



HOUSE OF REPRESENTATIVES

H. No. 5992

BY REPRESENTATIVES AMANTE, CARI, PETILLA, MARCOS, SALAPUDDIN,
GULLAS, FIGUEROA, MARTINEZ, WACNANG, NANTES, BACULIO AND
PICHAY, PER COMMITTEE REPORT NO. 2090

AN ACT CONVERTING THE MUNICIPALITY OF CABADBARAN INTO
A COMPONENT CITY OF THE PROVINCE OF AGUSAN DEL
NORTE TO BE KNOWN AS THE CITY OF CABADBARAN

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

1 ARTICLE I

2 GENERAL PROVISIONS

3 SECTION 1. *Title.* -- This Act shall be known as the "Charter of the City
4 of Cabadbaran".

5 SEC. 2. *The City of Cabadbaran.* -- The Municipality of Cabadbaran is
6 hereby converted into a component city to be known as the City of
7 Cabadbaran, hereinafter referred to as the City, which shall comprise of the
8 present territory of the Municipality of Cabadbaran, Province of Agusan del
9 Norte.

10 The foregoing provision shall be without prejudice to the resolution by
11 the appropriate agency or forum of any existing boundary disputes or cases

1 involving questions of territorial jurisdiction between the City of Cabadbaran
2 and its adjoining local government units: *Provided*, That the territorial
3 jurisdiction of the disputed area or areas shall remain with the local
4 government unit which has existing administrative supervision over said area
5 or areas until the final resolution of the case.

6 SEC. 3. *Corporate Powers of the City.* – The City constitutes a political
7 body corporate and as such is endowed with the attributes of perpetual
8 succession and possessed of the powers which pertain to a municipal
9 corporation to be exercised in conformity with the provisions of this Charter.
10 The City shall have the following corporate powers:

- 11 (a) To have a continuous succession in its corporate name;
- 12 (b) To sue and be sued;
- 13 (c) To have and use a corporate seal;
- 14 (d) To acquire, hold and convey real or personal property;
- 15 (e) To enter into any contract and/or agreement; and
- 16 (f) To exercise such other powers, prerogatives or authority subject to
17 the limitations provided in this Act or laws.

18 SEC. 4. *General Powers of the City.* – The City shall have a common
19 seal and may alter the same at pleasure. It shall exercise the powers to levy
20 taxes; to close and open roads, streets, alleys, parks or squares; to take,
21 purchase, receive, hold, lease, convey and dispose of real and personal
22 property for the interests of the City; to expropriate or condemn private
23 property for public use; to contract and be contracted with, to sue and be sued;
24 to prosecute and defend to final judgment and execution suits wherein the City
25 is involved or interested in; and to exercise all the powers as are granted to
26 corporations or as hereinafter granted.

27 SEC. 5. *General Welfare Clause of the City.* – The City shall exercise
28 the powers expressly granted, those necessarily implied therefrom, as well as
29 powers necessary, appropriate or incidental for its efficient and effective

1 governance, and those which are essential to the promotion of the general
2 welfare.

3 Within its territorial jurisdiction, the City shall ensure and support,
4 among other things, preserve and enrich its culture, promote health and safety,
5 enhance the right of the people to a balanced ecology, encourage and support
6 the development of appropriate and self-reliant scientific and technological
7 capabilities, improve public morals, enhance economic prosperity and social
8 justice, promote full employment among their residents, maintain peace and
9 order, and preserve the comfort and convenience of their inhabitants.

10 SEC. 6. *Liability for Damages.* – The City and its officials shall not be
11 exempt from liability for death or injury to persons or damage to property.

12 SEC. 7. *Jurisdiction of the City.* – The jurisdiction of the City of
13 Cabadbaran, for police purposes only, shall be coextensive with its territorial
14 jurisdiction and, for the purpose of protecting and ensuring the purity of the
15 water supply of the City, such police jurisdiction shall also extend over all the
16 territory within the drainage area of such water supply or within one hundred
17 meters (100 m.) of any reservoir, conduit, canal, aqueduct or pumping station
18 used in connection with the city water service.

19 The regional trial courts and the city courts of the City of Cabadbaran
20 shall have concurrent jurisdiction with the regional trial courts and
21 metropolitan trial courts or city or municipal trial courts of the adjoining
22 municipalities to try crimes and misdemeanors committed within the said
23 drainage area or within said space of one hundred meters (100 m.).

24 The court first taking jurisdiction of such offense shall thereafter retain
25 exclusive jurisdiction thereof. But any license that may be issued within the
26 said zone, area or spaces shall be granted by the proper authorities of the city
27 or municipality concerned and the fees arising therefrom shall accrue to the
28 treasury of the said city or municipality concerned and not to the City.

