one from the  
25 agricultural or industrial workers; and one from the other sectors, including the  
26 urban poor, indigenous cultural communities or disabled persons.

1 (C) The regular members of the sangguniang panlalawigan and the  
2 sectoral representatives shall be elected in the manner as provided for by law,  
3 and shall receive a monthly compensation corresponding to Salary Grade  
4 twenty-seven (27) as prescribed under Republic Act No. 6758 and its  
5 implementing guidelines.

6 SEC. 14. *Powers, Duties, Functions and Compensation.* – (A) The  
7 sangguniang panlalawigan, as the legislative body of the province, shall enact  
8 ordinances, approve resolutions and appropriate funds for the general welfare  
9 of the province and its inhabitants pursuant to Section 16 of the Local  
10 Government Code of 1991 and in the proper exercise of the corporate powers  
11 of the province as provided for under Section 22 of the Local Government  
12 Code of 1991, and shall:

13 (1) Approve ordinances and pass resolutions necessary for an efficient  
14 and effective provincial government and, in this connection, shall:

15 (a) Review all ordinances approved by the sanggunians of component  
16 cities and municipalities and executive orders issued by the mayors of said  
17 component units to determine whether these are within the scope of the  
18 prescribed powers of the sanggunian and of the mayor;

19 (b) Maintain peace and order by enacting measures to prevent and  
20 suppress lawlessness, disorder, riot, violence, rebellion or sedition, and impose  
21 penalties for the violation of said ordinances;

22 (c) Approve ordinances imposing a fine not exceeding Five thousand  
23 pesos (P5,000.00) or imprisonment not exceeding one year, or both, at the  
24 discretion of the court, for the violation of a provincial ordinance;

25 (d) Adopt measures to protect the inhabitants of the province from the  
26 harmful effects of man-made or natural disasters and calamities, and to  
27 provide relief services and assistance to victims during and in the aftermath of



1 said disasters or calamities and their return to productive livelihood following  
2 said events;

3 (e) Enact ordinances intended to prevent, suppress and impose  
4 appropriate penalties for habitual drunkenness in public places, vagrancy,  
5 mendicancy, prostitution, establishment and maintenance of houses of  
6 ill-repute, gambling and other prohibited games of chance, fraudulent devices  
7 and ways to obtain money or property, drug addiction, maintenance of drug  
8 dens, drug pushing, juvenile delinquency, the printing, distribution or  
9 exhibition of obscene or pornographic materials or publications, and such  
10 other activities inimical to the welfare and morals of the inhabitants of the  
11 province;

12 (f) Protect the environment and impose appropriate penalties for acts  
13 which endanger the environment, such as dynamite fishing and other forms of  
14 destructive fishing, illegal logging and smuggling of logs, smuggling of natural  
15 resources products and of endangered species of flora and fauna, slash-and-  
16 burn farming, and such other activities which result in pollution, acceleration  
17 of eutrophication of rivers and lakes, or of ecological balance;

18 (g) Subject to the provisions of the Local Government Code of 1991  
19 and pertinent laws, determine the powers and duties of officials and employees  
20 of the province;

21 (h) Determine the positions and salaries, wages, allowances, and other  
22 emoluments and benefits of officials and employees paid wholly or mainly  
23 from provincial funds, and provide for expenditures necessary for the proper  
24 conduct of programs, projects, services and activities of the provincial  
25 government;

26 (i) Authorize the payment of compensation to a qualified person not in  
27 the government service who fills up a temporary vacancy, or grant honorarium

1 to any qualified official or employee designated to fill a temporary vacancy in  
2 a concurrent capacity, at the rate authorized by law;

3 (j) . Provide mechanism and the appropriate funds therefor to ensure  
4 the safety and protection of all provincial government property, public  
5 documents or records, such as those relating to property inventory, land  
6 ownership, records of births, marriages, deaths, assessments, taxation,  
7 accounts, business permits, and such other records and documents of public  
8 interest in the offices and departments of the provincial government,

9 (k) When the finances of the provincial government allow, provide for  
10 additional allowances and other benefits to judges, prosecutors, public  
11 elementary and high school teachers, and other national government officials  
12 stationed or assigned to the province;

13 (l) Provide legal assistance to provincial and municipal officials  
14 including the members of the provincial police who, in the performance of  
15 their official duties or on the occasion thereof, have to initiate judicial  
16 proceedings or defend themselves against legal actions. The sangguniang  
17 panlalawigan may authorize the provincial governor to engage the services of  
18 private counsel for this purpose; and

19 (m) Provide for group insurance or additional insurance coverage for  
20 all officials, including members of barangay tanod brigades and other service  
21 units, with public or private insurance companies, when the finances of the  
22 provincial government allow said coverage

23 (2) Generate and maximize the use of resources and revenues for the  
24 development plans, program objectives and priorities of the province as  
25 provided for under Section 18 of the Local Government Code of 1991, with  
26 particular attention to agro-industrial development and countrywide growth  
27 and progress and relative thereto, shall:

1           (a) Enact the annual and supplemental appropriations of the provincial  
2 government and appropriate funds for specific programs, projects, services  
3 and activities of the province, or for other purposes not contrary to law, in  
4 order to promote the general welfare of the province and its inhabitants.

5           (b) Subject to the provisions of Book II of the Local Government Code  
6 of 1991 and applicable laws and upon the majority vote of all the members of  
7 the sangguniang panlalawigan, enact ordinances levying taxes, fees and  
8 charges, prescribing the rates thereof for general and specific purposes, and  
9 granting tax exemptions, incentives or reliefs.

10          (c) Subject to the provisions of Book II of the Local Government Code  
11 of 1991 and applicable laws and upon the majority vote of all the members of  
12 the sangguniang panlalawigan, authorize the provincial governor to negotiate  
13 and contract loans and other forms of indebtedness;

14          (d) Subject to the provisions of Book II of the Local Government Code  
15 of 1991 and applicable laws and upon the majority vote of all the members of  
16 the sangguniang panlalawigan, enact ordinances authorizing the floating of  
17 bonds or other instruments of indebtedness, for the purpose of raising funds to  
18 finance development projects;

19          (e) Appropriate funds for the construction and maintenance or the  
20 rental of buildings for the use of the province; and upon the majority vote of  
21 all the members of the sangguniang panlalawigan, authorize the provincial  
22 governor to lease to private parties such public buildings held in a proprietary  
23 capacity, subject to existing laws, rules and regulations;

24          (f) Prescribe reasonable limits and restraints on the use of property  
25 within the jurisdiction of the province;

1 (g) Review the comprehensive land use plans and zoning ordinances of  
2 component cities and municipalities and adopt a comprehensive provincial  
3 land use plan, subject to existing laws;

4 (h) Reclassify lands within the jurisdiction of the province subject to  
5 the pertinent provisions of the Local Government Code of 1991;

6 (i) Adopt measures to enhance the full implementation of the national  
7 agrarian reform program in coordination with the Department of Agrarian  
8 Reform;

9 (j) Enact integrated zoning ordinances in consonance with the  
10 approved comprehensive provincial land use plan, subject to existing laws,  
11 rules and regulations; establish fire limits or zones, particularly in populous  
12 centers, and regulate the construction, repair or modification of buildings  
13 within said fire limits or zones in accordance with the provisions of the Fire  
14 Code;

15 (k) Subject to national law, process and approve subdivision plans for  
16 residential, commercial or industrial purposes and other development  
17 purposes, and to collect processing fees and other charges, the proceeds of  
18 which shall accrue entirely to the province. *Provided, however,* That where  
19 approval of a national agency or office is required by law, said approval shall  
20 not be withheld for more than thirty (30) days from receipt of the application.  
21 Failure to act on the application within the period stated above shall be  
22 deemed as approval thereof;

23 (l) Subject to the provisions of Book II of the Local Government Code  
24 of 1991, grant the exclusive privilege of constructing fish corrals or fish pens,  
25 or the taking or catching of bangus fry, prawn fry or kawag-kawag, or fry of  
26 any species of fish within the provincial waters;

1           (m) *With the concurrence of at least two-thirds (2/3) of all the members*  
2 of the sangguniang panlalawigan, grant tax exemptions, incentives or relief to  
3 entities engaged in community growth inducing industries, subject to the  
4 provisions of the Local Government Code of 1991;

5           (n) Grant loans or provide grants to other local government units  
6 (LGUs) or to national, provincial and municipal charitable, benevolent or  
7 educational institutions operated and maintained within the province;

8           (o) Regulate the numbering of residential, commercial and other  
9 buildings; and

10          (p) Regulate the inspection, weighing and measuring of articles of  
11 commerce.

12          (3) Subject to the provision of the Local Government Code of 1991,  
13 grant franchises, approve the issuance of permits or licenses, or enact  
14 ordinances levying taxes, fees and charges upon such conditions and for such  
15 purposes intended to promote the general welfare of the inhabitants of the  
16 province, and pursuant to the legislative authority, shall.

17          (a) Fix and impose reasonable fees and charges for all services  
18 rendered by the provincial government to private persons or entities;

19          (b) Regulate and fix license fees for any business or practice of  
20 profession within the province and the conditions under which the license for  
21 said business or practice of profession may be revoked and enact ordinances  
22 levying taxes thereon;

23          (c) Provide for and set the terms and conditions under which public  
24 utilities owned by the province shall be operated by the provincial  
25 government, and prescribe the conditions under which the same may be leased  
26 to private persons or entities, preferably cooperatives;

1 (d) Regulate the display of and fix the license fees for signs,  
2 signboards or billboards at the place or places where the profession or  
3 business advertised thereby is, in whole or in part, conducted;

4 (e) Any law to the contrary notwithstanding, authorize and license the  
5 establishment, operation and maintenance of cockpits, and regulate  
6 cockfighting and commercial breeding of gamecocks. Existing rights should  
7 not be prejudiced;

8 (f) Subject to the guidelines prescribed by the Department of  
9 Transportation and Communications, regulate the operation of tricycles and  
10 grant franchises for the operation thereof within the territorial jurisdiction of  
11 the province; and

12 (g) Upon approval by a majority vote of all the members of the  
13 sangguniang panlalawigan, grant a franchise to any person, partnership,  
14 corporation or cooperative to do business within the province; establish,  
15 construct, operate and maintain ferries, wharves, markets or slaughterhouses,  
16 or undertake such other activities within the province as may be allowed by  
17 existing law.