ARTICLE II

CITY OFFICIALS IN GENERAL

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3 SEC. 8. *The Officials of the City of Cabadbaran.* – (a) There shall be
4 in the City of Cabadbaran: a city mayor, a city vice mayor, sangguniang
5 panlungsod members, a secretary to the sangguniang panlungsod, a city
6 treasurer and an assistant city treasurer, a city assessor and an assistant city
7 assessor, a city accountant, a city budget officer, a city planning and
8 development coordinator, a city engineer, a city health officer, a city civil
9 registrar, a city administrator, a city legal officer, a city social welfare and
10 development officer, a city veterinarian, a city general services officer, a city
11 agriculturist and a city cooperatives officer.

12 (b) In addition thereto, the city mayor may appoint an environment and
13 natural resources officer, a city architect, a city information officer and a city
14 population officer.

15 (c) The City shall establish a city fire station to be headed by a city fire
16 marshall, a city jail to be headed by a city jail warden, a city schools division
17 to be headed by the city schools division superintendent and a city prosecution
18 service to be headed by a city prosecutor.

19 (d) The City may:

20 (1) Maintain existing offices not mentioned in subsections (a), (b) and
21 (c) hereof;

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

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

26 Unless otherwise provided herein, heads of departments and offices
27 shall be appointed by the city mayor with the concurrence of the majority of all
28 the sangguniang panlungsod members, subject to civil service law, rules and
29 regulations. The sangguniang panlungsod shall act on the appointment within

1 fifteen (15) days from the day of its submission; otherwise, the same shall be
2 deemed confirmed.

3 ARTICLE III

4 THE CITY MAYOR AND THE CITY VICE MAYOR

5 SEC. 9. *The City Mayor.* – (a) The city mayor shall be the chief
6 executive of the City. He shall be elected at large by the qualified voters of the
7 City. No person shall be eligible for the position of the city mayor unless at
8 the time of the election:

9 (1) He is at least twenty-one (21) years of age;

10 (2) An actual resident of the City for at least one year prior to his
11 election; and

12 (3) A qualified voter therein.

13 He shall hold office for three years, unless sooner removed, and shall
14 receive a minimum monthly compensation corresponding to Salary Grade
15 Thirty (30) as prescribed under Republic Act No. 6758, and the implementing
16 guidelines issued pursuant thereto, and such other compensation, emoluments
17 and allowances as may be determined by law.

18 (b) The city mayor, as the chief executive of the city government, shall
19 exercise such powers and perform such duties and functions as provided for by
20 the Local Government Code of 1991 and other laws.

21 (1) Exercise those powers expressly granted to him by law, those
22 necessarily implied therefrom, as well as powers necessary, appropriate or
23 incidental for the efficient and effective governance of the City and those
24 which are essential to the promotion of the general welfare:

25 (i) Determine the guidelines of city policies and be responsible
26 to the sangguniang panlungsod for the program of government;

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

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

9 (iv) Initiate and propose legislative measures to the sangguniang
10 panlungsod and, as often as may be deemed necessary, provide such
11 information and data needed or requested by the said sanggunian in the
12 performance of its legislative functions;

13 (v) Appoint all officials and employees whose salaries and wages are
14 wholly or mainly paid out of city funds and whose appointments are not
15 otherwise provided for in this Act as well as those he may be authorized by law
16 to appoint, except those who are to be appointed by the city vice mayor as
17 provided for in Section 9 hereof;

18 (vi) Represent the City in all its business transactions and sign on its
19 behalf all bonds, contracts and obligations and such other documents with
20 authority from the sangguniang panlungsod or pursuant to law or ordinance;

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

23 (viii) Determine the time, manner and place of payment of salaries or
24 wages of the city officials and employees, in accordance with law or ordinance;

25 (ix) Allocate and assign office space to the city officials and
26 employees who, by law or ordinance, are entitled to such space in the city hall
27 and other buildings owned or leased by the city government;

1 (x) Ensure that all executive officials and employees of the City
2 faithfully discharge their duties and functions as provided for by law and by
3 this Act and cause to be instituted administrative or judicial proceedings
4 against any official or employee of the City who may have committed an
5 offense in the performance of his official duties;

6 (xi) Examine the books, records and other documents of all offices,
7 officials, agents or employees of the City and, in aid of his executive powers
8 and authority, require all national officials and employees stationed in or
9 assigned to the City to make available to him such books, records and other
10 documents in their custody except those classified by law as confidential;

11 (xii) Furnish copies of executive orders issued by him to the office of
12 the governor within seventy-two (72) hours after the issuance;

13 (xiii) Visit component barangays of the City at least once every six
14 months to deepen his understanding of the problems and conditions, listen and
15 give appropriate counsel to local officials and inhabitants of general laws and
16 ordinances which especially concern them, and otherwise conduct visits and
17 inspections to ensure that the governance of the City will improve the quality
18 of life of the inhabitants;

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

22 (xv) Authorize official trips of city officials and employees outside of
23 the City for a period not exceeding thirty (30) days;

24 (xvi) Call upon any national official or employee stationed in or
25 assigned to the City to advise him on matters affecting the City and to make
26 recommendations thereon; coordinate with said officials and employees in the
27 formulation and the implementation of plans, programs and projects; and,
28 when 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 official duties while stationed in or assigned to the City;

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

7 (xviii) Solemnize marriages, any provision of law to the contrary
8 notwithstanding;

9 (xix) Conduct an annual palarong panlungsod which shall feature
10 traditional sports and disciplines included in national and international games,
11 in coordination with the Department of Education (DepEd); and

12 (xx) Submit to the provincial governor the following reports: an
13 annual report containing a summary of all matters pertinent to the management,
14 administration and development of the City and all information and data
15 relative to its political, social and economic conditions; and supplemental
16 reports when unexpected events and situations arise at any time during the
17 year, particularly when man-made and natural disasters or calamities affect the
18 general welfare of the City;

19 (2) Enforce all laws and ordinances relative to the governance of the
20 City and in the exercise of its appropriate powers, as well as implement all
21 approved policies, programs, projects, services and activities of the City and,
22 in addition, shall:

23 (i) Ensure that the acts of the city's component barangays and of its
24 officials and employees are within the scope of their prescribed powers, duties
25 and functions;

26 (ii) Call conventions, conferences, seminars or meetings of elective or
27 appointive officials of the City, including provincial and national officials and
28 employees stationed in or assigned to the City, at such time and place and on

1 such subject he may deem important for the promotion of the general welfare
2 of the local government unit and its inhabitants;

3 (iii) Issue such executive orders for the faithful and appropriate
4 enforcement and execution of laws and ordinances;

5 (iv) Be entitled to carry the necessary firearms within his territorial
6 jurisdiction;

7 (v) Act as the deputized representative of the National Police
8 Commission, formulate the peace and order plan of the City and, upon its
9 approval, implement the same; and as such, exercise the general and
10 operational control and supervision over the police forces in the City in
11 accordance with Republic Act No. 6975; and

12 (vi) Call upon the appropriate law enforcement agencies to suppress
13 disorder, riot, lawless violence, rebellion or sedition or apprehend violators of
14 the law when public interest so requires and the city police forces are
15 inadequate to cope with the situation or the violators;

16 (3) *Initiate and maximize the generation of resources and revenues and*
17 *apply the same to the implementation of the development plans, program*
18 *objectives and priorities, particularly the resources and revenues programmed*
19 *for agro-industrial development and countryside growth and progress and,*
20 *relative thereto, shall:*

21 (i) Require each head of an office or department to prepare and submit
22 an estimate of appropriations for the ensuing calendar year, in accordance with
23 the provisions of the Local Government Code of 1991;

24 (ii) Prepare and submit to the sanggunian for approval the executive
25 and supplemental budgets of the City for the ensuing calendar year in the
26 manner provided for under the Local Government Code of 1991;

27 (iii) Ensure that all taxes and other revenues of the City are collected
28 and that city funds are applied to the payment of expenses and the settlement of
29 obligations of the City, in accordance with law or ordinance;

1 (iv) Issue licenses and permits and suspend or revoke the same for any
2 violation of the conditions upon which said licenses or permits had been issued
3 pursuant to law or ordinance. This also includes the issuance of licenses and
4 permits to gambling operations authorized by law, subject to the ordinance of
5 the sangguniang panlungsod;

6 (v) Issue permits, without need of approval therefor from any national
7 agency for the holding of activities for any charitable or welfare purpose,
8 excluding prohibited games of chance or shows contrary to law, public policy
9 and public morals;

10 (vi) Require owners of illegally constructed houses, buildings or other
11 structures to obtain the necessary permit, subject to such fines and penalties as
12 may be imposed by law or ordinance, or to make necessary changes in the
13 construction of the same when said construction violates any law or ordinance,
14 or to order the demolition or removal of said house, building or structure
15 within the period prescribed by law or ordinance;

16 (vii) Adopt adequate measures to safeguard and conserve land, mineral,
17 forest, marine and other resources of the City;

18 (viii) Provide efficient and effective property and supply management in
19 the City and protect the funds, credits, rights and other properties of the City;
20 and

21 (ix) Institute or cause to be instituted administrative or judicial
22 proceedings for violation of ordinances in the collection of taxes, fees or
23 charges and for the recovery of funds and property; and cause the City to be
24 defended against all suits to ensure that its interests, resources and rights shall
25 be adequately protected;

26 (4) Ensure the delivery of basic services and the provision of adequate
27 facilities and, in addition, thereto:

28 (i) Ensure that the construction and repair of roads and highways
29 funded by the national government shall be, as far as practicable, carried out in

1 a spatially contiguous manner and in coordination with the construction and
2 repair of the roads and bridges of the City and of the province; and

3 (ii) Coordinate the implementation of technical services, including
4 public works and infrastructure programs, rendered by national offices and
5 provincial offices; and

6 (5) Exercise such other powers and perform such other duties and
7 functions as provided for under Republic Act No. 7160, otherwise known as
8 the Local Government Code of 1991, and those that are prescribed by law or
9 ordinance.