18 (4) Regulate activities relative to the use of land, buildings and  
19 structures within the province in order to promote the general welfare and for  
20 said purpose shall:

21 (a) Declare, prevent or abate nuisance;

22 (b) With the concurrence of a majority of the members of the  
23 sangguniang panlalawigan, a quorum being present, deny the entry of legalized  
24 gambling by ordinance into any part of the province or regulate its location in  
25 the province;

26 (c) Require the buildings and the premises thereof and any land within  
27 the province be kept and maintained in a sanitary condition, impose penalties

1 for any violations thereof; or upon failure to comply with such requirements,  
2 have the work done at the expense of the owner, administrator or tenant  
3 concerned, and require the filling up of any land or premises to a grade  
4 necessary for proper implementation;

5 (d) Regulate the disposal of clinical and other wastes from hospitals,  
6 clinics and other similar establishments;

7 (e) Regulate the establishment, operation and maintenance of cafes,  
8 bars, restaurants, beer, wine and liquor stores, hotels, motels, inns, pension  
9 houses, dorms and lodging houses, and other similar establishments, including  
10 tourist guides and transportation services;

11 (f) Regulate the sale, giving away, dispensing of any intoxicating malt,  
12 *vino*, or mixed or fermented liquors at any provincial retail outlets;

13 (g) Regulate the establishment and provide for the inspection of steam  
14 boilers or any heating device in buildings and structures, and the storage of  
15 inflammable and highly combustible materials within the province;

16 (h) Regulate the establishment, operation and maintenance of any  
17 entertainment or amusement facilities, including the theatrical and stage  
18 performances, circuses, billiard pools, public dancing halls, computer gaming  
19 cafes and bars, health and fitness spas, sauna baths, massage parlors, and other  
20 places for entertainment or amusement; regulate such other events or activities  
21 for amusement or entertainment, particularly those which tend to disturb the  
22 community or annoy the inhabitants, or require the suspension or suppression  
23 of the same; or prohibit certain forms of amusement or entertainment in order  
24 to protect the social and moral welfare of the community;

25 (i) Regulate the establishment, operation and maintenance of funeral  
26 parlors and the burial or cremation of the dead, subject to existing laws, rules  
27 and regulations;

1 (j) Regulate the establishment, service, operation and maintenance of  
2 gyms, sports centers, health and fitness spas, and similar centers and parlors,  
3 subject to existing laws, rules and regulations; and

4 (k) Provide for the impounding of stray animals; regulate the keeping  
5 of animals in homes or as part of a business, and the slaughter, sale or  
6 disposition of the same; and adopt measures to prevent and penalize cruelty to  
7 animals.

8 (5) Approve ordinances which shall ensure the efficient and effective  
9 delivery of the basic services and facilities as provided for in Section 17 of the  
10 Local Government Code of 1991 and, in addition to said services and  
11 facilities, shall:

12 (a) Provide for the establishment, maintenance, protection and  
13 conservation of communal forests and watersheds, tree parks, greenbelts,  
14 mangroves and other similar forest development projects;

15 (b) Establish markets, slaughterhouses or animal corrals and authorize  
16 the operation thereof by the provincial government; and regulate the  
17 construction and operation of private markets, talipapas, or other similar  
18 buildings and structures;

19 (c) Authorize the establishment, maintenance and operation by the  
20 provincial government of ferries, wharves, and other structures intended to  
21 accelerate productivity related to marine and seashore or offshore activities,

22 (d) Regulate the preparation and sale of meat, poultry, fish, vegetables,  
23 fruits, fresh dairy products, and other foodstuffs for public consumption;

24 (e) Regulate the use of streets, avenues, alleys, sidewalks, bridges,  
25 parks and other public places, and approve the construction, improvement,  
26 repair and maintenance of the same; establish bus and vehicle stops and  
27 terminals or regulate the use of the same by privately owned vehicles which



1 serve the public; regulate garages and operation of conveyances for hire;  
2 designate stands to be occupied by public vehicles when not in use; regulate  
3 the putting up of signs, signposts, awnings and awning posts on the streets; and  
4 provide for the lighting, cleaning and sprinkling of streets and public places;

5 (f) Regulate traffic on all streets and bridges; prohibit encroachments  
6 or obstacles thereon and, when necessary in the interest of public welfare,  
7 authorize the removal of encroachments and illegal settlement structures and  
8 constructions in public lands and areas;

9 (g) Subject to existing laws, establish and provide for the maintenance,  
10 repair and operation of an efficient waterworks system to supply water for the  
11 inhabitants and to purify the source of the water supply; regulate the  
12 construction, maintenance, repair and use of hydrants, pumps, cisterns and  
13 reservoirs; and protect the purity and quantity of the water supply of the  
14 province;

15 (h) Regulate the drilling and excavation of the ground for ground water  
16 source, laying of water, gas, sewer and other pipes, and the construction,  
17 repair and maintenance of public drains, sewers, cesspools, tunnels and similar  
18 structures; regulate the placing of poles and the use of crosswalks, curbs and  
19 gutters, adopt measures to ensure public safety against open canals, manholes,  
20 live wires, and other similar hazards to life and property, and regulate the  
21 construction and use of private water closets, privies and other similar  
22 structures in buildings and homes;

23 (i) Regulate the placing, stringing, attaching, installing, repair and  
24 construction of all gas mains, electric telegraph and telephone wires and  
25 cables, conduits, meters, support structures, and other similar apparatus and  
26 provide for the correction, condemnation and removal of the same when found  
27 to be dangerous to the welfare of the inhabitants;

1           (j) Subject to the availability of funds and to existing laws, rules and  
2 regulations, provide for the establishment and operation of vocational and  
3 technical schools and similar post-secondary institutions; and, with the  
4 approval of the Department of Education and subject to existing laws on  
5 tuition fees, fix reasonable tuition fees and other school charges in educational  
6 institutions supported by the provincial government;

7           (k) *Establish an education and training scholarship fund for the poor*  
8 but deserving constituents in schools located within its jurisdiction or of  
9 students residing within the province;

10          (l) Approve measures and adopt quarantine regulations to prevent the  
11 introduction and spread of diseases within its territorial jurisdiction;

12          (m) Provide for the care of paupers, the aged, the sick, persons of  
13 unsound mind, abandoned minors, abused children, disabled persons, juvenile  
14 delinquents, drug dependents, and other needy and disadvantaged persons,  
15 particularly children and youth below eighteen (18) years of age; subject to  
16 availability of funds, establish and support the operation of centers and  
17 facilities for said needy and disadvantaged persons and facilitate the efforts to  
18 promote the welfare of families below the poverty threshold, the  
19 disadvantaged and the exploited;

20          (n) Establish and provide for the maintenance and improvement of  
21 jails and detention centers, institute a sound jail management program, and  
22 appropriate funds for the subsistence of detainees and convicted prisoners in  
23 the province;

24          (o) *Establish a provincial council whose purpose is the promotion of*  
25 culture and the arts, coordinate with government agencies and  
26 nongovernmental organizations and, subject to the availability of funds,  
27 appropriate funds for the support and development of the same, and

1 (p) Establish a provincial council for the elderly and veterans which  
2 shall formulate policies and adopt measures mutually beneficial to the elderly  
3 and to the province; and, subject to the availability of funds, appropriate funds  
4 to support programs and projects for the elderly; and provide incentives for  
5 nongovernmental agencies and entities to support the programs and projects of  
6 the elderly.

7 (6) Exercise such other powers and perform such other duties and  
8 functions as provided for under the Local Government Code of 1991, and as  
9 may be prescribed by law or ordinance.

10 The members of the sangguniang panlalawigan shall receive a minimum  
11 monthly compensation corresponding to Salary Grade twenty-seven (27) as  
12 prescribed under Republic Act No 6758 and the implementing guidelines  
13 issued pursuant thereto.

#### 14 ARTICLE V

##### 15 PROCESS OF LEGISLATION

16 SEC. 15. *Internal Rules of Procedure.* – (A) On the first regular  
17 session following the election of its members and within ninety (90) days  
18 thereafter, the sangguniang panlalawigan shall adopt its own rules of  
19 procedure.

20 (B) The rules of procedure shall provide for the following.

21 (1) The organization of the sanggunian and the election of its officers  
22 as well as the creation of standing committees which shall include, but shall  
23 not be limited to, the committees on appropriations, revenues, engineering and  
24 public works, education and health, women and family, human rights, youth  
25 and sports development, environmental protection, peace and order and traffic,  
26 and cooperatives; the general jurisdiction of each committee; and the election  
27 of the chairman and members of each committee;

1 (2) The order and calendar of business for each session.

2 (3) The legislative process.

3 (4) The parliamentary procedures which include the conduct of  
4 members during sessions,

5 (5) The discipline of members for disorderly behavior and absences  
6 without justifiable cause for four consecutive sessions for which they may be  
7 censured, reprimanded or excluded from the session, suspended for not more  
8 than sixty (60) days, or expelled. *Provided*, That the penalty of suspension or  
9 expulsion shall require the concurrence of at least two-thirds (2/3) of all the  
10 sanggunian members. *Provided, further*, That the member convicted by final  
11 judgment to imprisonment of at least one year for any crime involving moral  
12 turpitude shall be automatically expelled from the sanggunian, and

13 (6) Such other rules as the sanggunian may adopt.

14 SEC. 16. *Full Disclosure of Financial and Business Interests of*  
15 *Sangguniang Panlalawigan Members* - (A) Every sangguniang panlalawigan  
16 member shall, upon assumption to office, make a full disclosure of his  
17 business and financial interests. He shall also disclose any business and  
18 financial, professional relationship, or any relation by affinity or consanguinity  
19 within the fourth civil degree which he may have with any person, firm or  
20 entity affected by any ordinance or resolution under consideration by the  
21 sanggunian of which he is a member, which relationship may result in conflict  
22 of interest. Such relationship shall include.

23 (1) Ownership of stocks or capital, or investment in the entity or firm  
24 to which the ordinance or resolution may apply; and

25 (2) Contracts or agreements with any person or entity which the  
26 ordinance or resolution under consideration may affect.

1           In the absence of a specific constitutional or statutory provision  
2 applicable to this situation, "conflict of interest" refers in general to one where  
3 it may be reasonably deduced that a member of a sangguniang panlalawigan  
4 may not act in the public interest due to some private, pecuniary or other  
5 personal considerations that may tend to affect his judgment to the prejudice  
6 of the service or the public

7           (B) The disclosure required under this Act shall be made in writing and  
8 submitted to the secretary of the sanggunian or the secretary of the committee  
9 of which he is a member. The disclosure shall, in all cases, form part of the  
10 record of the proceedings and shall be made in the following manner

11           (1) Disclosure shall be made before the member participates in the  
12 deliberations on the ordinance or resolution under consideration. *Provided,*  
13 That if the member did not participate during the deliberations, the disclosure  
14 shall be made before voting on the ordinance or resolution on second and third  
15 readings, and

16           (2) Disclosure shall be made when a member takes a position or makes  
17 a privilege speech on a matter that may affect the business interest, financial  
18 connection, or professional relationship described herein

19           *SEC 17. Sessions* - (A) On the first day of session immediately  
20 following the election of its members, the sangguniang panlalawigan shall, by  
21 resolution, fix the day, time and place of its regular sessions. The minimum  
22 number of regular sessions of the sangguniang panlalawigan shall be once a  
23 week,

24           (B) When the public interest so demands, special sessions may be  
25 called by the provincial governor or by a majority of the members of the  
26 sanggunian,

1 (C) All sanggunian sessions shall be open to the public unless a closed-  
2 door session is ordered by an affirmative vote of a majority of the members  
3 present, there being a quorum, in the public interest or for reasons of security,  
4 decency or morality. No two sessions, regular or special, may be held in a  
5 single day, and

6 (D) In the case of special sessions of the sanggunian, a written notice to  
7 the members shall be served personally at the members' usual place of  
8 residence at least twenty-four (24) hours before the special session is held.

9 Unless otherwise concurred in by two-thirds (2/3) vote of the  
10 sanggunian members present, there being a quorum, no other matters may be  
11 considered at a special session except those stated in the notice

12 (E) The sanggunian shall keep a journal and a record of its proceedings  
13 which may be published upon resolution of the sangguniang panlalawigan

14 SEC 18. *Quorum.* - (A) A majority of all the members of the  
15 sanggunian who have been elected and qualified shall constitute a quorum to  
16 transact official business. Should a question of quorum be raised during the  
17 session, the presiding officer shall immediately proceed to call the roll of the  
18 members and thereafter announce the results,

19 (B) Where there is no quorum, the presiding officer may declare a  
20 recess until such time that a quorum is constituted, or a majority of members  
21 present may adjourn from day to day and may compel the immediate  
22 attendance of any member absent without justifiable cause by designating a  
23 member of the sanggunian, to be assisted by a member or members of the  
24 police force assigned in the territorial jurisdiction of the province, to arrest the  
25 absent member and present him at the session; and

26 (c) If there is still no quorum despite the enforcement of the  
27 immediately preceding subsection, no business shall be transacted. The

1 presiding officer, upon proper motion duly approved by the members present,  
2 shall then declare the session adjourned for lack of quorum.

3           SEC. 19. *Approval of Ordinances* – (A) Every ordinance enacted by  
4 the sangguniang panlalawigan shall be presented to the provincial governor. If  
5 the governor approves the same, he shall affix his signature on each and every  
6 page thereof; otherwise, he shall veto it and return the same with his objections  
7 to the sanggunian, which may proceed to reconsider the same. The  
8 sanggunian may override the veto of the governor by two-thirds (2/3) vote of  
9 all its members, thereby making the ordinance or resolution effective for all  
10 legal intents and purposes, and

11           (B) The veto shall be communicated by the governor to the  
12 sangguniang panlalawigan within fifteen (15) days, otherwise, the ordinance  
13 shall be deemed approved as if he had signed it.

14           SEC. 20. *Veto Power of the Governor* – (A) The provincial governor  
15 may veto any ordinance of the sangguniang panlalawigan on the ground that it  
16 is prejudicial to the public welfare, stating his reasons thereof in writing.

17           (B) The governor shall have the power to veto any particular item or  
18 items of an appropriation ordinance, an ordinance or resolution adopting a  
19 local development plan, a public investment program or an ordinance directing  
20 the payment of money or creating liability. In such case, the veto shall not  
21 affect the item or items which are not objected to. The vetoed item or items  
22 shall not take effect unless the sangguniang panlalawigan overrides the veto in  
23 the manner herein provided; otherwise, the item or items in the appropriations  
24 ordinance of the previous year corresponding to those vetoed, if any, shall be  
25 deemed reenacted.

26           (C) The governor may veto an ordinance or resolution only once. The  
27 sanggunian may override the veto of the governor by two-thirds (2/3) vote of

1 all its members, thereby making the ordinance effective even without the  
2 approval of the provincial governor.

### 3 ARTICLE VI

#### 4 DISQUALIFICATION AND SUCCESSION FOR ELECTIVE PROVINCIAL OFFICIALS

5 SEC. 21. *Disqualifications.* – The following persons are not qualified  
6 to run for any elective position in the province.

7 (A) Those sentenced by final judgment for an offense involving moral  
8 turpitude or an offense punishable by one year or more of imprisonment within  
9 two years after serving sentence;

10 (B) Those removed from office as a result of an administrative case,

11 (C) Those convicted by final judgment for violating the oath of  
12 allegiance to the Republic,

13 (D) Those with dual citizenship;

14 (E) Fugitives from justice in criminal or nonpolitical cases here or  
15 abroad;

16 (F) Permanent residents in a foreign country or those who have  
17 acquired the right to reside abroad and continue to avail of the same right after  
18 the effectivity of the Local Government Code of 1991; and

19 (G) The insane or feeble-minded.

20 SEC. 22. *Permanent Vacancy in the Office of the Provincial Governor.*

21 – (A) If a permanent vacancy occurs in the office of the governor, the vice  
22 governor shall become the governor. If the vice governor refuses to assume  
23 the position of governor, the highest ranking sangguniang panlalawigan  
24 member shall become the governor. If a permanent vacancy occurs in the  
25 office of the vice governor, the highest ranking sangguniang panlalawigan  
26 member or, in case of his permanent incapacity, the second highest ranking  
27 sangguniang panlalawigan member shall become the provincial governor or



1 vice governor, as the case may be. Subsequent vacancies in said offices shall  
2 be filled automatically by the other sanggunian members according to their  
3 ranking as defined herein:

4 (1) A tie between or among the highest ranking sangguniang  
5 panlalawigan members shall be resolved by drawing of lots

6 (2) The successors as defined herein shall serve only the unexpired  
7 terms of their predecessors.

8 (3) For purposes of this Act, a permanent vacancy arises when an  
9 elective local official fills a higher vacant office, refuses to assume office, fails  
10 to qualify, dies, is removed from office, voluntarily resigns, or is otherwise  
11 permanently incapacitated to discharge the functions of his office.

12 (4) For purposes of succession as provided in this Act, ranking in the  
13 sangguniang panlalawigan shall be determined on the basis of the proportion  
14 of votes obtained by each winning candidate to the total number of registered  
15 voters in the province in the immediately preceding local elections

16 SEC. 23. *Permanent Vacancies in the Sanggunian* – (A) Permanent  
17 vacancies in the sangguniang panlalawigan where automatic succession as  
18 provided above does not apply shall be filled by appointments in the following  
19 manner:

20 (1) The President, through the Executive Secretary shall make the  
21 aforesaid appointments;

22 (2) Only the nominee of the political party under which the sanggunian  
23 member concerned had been elected shall be appointed in the manner herein  
24 provided. The appointee shall come from the political party as that of the  
25 sanggunian member who caused the vacancy and shall serve the unexpired  
26 term of the vacant office. In the appointment herein mentioned, a nomination  
27 and a certificate of membership of the appointee from the highest official of

1 the political party concerned are conditions *sine qua non*, and any appointment  
2 without such nomination and certification shall be null and void *ab initio*, and  
3 shall be a ground for administrative action against the official responsible  
4 therefor;

5 (3) In case the permanent vacancy is caused by a sanggunian member  
6 who does not belong to any political party, the governor shall, upon  
7 recommendation of the sangguniang panlalawigan, appoint a qualified person  
8 to fill the vacancy; and

9 (4) In case of vacancy in the representation of the sangguniang  
10 kabataan, the sangguniang barangay and the provincial league of councilors in  
11 the sangguniang panlalawigan, said vacancy shall be filled automatically by  
12 the official next in rank of the organization concerned.

13 SEC. 24. *Temporary Vacancy in the Office of the Provincial Governor.*

14 ~ (A) When the governor is temporarily incapacitated to perform his duties for  
15 physical or legal reasons such as, but not limited to, leave of absence, travel  
16 abroad and suspension from office, the vice governor shall automatically  
17 exercise the powers and perform the duties and functions of the governor,  
18 except the power to appoint, suspend or dismiss employees which can only be  
19 exercised if the period of temporary incapacity exceeds thirty (30) working  
20 days.

21 (B) Said temporary incapacity shall terminate upon submission to the  
22 sangguniang panlalawigan of a written declaration by the governor that he has  
23 reported back to office. In case where the temporary incapacity is due to legal  
24 cause, the governor shall also submit necessary documents showing that the  
25 said legal cause no longer exists

26 (C) When the provincial governor is traveling within the country but  
27 outside the territorial jurisdiction of the province for a period not exceeding

1 three consecutive days, he may designate in writing the officer-in-charge of his  
2 office. Such authorization shall specify the powers and functions that the local  
3 official concerned shall exercise in the absence of the governor except the  
4 power to appoint, suspend or dismiss employees.

5 (D) In the event, however, that the governor fails or refuses to issue  
6 such authorization, the vice governor shall have the right to assume the  
7 powers, duties and functions of the said office on the fourth day of absence of  
8 the governor, subject to the limitations provided in subsection (C) hereof.

9 (E) Except as provided above, the governor shall in no case authorize  
10 any local official to assume the powers, duties and functions of the office other  
11 than the vice governor.

## 12 ARTICLE VII

### 13 APPOINTIVE PROVINCIAL OFFICIALS:

#### 14 THEIR QUALIFICATIONS, POWERS AND DUTIES

15 SEC 25. *The Secretary to the Sangguniang Panlalawigan.* – (A)  
16 There shall be a secretary to the sangguniang panlalawigan who shall be a  
17 career official, with the rank and salary equal to a head of department or  
18 office.