10 SEC. 10. *The City Vice Mayor.* – (a) There shall be a city vice mayor
11 who shall be elected in the same manner as the city mayor and shall, at the time
12 of his election, possess the same qualifications as the city mayor. He shall hold
13 office for three years, unless sooner removed, and shall receive a monthly
14 compensation corresponding to Salary Grade Twenty-six (26) as prescribed
15 under Republic Act No. 6758 and the implementing guidelines issued pursuant
16 thereto, and such other compensation, emoluments and allowances as may be
17 determined by law.

18 (b) The city vice mayor shall:

19 (1) Act as the presiding officer of the sangguniang panlungsod and sign
20 all warrants drawn on the city treasury for all expenditures appropriated for the
21 operation of the sangguniang panlungsod;

22 (2) Subject to civil service law, rules and regulations, appoint all
23 officials and employees including the secretary of the sangguniang panlungsod,
24 and such employees of the individual members of the sangguniang panlungsod,
25 except those whose manner of appointment is specifically provided for under
26 existing laws;

27 (3) Assume the office of the city mayor for the unexpired term of the
28 latter in the event of permanent vacancy;

1 (4) Exercise the powers and perform the duties and functions of the city
2 mayor in case of temporary vacancy; and

3 (5) Perform such other duties and functions and exercise such other
4 powers as provided for under Republic Act No. 7160, otherwise known as the
5 Local Government Code of 1991, and those that are prescribed by law or
6 ordinance.

7 ARTICLE IV

8 THE SANGGUNIANG PANLUNGSOD

9 SEC. 11. *The Sangguniang Panlungsod.* – (a) The sangguniang
10 panlungsod, the legislative body of the City, shall be composed of the city vice
11 mayor as the presiding officer, ten (10) regular sanggunian members, the
12 president of the city chapter of the liga ng mga baranggay, the president of the
13 panlungsod na pederasyon ng mga sangguniang kabataan and the sectoral
14 representatives, as members.

15 (b) In addition thereto, there shall be three sectoral representatives:
16 one from the women; and as shall be determined by the sangguniang
17 panlungsod within ninety (90) days prior to the holding of the local elections,
18 one from the agricultural or industrial workers; and one from the other sectors,
19 including the urban poor, the indigenous cultural communities or disabled
20 persons.

21 (c) The regular members of the sangguniang panlungsod and the
22 sectoral representative shall be elected in the manner as may be provided for
23 by law. The elective members of the sangguniang panlungsod shall possess the
24 qualifications as provided for under Section 39 of Republic Act No. 7160.

25 (d) They shall receive such compensation, emoluments and allowances
26 as may be determined by law.

27 (e) The sangguniang panlungsod shall:

28 (1) Approve ordinances and pass resolutions necessary for an efficient
29 and effective city government and, relative thereto, shall:

1 (i) Review all ordinances approved by the sangguniang baranggay and
2 executive orders issued by the punong barangay to determine whether these are
3 within the scope of the prescribed powers of the sangguniang barangay and of
4 the punong barangay;

5 (ii) Maintain peace and order by enacting measures to prevent and
6 suppress lawlessness, disorder, riot, violence, rebellion or sedition and impose
7 penalties for the violation of said ordinance;

8 (iii) Approve ordinances imposing a fine not exceeding Five thousand
9 pesos (P5,000/00) or an imprisonment for a period not exceeding one year, or
10 both, at the discretion of the court, for violation of a city ordinance;

11 (iv) Adopt measures to protect the inhabitants of the City on harmful
12 effects of man-made and natural disasters or calamities, and to provide relief
13 services and assistance for victims during and in the aftermath of said disasters
14 or calamities and in their return to productive livelihood following said events;

15 (v) Enact ordinances intended to prevent, suppress and impose
16 appropriate penalties for habitual drunkenness in public places, vagrancy,
17 mendicancy, prostitution, the establishment and maintenance of houses of
18 ill-repute, gambling and other prohibited games of chance, fraudulent devices
19 and ways to obtain money or property, drug addiction, maintenance of drug
20 dens, drug pushing, juvenile delinquency, the printing, distribution or
21 exhibition of obscene or pornographic materials or publications, and such other
22 activities inimical to the welfare and morals of the inhabitants of the City;

23 (vi) Protect the environment and impose appropriate penalties for acts
24 which endanger the environment, such as dynamite fishing and other forms of
25 destructive fishing, illegal logging, smuggling of logs, smuggling of natural
26 resources products and of endangered species of flora and fauna,
27 slash-and-burn farming and such other activities which result in pollution,
28 acceleration of eutrophication of rivers and lakes or of ecological imbalance;

1 (vii) Subject to the provisions of the Local Government Code of 1991
2 and pertinent laws, determine the powers and duties of officials and employees
3 of the City;