19 (B) No person shall be appointed secretary to the sanggunian unless he  
20 is a citizen of the Philippines, a resident of the local government unit  
21 concerned of good moral character, a holder of a degree preferably in law,  
22 commerce or public administration from a recognized college or university,  
23 and a first grade civil service eligible or its equivalent.

24 (C) *The secretary of the sanggunian shall take charge of the office of*  
25 *the sangguniang panlalawigan, and shall:*

26 (1) Attend meetings of the sanggunian and keep a journal of its  
27 proceedings;

1           (2) Keep the seal of the local government unit and affix the same with  
2 his signature to all ordinances, resolutions and other official acts of the  
3 sanggunian, and present the same to the *presiding officer* for his signature.

4           (3) Forward to the governor, for approval, copies of ordinances  
5 enacted by the sanggunian and duly certified by the presiding officer, in the  
6 manner provided for in Section 54 of the Local Government Code of 1991,

7           (4) Forward to the sangguniang bayan or sangguniang panlungsod, as  
8 the case may be, copies of duly approved ordinances, in the manner provided  
9 for in Sections 56 and 57 of the Local Government Code of 1991,

10          (5) Furnish, upon the request of any interested party, certified copies of  
11 records of public character in his custody, upon payment to the treasurer of  
12 such fees as may be prescribed by ordinance;

13          (6) Record in a book kept for the purpose, all ordinances and  
14 resolutions enacted or adopted by the sanggunian, with the dates of passage  
15 and publication thereof;

16          (7) *Keep his office and all nonconfidential records therein open to the*  
17 *public during the usual business hours,*

18          (8) Translate into the dialect used by the majority of the inhabitants all  
19 ordinances and resolutions immediately after their approval, and cause the  
20 publication of the same together with the original version in the manner  
21 provided for under the Local Government Code of 1991; and

22          (9) Take custody of the local archives and, where applicable, the local  
23 library and annually account for the same.

24          (D) Exercise such powers and perform such other duties and functions  
25 as may be prescribed by law or ordinance relative to his position.

26          SEC. 26. *The Provincial Treasurer.* - (A) The treasurer shall be  
27 appointed by the Secretary of Finance from the list of at least three ranking

1 eligible recommendees of the governor, subject to civil service law, rules and  
2 regulations;

3 (B) *The treasurer shall be under the administrative supervision of the*  
4 *governor to whom he shall report regularly on the tax collection efforts in the*  
5 *local government unit.*

6 (C) No person shall be appointed treasurer unless he is a citizen of the  
7 Philippines, a resident of the local government unit concerned of good moral  
8 character, a holder of a college degree preferably in commerce, public  
9 administration or law from a recognized college or university and a first grade  
10 civil service eligible or its equivalent. He must have acquired experience in  
11 treasury or accounting service for at least five years.

12 The appointment of the provincial treasurer shall be mandatory.

13 (D) He shall take charge of the treasury office, perform the duties  
14 provided for under Book II of the Local Government Code of 1991, and shall

15 (1) Advise the governor or the sanggunian, as the case may be, and  
16 other local government and national officials concerned regarding the  
17 disposition of local government funds and on such other matters relative to  
18 public finance;

19 (2) Take custody and exercise proper management of the funds of the  
20 local government unit concerned;

21 (3) Take charge of the disbursement of all local government funds and  
22 such other funds the custody of which may be entrusted to him by law or other  
23 competent authority;

24 (4) Inspect private commercial and industrial establishments within the  
25 jurisdiction of the province in relation to the implementation of tax ordinances,  
26 pursuant to the provisions of Book II of the Local Government Code of 1991;

1 (5) Maintain and update the tax information system of the local  
2 government unit; and

3 (6) Exercise technical supervision over all treasury offices of  
4 component cities and municipalities.

5 (E) Exercise such other powers and perform such other functions and  
6 duties as may be prescribed by law or ordinance.

7 SEC. 27. *The Provincial Assessor* - (A) No person shall be appointed  
8 assessor unless he is a citizen of the Philippines, a resident of the province, of  
9 good moral character, a holder of a college degree preferably in civil or  
10 mechanical engineering, commerce, or any other related course from a  
11 recognized college or university and a first grade civil service eligible or its  
12 equivalent. He must have acquired experience in real property assessment  
13 work or in any related field for at least five years.

14 The appointment of the provincial assessor shall be mandatory.

15 (B) The assessor shall take charge of the assessor's office, perform the  
16 duties provided for under Book II of the Local Government Code of 1991, and  
17 shall:

18 (1) Ensure that all laws and policies governing the appraisal and  
19 assessment of real properties for taxation purposes are properly executed

20 (2) Initiate, review and recommend changes in policies and objectives  
21 plans and programs, techniques, procedures and practices in the valuation and  
22 assessment of real properties for taxation purposes,

23 (3) Establish a systematic method of real property assessment;

24 (4) Install and maintain a real property identification and accounting  
25 system,

1 (5) Prepare, install and maintain a system of tax mapping, showing  
2 graphically all properties subject to assessment and gather all data concerning  
3 the same;

4 (6) Conduct frequent physical surveys to verify and determine whether  
5 all real properties within the province are properly listed in the assessment  
6 rolls;

7 (7) Exercise the functions of appraisal and assessment primarily for  
8 taxation purposes of all real properties in the province;

9 (8) Prepare a schedule of the fair market value for the different classes  
10 of real properties, in accordance with Title 2, Book II of the Local  
11 Government Code of 1991;

12 (9) Issue, upon request of any interested party, certified copies of  
13 assessment records of real property and all other records relative to its  
14 assessment, upon payment of a service charge or fee to the treasurer;

15 (10) Submit every semester a report of all assessments, as well as  
16 cancellations and modifications of assessments to the governor and the  
17 sangguniang panlalawigan; and

18 (11) Exercise technical supervision and visitorial functions over all  
19 component city and municipal assessors, coordinate with component city or  
20 municipal assessors in the conduct of tax mapping operations and all other  
21 assessment activities, and provide all forms of assistance therefor: *Provided,*  
22 *however,* That upon full provision by the component city or municipality  
23 concerned to its assessor's office of the minimum personnel, equipment and  
24 funding requirements as may be prescribed by the Secretary of Finance, such  
25 functions shall be delegated to the said municipal assessor.

26 (C) Exercise such other powers and perform such other duties and  
27 functions as may be prescribed by law or ordinance.

1           SEC. 28. *The Provincial Accountant.* – (A) No person shall be  
2 appointed accountant unless he is a citizen of the Philippines, a resident of the  
3 province, of good moral character and a certified public accountant. He must  
4 have acquired experience in the treasury or accounting service for at least five  
5 years.

6           The appointment of a provincial accountant is mandatory.

7           (B) The accountant shall take charge of both the accounting and  
8 internal audit services of the province, and shall:

9           (1) Install and maintain an internal audit system in the province,

10          (2) Prepare and submit financial statements to the governor and to the  
11 sangguniang panlalawigan;

12          (3) Apprise the sanggunian and other local government officials on the  
13 financial condition and operations of the provincial government;

14          (4) Certify to the availability of budgetary allotment to which  
15 expenditures and obligations may be properly charged,

16          (5) Review supporting documents before preparation of vouchers to  
17 determine completeness of requirements,

18          (6) Prepare statements of cash advances, liquidation, salaries,  
19 allowances, reimbursements and remittances pertaining to the provincial  
20 government;

21          (7) Prepare statements of journal vouchers and liquidation of the same  
22 and other adjustments related thereto;

23          (8) Post individual disbursements to the subsidiary ledger and index  
24 cards;

25          (9) Maintain individual ledgers for officials and employees of the  
26 provincial government pertaining to payrolls and deductions;



1           (10) Record and post in index cards details of purchased furniture,  
2 fixtures and equipment, including disposal thereof, if any;

3           (11) Account for all issued requests for obligations and maintain and  
4 keep all records and reports related thereto; and

5           (12) Prepare journals and the analysis of obligations and maintain and  
6 keep all records and reports related thereto.

7           (C) Exercise such other powers and perform such other duties and  
8 functions as may be provided by law or ordinance.

9           SEC. 29. *The Provincial Engineer.* – (A) No person shall be appointed  
10 engineer unless he is a citizen of the Philippines, a resident of the province, of  
11 good moral character and a licensed civil engineer. He must have acquired  
12 experience in the practice of his profession for at least five years.

13           The appointment of the provincial engineer shall be mandatory.

14           (B) *The engineer shall take charge of the engineering office, and shall.*

15           (1) Initiate, review and recommend changes in policies and objectives,  
16 plans and programs, techniques, procedures and practices in infrastructure  
17 development and public works in general of the province;

18           (2) Advise the governor on infrastructure, public works and other  
19 engineering matters;

20           (3) Administer, coordinate, supervise and control the construction,  
21 maintenance, improvement and repair of roads, bridges and other engineering  
22 and public works projects of the province;

23           (4) Provide engineering services to the province, including  
24 investigation and survey, engineering designs, feasibility studies and project  
25 management; and

26           (5) Exercise technical supervision over all engineering offices of  
27 component cities and municipalities.

1           (C) Exercise such other powers and perform such other duties and  
2 functions as may be prescribed by law or ordinance.

3           SEC. 30. *The Provincial Budget Officer.* – (A) No person shall be  
4 appointed budget officer unless he is a citizen of the Philippines, a resident of  
5 the province, of good moral character, a holder of a college degree preferably  
6 in accounting, economics, public administration or any related course from a  
7 recognized college or university, and a first grade civil service eligible or its  
8 equivalent. He must have acquired experience in government budgeting or in  
9 any related field for at least five years.

10           The appointment of the provincial budget officer shall be mandatory.

11           (B) The budget officer shall take charge of the budget office, and shall:

12           (1) Prepare forms, orders and circulars embodying instructions on  
13 budgetary and appropriation matters for the signature of the governor,

14           (2) Review and consolidate the budget proposals of different  
15 departments and offices of the province;

16           (3) Assist the governor in the preparation of the budget and during the  
17 budget hearings;

18           (4) Study and evaluate budgetary implications of proposed legislation  
19 and submit comments and recommendations thereon;

20           (5) Submit periodic budgetary reports to the Department of Budget and  
21 Management;

22           (6) Coordinate with the treasurer, the accountant and the planning and  
23 development coordinator for the purpose of budgeting;

24           (7) Assist the sangguniang panlalawigan in reviewing the approved  
25 budgets of component cities and municipalities; and

26           (8) Coordinate with the planning and development coordinator in the

1 (C) Exercise such other powers and perform such other duties and  
2 functions as may be prescribed by law or ordinance.

3 (D) The appropriations for personal services of the budget officer shall  
4 be provided for in full in the annual budget of the provincial government.

5 SEC. 31 *The Provincial Planning and Development Coordinator* -

6 (A) No person shall be appointed planning and development coordinator  
7 unless he is a citizen of the Philippines, a resident of the province, of good  
8 moral character, a holder of a college degree preferably in urban planning,  
9 development studies, economics, public administration or any related course  
10 from a recognized college or university and a first grade civil service eligible  
11 or its equivalent. He must have acquired experience in development planning  
12 or any related field for at least five years.

13 The appointment of a provincial planning and development coordinator  
14 shall be mandatory to the provincial government.

15 (B) The planning and development coordinator shall take charge of the  
16 planning and development office, and shall:

17 (1) Formulate integrated economic, social, physical and other  
18 development plans and policies for consideration of the local government  
19 development council;

20 (2) Conduct continuing studies, researches and training programs  
21 necessary to evolve plans and programs for implementation;

22 (3) Integrate and coordinate all sectoral plans and studies undertaken  
23 by the different functional groups and agencies;

24 (4) Monitor and evaluate the implementation of the different  
25 development programs, projects and activities in the province in accordance  
26 with the approved development plan;

1 (5) Prepare comprehensive plans and other development planning  
2 documents for the consideration of the provincial development council.

3 (6) Analyze the income and expenditure patterns, and formulate and  
4 recommend fiscal plans and policies for consideration of the finance  
5 committee of the province.

6 (7) Promote people participation in development planning within the  
7 province, and

8 (8) Exercise supervision and control over the secretariat of the  
9 provincial development council.

10 (C) Exercise such other powers and perform such other duties and  
11 functions as may be prescribed by law or ordinance.

12 SEC. 32. *The Provincial Legal Officer.* – (A) No person shall be  
13 appointed legal officer unless he is a citizen of the Philippines, a resident of  
14 the province, of good moral character and a member of the Philippine Bar. He  
15 must have practiced his profession for at least five years.

16 The term of the legal officer shall be coterminous with that of his  
17 appointing authority.

18 The appointment of a provincial legal officer shall be mandatory

19 (B) The legal officer, the chief legal counsel of the province, shall take  
20 charge of the office for legal services, and shall.

21 (1) Formulate measures for the consideration of the sanggunian and  
22 provide legal assistance and support to the governor in carrying out the  
23 delivery of basic services and provision of adequate facilities as provided for  
24 under Section 17 of the Local Government Code of 1991;

25 (2) Develop plans and strategies and, upon approval thereof by the  
26 governor, implement the same, particularly those which have to do with  
27 programs and projects related to legal services which the governor is

1 empowered to implement and which the sanggunian is empowered to provide  
2 for under the Local Government Code of 1991;

3 (3) In addition to the foregoing duties and functions, the legal officer  
4 shall:

5 (a) Represent the province in all civil actions and special proceedings  
6 wherein the province or any official thereof, in his official capacity is a party;  
7 *Provided*, That actions or proceedings where a component city or municipality  
8 is a party adverse to the provincial government or to another component city  
9 or municipality, a special legal officer may be employed to represent the  
10 adverse party;

11 (b) When required by the governor or sanggunian, draft ordinances,  
12 contracts, bonds, leases, and other instruments involving any interest of the  
13 province; and provide comments and recommendations on any instrument  
14 already drawn;

15 (c) Render his opinion in writing on any question of law when  
16 requested to do so by the governor or the sanggunian;

17 (d) Investigate or cause to be investigated any provincial official or  
18 employee for administrative neglect or misconduct in office and recommend  
19 appropriate action to the governor or sangguniang panlalawigan,

20 (e) Investigate or cause to be investigated any person, firm or  
21 corporation holding any franchise or exercising any public privilege for failure  
22 to comply with any term or condition in the grant of such franchise or  
23 privilege and recommend appropriate action to the governor or the  
24 sanggunian;

25 (f) When directed by the governor or sanggunian, initiate and  
26 prosecute, in the interest of the province, any civil action on any bond, lease,  
27 or other contract upon any breach or violation thereof; and

1 (g) Review and submit recommendations on ordinances approved and  
2 executive orders issued by component municipalities.

3 (4) Recommend measures to the sangguniang panlalawigan and advise  
4 the governor on all other matters related to the upholding of the rule of law,  
5 and

6 (5) Be in the frontline of protecting human rights and prosecuting any  
7 violation thereof, particularly those which occur during and in the aftermath of  
8 man-made or natural disasters and calamities. ❧

9 (C) Exercise such other powers and perform such other duties and  
10 functions as may be prescribed by law or ordinance.

11 SEC. 33. *The Provincial Administrator* – (A) No person shall be  
12 appointed administrator unless he is a citizen of the Philippines, a resident of  
13 the province, of good moral character, a holder of a college degree preferably  
14 in public administration, law or any related course from a recognized college  
15 or university, and a first grade civil service eligible or its equivalent. He must  
16 have acquired experience in management and administration work for at least  
17 five years

18 The term of the administrator is coterminous with that of his appointing  
19 authority.

20 The appointment of a provincial administrator shall be mandatory

21 (B) The administrator shall take charge of the office of the  
22 administrator, and shall:

23 (1) Develop plans and strategies and, upon approval thereof by the  
24 governor, implement the same, particularly those which have to do with the  
25 management and administration-related programs and projects which the  
26 governor is empowered to implement and which the sanggunian is empowered  
27 to provide for under the Local Government Code of 1991;

1           (2) In addition to the foregoing duties and functions, the administrator  
2 shall:

3           (a) Assist in the coordination of the work of all the officials of the  
4 province under the supervision, direction and control of the governor, and for  
5 this purpose, he may convene the chiefs of offices and other officials of the  
6 province;

7           (b) Establish and maintain a sound personnel program for the province  
8 designed to promote career development and uphold the merit principle in the  
9 province; and

10          (c) Conduct a continuing organizational development of the province,  
11 with the end in view of instituting effective administrative reforms.

12          (3) Be in the frontline of the delivery of administrative support  
13 services, particularly those related to the situations during and in the aftermath  
14 of man-made and natural disasters and calamities; and

15          (4) Recommend to the sanggunian and advise the governor on all other  
16 matters relative to the management and administration of the province.

17          (C) Exercise such other powers and perform such other duties and  
18 functions as may be prescribed by law or ordinance.

19          SEC. 34. *The Provincial Health Officer* -- (A) No person shall be  
20 appointed health officer unless he is a citizen of the Philippines, a resident of  
21 the province, of good moral character and a licensed medical practitioner. He  
22 must have acquired experience in the practice of his profession for at least five  
23 years.

24           The appointment of a provincial health officer shall be mandatory.

25           (B) *The health officer shall take charge of the office on health services,*  
26 and shall:

1           (1) Supervise the personnel and staff of said office, formulate program  
2 implementation guidelines and rules and regulations for the operation of the  
3 said office for the approval of the governor, in order to assist him in the  
4 efficient, effective and economical implementation of health services programs  
5 geared towards the implementation of health-related projects and activities,

6           (2) Formulate measures for the consideration of the sangguniang  
7 panlalawigan and provide technical assistance and support to the governor in  
8 carrying out activities to ensure the delivery of basic services and provision of  
9 adequate facilities relative to health services provided for under Section 17 of  
10 the Local Government Code of 1991;

11           (3) Develop plans and strategies and, upon approval thereof by the  
12 governor, implement the same, particularly those which have to do with health  
13 programs and projects which the governor is empowered to implement and  
14 which the sanggunian is empowered to provide for under the Local  
15 Government Code of 1991;

16           (4) In addition to the foregoing duties and functions, the health officer  
17 shall:

18           (a) Formulate and implement policies, plans, programs and projects to  
19 promote the health of the people of the province;

20           (b) Advise the governor and the sanggunian on matters pertaining to  
21 health;

22           (c) Execute and enforce all laws, ordinances and regulations relating to  
23 public health;

24           (d) Recommend to the sanggunian, through the provincial health  
25 board, the passage of such ordinances as he may deem necessary for the  
26 preservation of public health;



1 (e) Recommend the prosecution of any violation of sanitary laws,  
2 ordinances and regulations,

3 (f) Direct the sanitary inspection of all business establishments selling  
4 food items or providing accommodations such as hotels, motels, lodging  
5 houses, pension houses, and the like, in accordance with the Sanitation Code;

6 (g) Conduct health information campaigns and render health  
7 intelligence service,

8 (h) Coordinate with other government agencies and nongovernmental  
9 organizations involved in the promotion and delivery of health services, and

10 (i) Exercise general supervision over health offices of component  
11 cities and municipalities.

12 (5) Be in the frontline of the delivery of health services, particularly  
13 during and in the aftermath of man-made and natural disasters and calamities.

14 (C) Exercise such other powers and perform such other duties and  
15 functions as may be prescribed by law or ordinance.

16 *SEC. 35. The Provincial Social Welfare and Development Officer.*

17 (A) No person shall be appointed social welfare and development officer  
18 unless he is a citizen of the Philippines, a resident of the province, of good  
19 moral character, a duly licensed social worker and a holder of a college degree  
20 preferably in sociology or any related course from a recognized college or  
21 university, and a first grade civil service eligible or its equivalent. He must  
22 have acquired experience in the practice of social work for at least five years.

23 The appointment of a provincial social welfare and development officer  
24 shall be mandatory.

25 (B) The social welfare and development officer shall take charge of the  
26 office on social welfare and development services, and shall.