4 (viii) Determine the positions and the salaries, wages, allowances and
5 other emoluments and benefits of officials and employees paid wholly or
6 mainly from city funds and provide for expenditures necessary for the proper
7 conduct of programs, projects, services and activities of the city government;

8 (ix) Authorize the payment of compensation to a qualified person not
9 in the government service who fills in a temporary vacancy in a concurrent
10 capacity at the rate authorized by law;

11 (x) Provide a mechanism and appropriate funds therefor, to ensure the
12 safety and the protection of all city government properties, public documents
13 or records such as those relating to property inventory, land ownership, record
14 of births, marriages, deaths, assessments, taxation, accounts, business permits
15 and such other records and documents of public interest in the offices and
16 departments of the city government;

17 (xi) When the finances of the city government allow, provide for
18 additional allowances and other benefits to judges, prosecutors, public
19 elementary and high school teachers, and other national government officials
20 stationed in or assigned to the City;

21 (xii) Provide legal assistance to city and barangay officials, including
22 the members of the city police whom, in the performance of their official duties
23 or in the occasion thereof, have to initiate judicial proceedings or defend
24 themselves against legal actions. The sangguniang panlungsod may authorize
25 the city mayor to engage the services of private counsel for this purpose; and

26 (xiii) Provide for group insurance or additional insurance coverage for
27 all officials, including members of barangay tanod brigades and other service
28 units, with public or private insurance companies, when the finances of the city
29 government allows said coverage;

1 (2) Generate and maximize the use of resources and revenues for the
2 development plans, program objectives and priorities of the City, with
3 particular attention to agro-industrial development and city-wide growth and
4 progress and, relative thereto, shall:

5 (i) Approve the annual and supplemental budgets of the city
6 government and appropriate funds for specific programs, projects, services and
7 activities of the City or for other purposes not contrary to law, in order to
8 promote the general welfare of the City and its inhabitants;

9 (ii) Subject to the provisions of Book II of the Local Government
10 Code of 1991 and the applicable laws and, upon the majority vote of all the
11 members of the sangguniang panlungsod, enact ordinances levying taxes, fees
12 and charges, prescribing the rates thereof for general and specific purposes and
13 granting tax exemption, incentive or relief;

14 (iii) Subject to the provisions of Book II of the Local Government
15 Code of 1991 and, upon the majority vote of all the members of the
16 sangguniang panlungsod, authorize the city mayor to negotiate and contract
17 loans and other forms of indebtedness;

18 (iv) Subject to the provisions of Book II of the Local Government
19 Code of 1991 and applicable laws and, upon the majority vote of all the
20 members of the sangguniang panlungsod, enact ordinances authorizing the
21 floating of bonds/ or other instruments of indebtedness, for the purpose of
22 raising funds to finance development projects;

23 (v) ~~Appropriate~~ funds for the construction and maintenance or the
24 rental of the buildings for the use of the City and, upon the majority vote of all
25 the members of the sangguniang panlungsod, authorize the city mayor to lease
26 to private parties such public buildings held in a proprietary capacity, subject
27 to existing laws, rules and regulations;

28 (vi) Prescribe reasonable limits and restraints on the use of property
29 within the jurisdiction of the City;

1 (vii) Adopt a comprehensive land-use plan for the City and ensure that
2 the formulation, adoption or modification of the said plan shall be in
3 coordination with the approved provincial comprehensive land-use plan;

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

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

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

18 (xi) Subject to the provisions of Book II of the Local Government
19 Code of 1991, grant the exclusive privilege of constructing fish corrals or fish
20 pens or the taking or catching of bangus fry or kawag-kawag, or fry of any
21 species of fish within the city waters;

22 (xii) With the concurrence of at least two-thirds (2/3) vote of all the
23 members of the sangguniang panlungsod, grant tax exemptions, incentives or
24 reliefs to entities engaged in community growth-inducing industries, subject to
25 the provisions of the Local Government Code of 1991;

26 (xiii) Grant loans or provide grants to other local government units or
27 to national, provincial and city charitable, benevolent or educational
28 institutions: *Provided,* That said institutions are operated and maintained
29 within the City;

1 (xiv) Regulate the numbering of residential, commercial and other
2 buildings; and

3 (xv) Regulate the inspection, weighing and measuring of articles of
4 commerce;

5 (3) Subject to the provisions of the Local Government Code of 1991,
6 enact ordinances granting franchises and authorizing the issuance of permits or
7 licenses, upon such conditions and for such purposes intended to promote the
8 general welfare of the inhabitants of the City and, pursuant to this legislative
9 authority, shall:

10 (i) Fix and impose reasonable fees and charges for all services
11 rendered by the city government to private persons or entities;

12 (ii) Regulate and/or fix license fees for any business or practice of
13 profession within the City and the conditions under which the license for said
14 business or practice of profession may be revoked and enact ordinances
15 levying taxes thereon;