1           (1) Formulate measures for the approval of the sanggunian and provide  
2 technical assistance and support to the governor in carrying out measures to  
3 ensure the delivery of basic services and provision of adequate facilities  
4 relative to social welfare and development services as provided for under  
5 Section 17 of the Local Government Code of 1991;

6           (2) Develop plans and strategies and, upon approval thereof by the  
7 governor, implement the same, particularly those which have to do with social  
8 welfare programs and projects which the governor is empowered to implement  
9 and which the sanggunian is empowered to provide for under the Local  
10 Government Code of 1991;

11          (3) In addition to the foregoing duties, the social welfare and  
12 development officer shall:

13           (a) Identify the basic needs of the needy, the disadvantaged and the  
14 impoverished, and develop and implement appropriate measures to alleviate  
15 their problems and improve their living conditions;

16           (b) Provide relief and appropriate crisis intervention for victims of  
17 abuse and exploitation and recommend appropriate measures to deter further  
18 abuse and exploitation;

19           (c) Assist the governor in implementing the barangay level program for  
20 the total development and protection of children up to six years of age,

21           (d) Facilitate the implementation of welfare programs for the disabled,  
22 the elderly, the victims of drug addiction, the rehabilitation of prisoners and  
23 parolees, the prevention of juvenile delinquency and such other activities  
24 which would eliminate or minimize the ill-effects of poverty;

25           (e) Initiate and support welfare programs that will enhance the role of  
26 the youth in nation-building; and

1 (f) Coordinate with government agencies and nongovernmental  
2 organizations which have for their purpose the promotion and the protection of  
3 all needy, disadvantaged, underprivileged or impoverished groups or  
4 individuals, particularly those identified to be vulnerable and high-risk to  
5 exploitation, abuse and neglect.

6 (4) Be in the frontline of service delivery, particularly those which  
7 have to do with immediate relief during and assistance in the aftermath of  
8 man-made and natural disasters and calamities; and

9 (5) Recommend to the sanggunian and advise the governor on all other  
10 matters related to social welfare and development services which will improve  
11 the livelihood and living conditions of the inhabitants.

12 (C) Exercise such other powers and perform such other duties and  
13 functions as may be prescribed by law or ordinance.

14 SEC. 36. *The Provincial General Services Officer* – (A) No person  
15 shall be appointed general services officer unless he is a citizen of the  
16 Philippines, a resident of the province, of good moral character, a holder of a  
17 college degree in public administration, business administration or  
18 management from a recognized college or university, and a first grade civil  
19 service eligible or its equivalent. He must have acquired experience in general  
20 services, including management of supply, property, solid waste disposal and  
21 general sanitation for at least five years.

22 The appointment of a provincial general services officer shall be  
23 mandatory.

24 (B) The general services officer shall take charge of the office of  
25 general services, and shall:

26 (1) Formulate measures for the consideration of the sanggunian and  
27 provide technical assistance and support to the governor in carrying out

1 measures to ensure the delivery of basic services and provision of adequate  
2 facilities pursuant to Section 17 of the Local Government Code of 1991, and  
3 those which require general services expertise and technical support services:

4 (2) Develop plans and strategies and, upon approval thereof by the  
5 governor, *implement the same, particularly those which have to do with*  
6 *general services supportive to the welfare of the inhabitants which the*  
7 *governor is empowered to implement and which the sanggunian is empowered*  
8 *to provide for under the Local Government Code of 1991;*

9 (3) In addition to the foregoing duties and functions, the general  
10 *services officer shall:*

11 (a) Take custody of and be accountable for all properties, real or  
12 personal, owned by the provincial government and those granted to it in the  
13 form of donation, reparation, assistance and counterpart of joint projects;

14 (b) With the approval of the governor, assign building or land space to  
15 *provincial officials or other public officials, who by law are entitled to such*  
16 *space;*

17 (c) Recommend to the governor the reasonable rental rates for local  
18 government properties, whether real or personal, which will be leased to  
19 public or private entities by the provincial government;

20 (d) Recommend to the governor the reasonable rental rates of private  
21 properties which may be leased for the official use of the provincial  
22 government;

23 (e) Maintain and supervise janitorial, security, landscaping and other  
24 related services in all local government public buildings and other real  
25 property, whether owned or leased by the provincial government;

1 (f) Collate and disseminate information regarding prices, shipping and  
2 other costs of supplies and other items commonly used by the provincial  
3 government;

4 (g) Perform archival and record management with respect to records of  
5 offices and departments of the province; and

6 (h) Perform all other functions pertaining to supply and property  
7 management heretofore performed by the local government treasurer, and  
8 enforce policies on records creation, maintenance and disposal.

9 (4) Be in the frontline of general services-related activities, such as the  
10 possible or imminent destruction or damage to records, supplies, properties  
11 and structures, and the orderly and sanitary clearing up of waste materials or  
12 debris, particularly during and in the aftermath of man-made and natural  
13 disasters and calamities; and

14 (5) Recommend to the sanggunian and advise the governor on all  
15 matters relative to general services.

16 (C) *Exercise such other powers and perform such other duties and*  
17 *functions as may be prescribed by law or ordinance.*

18 SEC 37. *The Provincial Agriculturist* – (A) No person shall be  
19 appointed agriculturist unless he is a citizen of the Philippines, a resident of  
20 the province, of good moral character, a holder of a college degree in  
21 agriculture or any related course from a recognized college or university, and a  
22 first grade civil service eligible or its equivalent. He must have acquired  
23 experience in a related field for at least five years.

24 The appointment of a provincial agriculturist shall be mandatory.

25 (B) The agriculturist shall take charge of the office for agricultural  
26 services, and shall:

1 (1) Formulate measures for the approval of the sanggunian and provide  
2 technical assistance and support to the governor in carrying out said measures  
3 to ensure the delivery of basic services and provision of adequate facilities  
4 relative to agricultural services as provided for under Section 17 of the Local  
5 Government Code of 1991;

6 (2) Develop plans and strategies and, upon approval thereof by the  
7 governor, implement the same, particularly those which have to do with  
8 agricultural programs and projects which the governor is empowered to  
9 implement and which the sanggunian is empowered to provide for under the  
10 Local Government Code of 1991;

11 (3) In addition to the foregoing duties and functions, the agriculturist  
12 shall:

13 (a) Ensure that maximum assistance and access to resources in the  
14 production, processing and marketing of agricultural and aquacultural and  
15 marine products are extended to farmers, fishermen and local entrepreneurs;

16 (b) Conduct or cause to be conducted location-specific agricultural  
17 researches and assist in making available the appropriate technology arising  
18 out of and disseminating information on basic research on crops, prevention  
19 and control of plant diseases and pests, and other agricultural matters which  
20 will maximize productivity;

21 (c) Assist the governor in the establishment and extension services of  
22 demonstration farms or aquaculture and marine products;

23 (d) Enforce rules and regulations relating to agriculture and  
24 aquaculture; and

25 (e) Coordinate with government agencies and nongovernmental  
26 organizations which promote agricultural productivity through appropriate  
27 technology compatible with environmental integrity.

1 (4) Be in the frontline of the delivery of basic agricultural services,  
2 particularly those needed for the survival of the inhabitants during and in the  
3 aftermath of man-made and natural disasters and calamities; and

4 (5) Recommend to the sanggunian and advise the governor on all  
5 matters related to agriculture and aquaculture which will improve the  
6 livelihood and living conditions of the inhabitants.

7 (C) Exercise such other powers and perform such other duties and  
8 functions as may be prescribed by law or ordinance.

9 SEC. 38 *The Provincial Veterinarian* – (A) No person shall be  
10 appointed veterinarian unless he is a citizen of the Philippines, a resident of  
11 the province, of good moral character and a licensed doctor of veterinary  
12 medicine. He must have practiced his profession for at least three years.

13 The appointment of a provincial veterinarian shall be mandatory.

14 (B) The veterinarian shall take charge of the office for veterinary  
15 services, and shall:

16 (1) Formulate measures for the consideration of the sanggunian and  
17 provide technical assistance and support to the governor in carrying out  
18 measures to ensure the delivery of basic services and provision of adequate  
19 facilities pursuant to Section 17 of the Local Government Code of 1991;

20 (2) Develop plans and strategies and, upon approval thereof by the  
21 governor, implement the same, particularly those which have to do with  
22 veterinary-related activities which the governor is empowered to implement  
23 and which the sanggunian is empowered to provide for under the Local  
24 Government Code of 1991;

25 (3) In addition to the foregoing duties and functions, the provincial  
26 veterinarian shall.

1           (a) Advise the governor on all matters pertaining to the slaughter of  
2 animals for human consumption and regulation of slaughterhouses;

3           (b) Regulate the keeping of domestic animals;

4           (c) Regulate and inspect poultry, milk and dairy products for public  
5 consumption;

6           (d) Enforce all laws and regulations for the prevention of cruelty to  
7 animals; and

8           (e) Take the necessary measures to eradicate, prevent or cure all forms  
9 of animal diseases.

10          (4) Be in the frontline of veterinary-related activities, such as in the  
11 outbreak of highly contagious and deadly diseases and in situations resulting  
12 in the depletion of animals for work and human consumption, particularly  
13 those arising from and in the aftermath of man-made and natural disasters and  
14 calamities; and

15          (5) Recommend to the sanggunian and advise the governor on all other  
16 matters relative to veterinary services which will increase the number and  
17 improve the quality of livestock, poultry and other domestic animals used for  
18 work or human consumption.

19          (C) Exercise such other powers and perform such other duties and  
20 functions as may be prescribed by law or ordinance.

21          SEC. 39. *The Provincial Civil Registrar.* – (A) No person shall be  
22 appointed civil registrar unless he is a citizen of the Philippines, a resident of  
23 the province, of good moral character, a holder of a college degree from a  
24 recognized college or university, and a first grade civil service eligible or its  
25 equivalent. He must have acquired experience in civil registry work for at  
26 least five years.

27          The appointment of a provincial civil registrar shall be mandatory.



1           (B) The civil registrar shall be responsible for the civil registration  
2 program in the province pursuant to the Civil Registry Law, the Civil Code,  
3 and other pertinent laws, rules and regulations issued to implement them.

4           The civil registrar shall take charge of the office of the civil registry,  
5 and shall:

6           (1) Develop plans and strategies and, upon approval thereof by the  
7 governor, implement the same, particularly those which have to do with civil  
8 registry programs and projects which the governor is empowered to implement  
9 and which the sanggunian is empowered to provide for under the Local  
10 Government Code of 1991;

11           (2) In addition to the foregoing duties and functions, the civil registrar  
12 shall:

13           (a) Accept all registrable documents and judicial decrees affecting the  
14 civil status of persons;

15           (b) File, keep and preserve in a secure place the books required by  
16 law;

17           (c) Transcribe and enter immediately upon receipt all registrable  
18 documents and judicial decrees affecting the civil status of persons in the  
19 appropriate civil registry books;

20           (d) Transmit to the Office of the Civil Registrar-General, within the  
21 prescribed period, duplicate copies of registered documents required by law;

22           (e) Issue certified transcripts or copies of any certificate or registered  
23 documents upon payment of the prescribed fees to the treasurer;

24           (f) Receive applications for the issuance of a marriage license and,  
25 after determining that the requirements and supporting certificates and  
26 publication thereof for the prescribed period have been complied with, issue  
27 the license upon payment of the authorized fee to the treasurer; and

1 (g) Coordinate with the National Statistics Office in conducting  
2 educational campaigns for vital registration and assist in the preparation of  
3 demographic and other statistics for the province

4 (C) Exercise such other powers and perform such other duties and  
5 functions as may be prescribed by law or ordinance

6 SEC. 40. *The Provincial Environment and Natural Resources Officer*

7 – (A) No person shall be appointed environment and natural resources officer  
8 unless he is a citizen of the Philippines, a resident of the province, of good  
9 moral character, a holder of a college degree preferably in environment,  
10 forestry, agriculture or any related course from a recognized college or  
11 university, and a first grade civil service eligible or its equivalent. He must  
12 have acquired experience in environmental and natural resources management,  
13 conservation and utilization for at least five years.

14 The appointment of a provincial environment and natural resources  
15 officer shall be mandatory.

16 (B) The environment and natural resources officer shall take charge of  
17 the office on environment and natural resources, and shall:

18 (1) Formulate measures for the consideration of the sanggunian and  
19 provide technical assistance and support to the governor in carrying out  
20 measures to ensure the delivery of basic services and provision of adequate  
21 facilities relative to environment and natural resources services as provided for  
22 under Section 17 of the Local Government Code of 1991,

23 (2) Develop plans and strategies and, upon approval thereof by the  
24 governor, implement the same, particularly those which have to do with  
25 environment and natural resources programs and projects which the governor  
26 is empowered to implement and which the sanggunian is empowered to  
27 provide for under the Local Government Code of 1991;

1           (3) In addition to the foregoing duties and functions, the environment  
2 and natural resources officer shall:

3           (a) Ensure the maximum assistance and access to resources in the  
4 production, processing and marketing of agricultural and aquacultural and  
5 marine products are extended to farmers, fishermen and local entrepreneurs;

6           (b) Establish, maintain, protect and preserve communal forests,  
7 watersheds, tree parks, mangroves, greenbelts, commercial forests and similar  
8 forest projects like industrial tree farms and agro-forestry projects;

9           (c) Provide extension services to beneficiaries of forest development  
10 projects and technical, financial and infrastructural assistance;

11           (d) Manage and maintain seed banks and produce seedlings for forests  
12 and tree parks;

13           (e) Provide extension services to beneficiaries of forest development  
14 projects and render assistance for natural resources-related conservation and  
15 utilization activities consistent with ecological balance;

16           (f) Promote small-scale mining and utilization of mineral resources,  
17 particularly mining of gold; and

18           (g) Coordinate with government agencies and nongovernmental  
19 organizations in the implementation of measures to prevent and control land,  
20 air and water pollution with the assistance of the Department of Environment  
21 and Natural Resources.

22           (4) Be in the frontline of the delivery of basic services concerning the  
23 environment and natural resources, particularly in the renewal and  
24 rehabilitation of the environment during and in the aftermath of man-made and  
25 natural disasters and calamities; and

26           (5) Recommend to the sanggunian and advise the governor on all  
27 matters related to the protection, conservation, maximum utilization,

1 application of appropriate technology and other matters related to the  
2 environment and natural resources.

3 (C) Exercise such other powers and perform such other duties and  
4 functions as may be prescribed by law or ordinance.

5 SEC. 41. *The Provincial Cooperatives Officer.* – (A) No person shall  
6 be appointed cooperatives officer unless he is a citizen of the Philippines, a  
7 resident of the province, of good moral character, a holder of a college degree  
8 preferably in business administration course with special training in  
9 cooperatives or any related course from a recognized college or university,  
10 and a first grade civil service eligible or its equivalent. He must have acquired  
11 experience in cooperatives organization and management for at least five  
12 years.

13 The appointment of a provincial cooperatives officer shall be  
14 mandatory.

15 (B) The cooperatives officer shall take charge of the office for the  
16 development of cooperatives, and shall:

17 (1) Formulate measures for the consideration of the sanggunian and  
18 provide technical assistance and support to the governor in carrying out  
19 measures to ensure the delivery of basic services and provision of adequate  
20 facilities through the development of cooperatives, and in providing access to  
21 such services and facilities,

22 (2) Develop plans and strategies and, upon approval thereof by the  
23 governor, implement the same, particularly those which have to do with  
24 integration of cooperatives principles and methods in programs which the  
25 governor is empowered to implement and which the sanggunian is empowered  
26 to provide for under the Local Government Code of 1991;

1           (3) In addition to the foregoing duties and functions, the cooperatives  
2 *officer shall:*

3           (a) Assist in the organization of cooperatives;

4           (b) Provide technical and other forms of assistance to existing  
5 cooperatives to enhance their viability as an economic enterprise and social  
6 organization; and

7           (c) Assist cooperatives in establishing linkages with government  
8 agencies and nongovernmental organizations involved in the promotion and  
9 integration of the concept of cooperatives in the livelihood of the people and  
10 other community activities.

11          (4) Be in the frontline of cooperatives organization, rehabilitation or  
12 viability enhancement, particularly during and in the aftermath of *man-made*  
13 and natural disasters and calamities, to aid in their survival and, if necessary,  
14 subsequent rehabilitation; and

15          (5) *Recommend to the sanggunian and advise* the governor on all other  
16 matters relative to cooperatives development and viability enhancement which  
17 will improve the livelihood and quality of life of the inhabitants.

18          (C) Exercise such other powers and perform such other duties and  
19 functions as may be prescribed by law or ordinance.

20          SEC. 42. *The Provincial Architect.* – (A) *No person shall be appointed*  
21 *architect unless he is a citizen of the Philippines, a resident of the province, of*  
22 *good moral character and a duly licensed architect. He must have practiced his*  
23 *profession for at least five years.*

24           The appointment of a provincial architect shall be optional.

25          (B) The architect shall take charge of the office on *architectural*  
26 *planning and design, and shall*

1           (1) Formulate measures for the consideration of the sanggunian and  
2 provide technical assistance and support to the governor in carrying out  
3 measures to ensure the delivery of basic services and provision of adequate  
4 facilities relative to architectural planning and design as provided for under  
5 Section 17 of the Local Government Code of 1991;

6           (2) Develop plans and strategies and, upon approval thereof by the  
7 governor, implement the same, particularly those which have to do with  
8 architectural planning and design programs and projects which the governor is  
9 empowered to implement and which the sanggunian is empowered to provide  
10 for under the Local Government Code of 1991;

11           (3) In addition to the foregoing duties and functions, the architect  
12 shall.

13           (a) Prepare and recommend for consideration of the sanggunian the  
14 architectural plan and design for the province or a part thereof, including the  
15 renewal of slums and blighted areas, land reclamation activities, the greening  
16 of land, and appropriate planning of marine and foreshore areas,

17           (b) Review and recommend for appropriate action of the sanggunian  
18 *and the governor, the architectural plan and design submitted by governmental*  
19 *and nongovernmental entities or individuals, particularly those for*  
20 *undeveloped, underdeveloped and poorly-designed areas; and*

21           (c) Coordinate with government agencies and nongovernmental  
22 entities and individuals involved in the aesthetics and the maximum utilization  
23 of the land and water within the jurisdiction of the province, compatible with  
24 environmental integrity and ecological balance.

25           (4) Be in the frontline of the delivery of basic services involving  
26 architectural planning and design, particularly those related to the redesigning

1 of spatial distribution of basic facilities and physical structures during and in  
2 the aftermath of man-made and natural calamities and disasters; and

3 (5) Recommend to the sanggunian and advise the governor on all other  
4 matters related to architectural planning and design as it relates to the total  
5 socioeconomic development of the province.

6 (C) Exercise such other powers and perform such other duties and  
7 functions as may be prescribed by law or ordinance.

8 SEC. 43 *The Provincial Population Officer* - (A) No person shall be  
9 appointed population officer unless he is a citizen of the Philippines, a resident  
10 of the province, of good moral character, a holder of a college degree with  
11 specialized training in population development from a recognized college or  
12 university, and a first grade civil service eligible or its equivalent. He must  
13 have acquired experience in the implementation of programs on population  
14 development or responsible parenthood for at least five years.

15 The appointment of a provincial population officer shall be optional

16 (B) The population officer shall take charge of the office on population  
17 development, and shall:

18 (1) Formulate measures for the consideration of the sanggunian and  
19 provide technical assistance and support to the governor in carrying out  
20 measures to ensure the delivery of basic services and provision of adequate  
21 facilities relative to the integration of the population development principles  
22 and in providing access to said services and facilities:

23 (2) Develop plans and strategies and, upon approval thereof by the  
24 governor, implement the same, particularly those which have to do with the  
25 integration of population development principles and methods in programs  
26 and projects which the governor is empowered to implement and which the

1 sanggunian is empowered to provide for under the Local Government Code of  
2 1991;

3 (3) In addition to the foregoing duties and functions, the population  
4 officer shall:

5 (a) Assist the governor in the implementation of the constitutional  
6 provisions relative to population development and the promotion of  
7 responsible parenthood;

8 (b) Establish and maintain an updated data bank for program  
9 operations, development planning and an educational program to ensure the  
10 people's participation in and understanding of population development, and

11 (c) Implement appropriate training programs responsive to the cultural  
12 heritage of the inhabitants.

13 (C) Exercise such other powers and perform such other duties and  
14 functions as may be prescribed by law or ordinance.