16 (iii) Provide for and set the terms and conditions under which the
17 public utilities owned by the City shall be operated by the city government and
18 prescribe the conditions under which the same may be leased to private
19 persons or entities, preferably cooperatives;

20 (iv) Regulate the display of and fix the license fees for signs,
21 signboards or billboards at the place or places where the profession or business
22 advertised thereby is, in whole or in part, conducted;

23 (v) Any law to the contrary notwithstanding, authorize and license the
24 establishment, operation and maintenance of cockpits and regulate
25 cockfightings and the commercial breeding of gamecocks: *Provided*, That
26 existing rights should not be prejudiced;

27 (vi) Subject to the guidelines prescribed by the Department of
28 Transportation and Communications, regulate the operation of tricycles and

1 grant franchises for the operation thereof within the territorial jurisdiction of
2 the City; and

3 (vii) Upon approval by a majority vote of all the members of the
4 sangguniang panlungsod, grant a franchise to any person, partnership,
5 corporation or cooperative to do business within the City as may be allowed by
6 existing laws: *Provided*, That cooperatives shall be given preference in the
7 grant of such franchise;

8 (4) Regulate activities relative to the use of land, buildings and
9 structures within the City in order to promote the general welfare and, for the
10 said purpose, shall:

11 (i) Declare, prevent or abate any nuisance;

12 (ii) With the concurrence of a majority of the members of the
13 sangguniang panlungsod, a quorum being present, deny the entry of legalized
14 gambling by ordinance into any part of the City or regulate its location in the
15 City;

16 (iii) Require that buildings and the premises thereof and any land
17 within the City be kept and maintained in a sanitary condition; impose
18 penalties for any violation thereof; or, upon failure to comply with said
19 requirement, have the work done at the expense of the owner, administrator or
20 tenant concerned, or require the filling up of any land or premises to a grade
21 necessary for proper sanitation;

22 (iv) Regulate the disposal of clinical and other wastes from hospitals,
23 clinics and other similar establishments;

24 (v) Regulate the establishment, operation and maintenance of cafes,
25 restaurants, beerhouses, hotels, motels, inns, pension houses, lodging houses
26 and other similar establishments, including tourist guides and transports;

27 (vi) Regulate the sale, giving away or dispensing of any intoxicating
28 malt, *vino*, mixed or fermented liquors at any retail outlets;

1 (vii) Regulate the establishment and provide for the inspection of steam
2 boilers or any heating device in buildings and the storage of inflammable and
3 highly combustible materials within the City;

4 (viii) Regulate the establishment, operation and maintenance of any
5 entertainment or amusement facilities, including the theatrical performances,
6 circuses, billiard pools, public dancing schools, public dance halls, sauna
7 baths, massage parlors and other places for entertainment and amusement;
8 regulate such other events or activities for amusement or entertainment,
9 particularly those which tend to disturb the community or annoy the
10 inhabitants, or require the suspension or suppression of the same; or prohibit
11 certain forms of amusement or entertainment in order to protect the social and
12 moral welfare of the community;

13 (ix) Regulate the establishment, operation and maintenance of funeral
14 parlors and burial or cremation of the dead, subject to existing laws, rules and
15 regulations; and

16 (x) Provide for the impounding of stray animals; regulate the keeping
17 of animals in homes or as part of a business, and the slaughter, sale or
18 disposition of the same; and adopt measures to prevent and penalize cruelty to
19 animals;

20 (5) Approve ordinances which shall ensure the efficient and effective
21 delivery of the basic services and facilities as provided for under the Local
22 Government Code of 1991 and, in addition to said services and facilities, shall:

23 (i) Provide for the establishment, maintenance, protection and
24 conservation of communal forest and watersheds, tree parks, greenbelts,
25 mangroves and other similar forest development projects;

26 (ii) Establish markets, slaughterhouses or animal corrals and authorize
27 the operation thereof by the city government; and regulate the construction and
28 operation of private markets, talipapas or other similar buildings and
29 structures;

1 (iii) Authorize the establishment, maintenance and operation by the
2 city government of ferries, wharves and other structure intended to accelerate
3 productivity related to marine and seashore or offshore activities;

4 (iv) Regulate the preparation and sale of meat, poultry, fish,
5 vegetables, fruits, fresh dairy products and other foodstuffs for public
6 consumption;

7 (v) Regulate the use of streets, avenues, alleys, sidewalks, bridges,
8 parks and other public places and approve the construction, improvement,
9 repair and maintenance of the same; establish bus and vehicle stops and
10 terminals or regulate the use of the same by privately-owned vehicles which
11 serve the public; regulate garages and the operation of conveyances for hire;
12 designate stands to be occupied by public vehicles when not in use; regulate
13 the putting up of signs, signposts, awnings and awning posts on the streets; and
14 provide for the lighting, cleaning and sprinkling of streets and public places;

15 (vi) Regulate traffic on all streets and bridges; prohibit encroachments
16 or obstacles thereon and, when necessary in the interest of public welfare,
17 authorize the removal of encroachments and illegal constructions in public
18 places;

19 (vii) Subject to existing laws, establish and provide for the
20 maintenance, repair and operation of an efficient waterworks system to supply
21 water for the inhabitants and to purify the source of the water supply; regulate
22 the construction, maintenance, repair and use of hydrants, pumps, cisterns and
23 reservoirs; protect the purity and quantity of the water supply of the City and,
24 for this purpose, extend the coverage of appropriate ordinances over all
25 territory within the drainage area of said water supply and within one hundred
26 meters (100 m.) of the reservoir, canal, conduit, aqueduct, pumping station or
27 watershed used in connection with the water service; and regulate the
28 consumption, use or wastage of water and fix and collect charges therefor;

1 (viii) Regulate the drilling and excavation of the ground for the laying
2 of water, gas, sewer and other pipes and the construction, repair and
3 maintenance of public drains, sewers, cesspools, tunnels and similar structures;
4 regulate the placing of poles and the use of crosswalks, curbs and gutters;
5 adopt measures to ensure public safety against open canals, manholes, live
6 wires and other similar hazards to life and property; and regulate the
7 construction and use of private water closets, privies and other similar
8 structures in buildings and homes;

9 (ix) Regulate the placing, stringing, attaching, installing, repair and
10 construction of all gas mains, electric telegraph and telephone wires, conduits,
11 meters and other apparatus; and provide for the correction, condemnation or
12 removal of the same when found to be dangerous to the welfare of the
13 inhabitants;

14 (x) Subject to the availability of funds and the existing laws, rules
15 and regulations, establish and provide for the operation of vocational and
16 technical schools and similar post-secondary institutions and, with the approval
17 of the DepEd, the Commission on Higher Education, or the Technical
18 Education and Skills Development Authority, as the case may be, and subject
19 to existing laws on tuition fees, fix and collect reasonable tuition fees and other
20 school charges in educational institutions supported by the city government;

21 (xi) Establish a scholarship fund for the poor but deserving students
22 in schools located within its jurisdiction or for the students residing within the
23 City;

24 (xii) Approve measures and adopt quarantine regulations to prevent
25 the introduction and the spread of diseases;

26 (xiii) Provide for an efficient and effective system of solid waste and
27 garbage collection and disposal and prohibit littering and the placing and
28 throwing of garbage, refuse and other filth and wastes;

1 (xiv) Provide for the care of disabled persons, paupers, the aged, the
2 sick, persons of unsound mind, abandoned minors, juvenile delinquents, drug
3 dependents, abused children and other needy and disadvantaged persons,
4 particularly children and the youth below eighteen (18) years of age; and
5 subject to the availability of funds, establish and provide for the operation of
6 centers and facilities for the said needy and disadvantaged persons;

7 (xv) Establish and provide for the maintenance and improvement of
8 jails and detention centers, institute a sound jail management program and
9 *appropriate funds for the subsistence of detainees and convicted prisoners in*
10 *the City;*

11 (xvi) Appropriate funds to support the maintenance and improvement
12 of the provincial hospital located within the City;

13 (xvii) Establish a city council whose purpose is the promotion of
14 culture and the arts, coordinate with government agencies and nongovernment
15 organizations and, subject to the availability of funds, appropriate funds for the
16 support and development of the same; and

17 (xviii) Establish a city council for the elderly which shall formulate
18 policies and adopt measures mutually beneficial to the elderly and to the
19 community; provide incentives for nongovernment agencies and entities and,
20 subject to the availability of funds, appropriate funds to support programs and
21 projects for the benefit of the elderly.

22 (6) Perform such other duties and functions and exercise such other
23 powers as provided for under Republic Act No. 7160, otherwise known as the
24 Local Government Code of 1991, and those that are prescribed by law or
25 ordinance.

26 ARTICLE V

27 PROCESS OF LEGISLATION

28 SEC. 12. *Internal Rules of Procedure.* – (a) On the first regular session
29 following the election of its members and within ninety (90) days thereafter,

1 the sangguniang panlungsod shall adopt or update its existing rules of
2 procedure.

3 (b) The rules of procedure shall provide for the following:

4 (1) The organization of the sanggunian and the election of its officers
5 as well as the creation of standing committees which shall include, but shall not
6 be limited to, the committees on appropriations, revenues, engineering and
7 public works, education and health, women and family, human rights, youth
8 and sports development, environmental protection, peace and order and traffic,
9 and cooperatives; the general jurisdiction of each committee; and the election
10 of the chairman and the members of each committee;

11 (2) The order and calendar of business for each session;

12 (3) The legislative process;

13 (4) The parliamentary procedures which include the conduct of
14 members during sessions;

15 (5) The discipline of members for disorderly behavior and absences
16 without justifiable cause for four consecutive sessions for which they may be
17 censured, reprimanded or excluded from the session, suspended for not more
18 than sixty (60) days or expelled: *Provided*, That the penalty of suspension or
19 expulsion shall require the concurrence of at least two-thirds (2/3) vote of all
20 the sanggunian members: *Provided, further*, That the member convicted by
21 final judgment to imprisonment of at least one year for any crime involving
22 moral turpitude shall be automatically expelled from the sanggunian; and