15 SEC. 44. *The Provincial Information Officer.* – (A) No person shall be  
16 appointed information officer unless he is a citizen of the Philippines, a  
17 resident of the province, of good moral character, a holder of a college degree  
18 preferably in journalism, mass communications or any related course from a  
19 recognized college or university, and a first grade civil service eligible or its  
20 equivalent. He must have acquired experience in writing articles and research  
21 papers, or in writing for print, television or broadcast media for at least three  
22 years

23 The appointment of a provincial information officer shall be optional.

24 (B) The information officer shall take charge of the office on public  
25 information, and shall

26 (1) Formulate measures for the consideration of the sanggunian and  
27 provide technical assistance and support to the governor in providing the



1 information and research data required for the delivery of basic services and  
2 provision of adequate facilities so that the public becomes aware of said  
3 services and may fully avail of the same;

4 (2) Develop plans and strategies and, upon approval thereof by the  
5 governor, implement the same, particularly those which have to do with public  
6 information and research data to support the programs and projects which the  
7 governor is empowered to implement and which the sanggunian is empowered  
8 to provide for under the Local Government Code of 1991;

9 (3) In addition to the foregoing duties and functions, the information  
10 officer shall:

11 (a) Provide relevant, adequate and timely information to the provincial  
12 government and its residents;

13 (b) Maintain effective liaison with the various sectors of the  
14 community on matters and issues that affect the livelihood and the quality of  
15 life of the inhabitants and encourage support for programs of the local and  
16 national government;

17 (c) Assist the governor in the establishment, maintenance and  
18 promotion of local area tourism programs and projects; and

19 (d) Furnish information and data on the province to government  
20 agencies or offices as may be required by law or ordinance and  
21 nongovernmental organizations to be furnished to said agencies and  
22 organizations.

23 (4) Be in the frontline in providing information during and in the  
24 aftermath of man-made and natural disasters and calamities, with special  
25 attention to the victims thereof, to help minimize injuries and casualties during  
26 and after the emergency, and accelerate relief and rehabilitation; and

1 (5) Recommend to the sanggunian and advise the governor on all other  
 2 matters relative to public information and research data as it relates to the total  
 3 socioeconomic development of the province

4 (C) Exercise such other powers and perform such other duties and  
 5 functions as may be prescribed by law or ordinance.

#### 6 ARTICLE VIII

#### 7 THE PROVINCIAL FIRE STATION, THE PROVINCIAL JAIL, THE PROVINCIAL 8 SCHOOL DIVISION, THE PROVINCIAL PROSECUTION SERVICE AND THE 9 PROVINCIAL ENGINEERING DISTRICT

10 SEC. 45. *The Provincial Fire Station Service* – (A) There shall be  
 11 established in the Province of Bukidnon del Sur at least five fire stations with  
 12 adequate personnel, fire fighting facilities and equipment by the Department of  
 13 the Interior and Local Government (DILG) within two months upon the  
 14 commencement of the corporate existence of the new province.

15 The provincial government shall provide the necessary land or sites of  
 16 the provincial fire stations.

17 (B) The provincial fire station service shall be headed by a provincial  
 18 fire marshal whose qualifications shall be as those provided for under  
 19 Republic Act No. 6975, otherwise known as the Philippine National Police  
 20 Law.

21 (C) The provincial fire stations shall be responsible for the protection  
 22 and various emergency services such as rescue and evacuation of injured  
 23 people at fire-related incidents and, in general, fire prevention and suppression  
 24 measures to secure the safety of life and property of the citizenry.

25 SEC. 46. *The Provincial Jail Service* – (A) There shall be established  
 26 and maintained in the Province of Bukidnon del Sur, within two months from  
 27 the commencement of its corporate existence by the DILG, a secured, clean.

1 adequately equipped and sanitary jail facility for the custody and safekeeping  
2 of prisoners, any fugitive from justice, or person detained awaiting  
3 investigation or trial and/or transfer to the national penitentiary, and/or violent  
4 mentally ill person who endangers himself or the safety of others. duly  
5 certified as such by the proper medical health officer, pending the transfer to a  
6 mental institution.

7 (B) The provincial jail service shall be headed by a provincial jail  
8 warden who must be a graduate of a four year course in psychology,  
9 psychiatry, sociology, nursing, social work or criminology who shall assist in  
10 the immediate rehabilitation of individuals or detention of prisoners. Great  
11 care must be exercised so that human rights of these prisoners are respected  
12 and protected, and their spiritual and physical well-being are properly and  
13 promptly attended to.

14 SEC. 47. *The Bukidnon del Sur Provincial School Division* - (A) The  
15 Department of Education shall, within two months from the commencement of  
16 the corporate existence of the province herein created, establish and maintain a  
17 separate school division in the Province of Bukidnon del Sur whose  
18 jurisdiction shall cover the municipalities within the territorial jurisdiction of  
19 the province

20 (B) The provincial school division shall be headed by a division  
21 superintendent who must possess the necessary qualifications required by the  
22 Department of Education.

23 SEC. 48. *The Provincial Prosecution Service.* (A) There shall be  
24 established and maintained in the Province of Bukidnon del Sur a prosecution  
25 service by the Department of Justice (DOJ), within two months from the  
26 commencement of the corporate existence of the province herein created  
27 which shall be headed by a provincial prosecutor and such number of assistant

1 prosecutors as may be necessary, who shall be organizationally part of the  
2 DOJ, and under the supervision and control of the Secretary of the DOJ, and  
3 whose qualifications, manner of appointment, rank, salary and benefits shall be  
4 governed by existing laws covering prosecutors in the DOJ

5 (B) The provincial prosecutor shall handle the criminal prosecution in  
6 the municipal trial courts in the province as well as in the regional trial courts  
7 for criminal cases originating in the territory of the province, and shall render  
8 to and for the province such other services as are required by law or regulation  
9 of the DOJ.

10 The regional trial courts and other courts under the DOJ of adjoining  
11 municipalities shall continue to try crimes and misdemeanors committed  
12 within the jurisdiction of the new province. The court first taking jurisdiction  
13 of such offense shall thereafter retain exclusive jurisdiction thereof.

14 SEC. 49 *The Bukidnon del Sur Provincial Engineering District.* –  
15 There shall be established and maintained by the Department of Public Works  
16 and Highways (DPWH), a separate and independent highway engineering  
17 district for the Province of Bukidnon del Sur, within two months from the  
18 commencement of the corporate existence of the province herein created,  
19 which shall be headed by a district engineer and such number of assistant  
20 district engineers as may be necessary, who shall be organizationally part of  
21 the DPWH, and under the supervision and control of the Secretary of the  
22 DPWH, and whose qualifications, manner of appointment, rank, salary and  
23 benefits shall be governed by existing laws

#### 24 ARTICLE IX

#### 25 TRANSITORY AND FINAL PROVISIONS

26 SEC. 50. *Plebiscite.* – The creation of the new Province of Bukidnon  
27 del Sur shall become effective upon approval by a majority of the votes cast in

1 a plebiscite called for the purpose to be held within one hundred twenty (120)  
2 days from the approval of this Act or simultaneously with an election, whether  
3 general, regular or special, whichever shall come first, to be conducted by the  
4 Commission on Elections in the political units directly affected.

5 The amount necessary for the holding of the plebiscite as provided  
6 herein shall be charged against the appropriation of the Province of Bukidnon.

7 SEC. 51. *Commencement of Corporate Existence.* – The Province of  
8 Bukidnon del Sur shall commence its corporate existence upon the election  
9 and qualification of the governor, vice governor and majority of the members  
10 of the sangguniang panlalawigan.

11 SEC. 52. *Officials of the Province of Bukidnon del Sur.* – (A) The first  
12 set of elective officials of the Province of Bukidnon del Sur shall be appointed  
13 by the President of the Philippines and shall hold office until their successor  
14 shall have been elected and qualified in the next local elections immediately  
15 following the approval of this Act.

16 The President of the Philippines shall appoint an interim governor, vice  
17 governor and members of the sangguniang panlalawigan, who shall serve only  
18 until a new set of provincial officials have been elected and qualified.

19 (B) The elected provincial officials of the present Province of  
20 Bukidnon in the May 11, 2004 elections for local officials shall continue to  
21 govern the Province of Bukidnon. The incumbent Representatives of the  
22 present Province of Bukidnon shall, until the expiration of their respective  
23 terms of office, continue to represent the district from which they were elected.

24 SEC. 53 *Organization of the Provincial Government* - All qualified  
25 appointive officials and employees in the career service of the province shall  
26 continue in office in accordance with civil service laws, rules and regulations.

1 All the aforesaid officials and employees shall have the option to  
2 choose the province they want to serve regardless of their residence.

3 SEC. 54. *Suspension of Increase in Rates of Local Taxes.* – No  
4 increase in the rates of local taxes shall be imposed by the province within the  
5 period of five years from its acquisition of corporate existence.  
6 Notwithstanding any existing law or ordinance to the contrary, real property  
7 tax in the locality shall not be increased within five years upon its creation into  
8 a new province.

9 SEC. 55. *Proportionate Division* – Upon the effectivity of this Act, the  
10 obligations, funds, assets and other properties of the present Province of  
11 Bukidnon shall be divided equally between the Province of Bukidnon and the  
12 Province of Bukidnon del Sur by the President of the Philippines upon the  
13 recommendation of the Commission on Audit.

14 During the first year of the implementation of this Act, the internal  
15 revenue allotment allocated to the Province of Bukidnon pursuant to Section  
16 285 of the Local Government Code of 1991 shall be equitably divided  
17 between Bukidnon and the new Province of Bukidnon del Sur in accordance  
18 with the terms and conditions as may be set by the Department of Budget of  
19 Management for the purpose in consultation with an incumbent representative  
20 of Bukidnon del Sur. Thereafter, the provinces of Bukidnon and Bukidnon del  
21 Sur shall each be entitled to an internal revenue allotment allocation as  
22 authorized under the said Local Government Code.

23 SEC. 56. *Applicability of Laws.* – The provisions of Republic Act No.  
24 7160, otherwise known as the Local Government Code of 1991, and other  
25 laws now or hereafter as are applicable to regularly organized provinces shall  
26 govern and made applicable to the Province of Bukidnon del Sur insofar as  
27 they are not inconsistent with the provisions of this Act

1           SEC 57. *Separability Clause* – If any part of this Act is declared  
2   invalid or unconstitutional, the other parts or provisions hereof shall remain  
3   valid and effective.

4           SEC 58 *Effectivity*. – This Act shall take effect upon its approval.  
          Approved,

**O**