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

24 *SEC. 13. Full Disclosure of Financial and Business Interests of*
25 *Sangguniang Panlungsod Members.* – (a) Every sangguniang panlungsod
26 member shall, upon assumption to office, make a full disclosure of his business
27 and financial interests. He shall also disclose any business, financial,
28 professional relationship or any relation by affinity or consanguinity within the
29 fourth civil degree, which he may have with any person, firm or entity affected

1 by any ordinance or resolution under consideration by the sanggunian of which
2 he is a member, when relationship may result in conflict of interests. Such
3 relationship shall include:

4 (1) Ownership of stock or capital, or investment in the entity or firm to
5 which the ordinance or resolution may apply; and

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

8 In the absence of specific constitutional or statutory provisions
9 applicable to this situation, "conflict of interest" refers in general to one where
10 it may be reasonably deduced that a member of a sanggunian may not act in the
11 public interest due to some private, pecuniary or other personal considerations
12 that may tend to affect his judgment to the prejudice of the service or the
13 public.

14 (b) The disclosure required under this Act shall be made in writing and
15 submitted to the secretary of the sanggunian or the secretary of the committee
16 of which he is a member. The disclosure shall, in all cases, form part of the
17 record of the proceedings and shall be made in the following manner:

18 (1) Disclosure shall be made before the member participates in the
19 deliberations on the ordinance or resolution under consideration: *Provided,*
20 That if the member did not participate during the deliberations, the disclosure
21 shall be made before voting on the ordinance or resolution on second or third
22 readings; and

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

26 SEC. 14. *Sessions.* – (a) On the first day of the session immediately
27 following the election of its members, the *sangguniang panlungsod* shall, by
28 resolution, fix the day, time and place of its sessions. The minimum number of

1 regular sessions shall be once a week for the sangguniang panlungsod and
2 twice a month for the sangguniang barangay.

3 (b) When the public interest so demands, special sessions may be
4 called by the city mayor or by a majority of the members of the sanggunian.

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

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

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

16 (e) The sanggunian shall keep a journal and a record of its proceedings
17 which may be published upon resolution of the sangguniang panlungsod.

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

23 (b) When there is no quorum, the presiding officer may declare a recess
24 until such time a quorum is constituted or a majority of the members present
25 may adjourn from day to day and may compel the immediate attendance of any
26 member absent without justifiable cause by designating a member of the
27 sanggunian, to be assisted by a member or members of the police force
28 assigned in the territorial jurisdiction of the City of Cabadbaran, to arrest the
29 absent member and present him at the session.

1 (c) If there is still no quorum despite the enforcement of the
2 immediately preceding subsection, no business shall be transacted. The
3 presiding officer, upon proper motion duly approved by the members present,
4 shall then declare the session adjourned for lack of quorum.

5 SEC. 16. *Approval of Ordinances.* – (a) Every ordinance enacted by the
6 sangguniang panlungsod shall be presented to the city mayor. If the city mayor
7 approves the same, he shall affix his signature on each and every page thereof;
8 otherwise, he shall veto it and return the same with his objections to the
9 sanggunian, which may proceed to reconsider the same. The sanggunian may
10 override the veto of the city mayor by two-thirds (2/3) vote of all its members,
11 thereby making the ordinance or resolution effective for all legal intents and
12 purposes.

13 (b) The veto shall be communicated by the city mayor to the
14 sanggunian within ten (10) days; otherwise, the ordinance shall be deemed
15 approved as if he had signed it.

16 SEC. 17. *Veto Power of the City Mayor.* – (a) The city mayor may veto
17 any ordinance of the sangguniang panlungsod on the ground that it is *ultra*
18 *vires* or prejudicial to the public welfare, stating his reasons thereof in writing.

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

28 (c) The city mayor may veto an ordinance or resolution only once. The
29 sanggunian may override the veto of the city mayor by two-thirds (2/3) vote of

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

3 SEC. 18. *Review of City Ordinances by the Sangguniang*
4 *Panlalawigan.* – (a) Within three days after approval, the secretary to the
5 sangguniang panlungsod shall forward to the sangguniang panlalawigan for
6 review copies of approved ordinances and resolutions approving the local
7 development plans and the public investment programs formulated by the local
8 development councils.

9 (b) Within thirty (30) days after receipt of copies of such ordinances
10 and resolutions, the sangguniang panlalawigan shall examine the documents or
11 transmit them to the provincial attorney or the provincial prosecutor for prompt
12 examination. The provincial attorney or the provincial prosecutor shall, within
13 a period of ten (10) days from receipt of the documents, inform the
14 sangguniang panlalawigan in writing of his comments or recommendations,
15 which may be considered by the sangguniang panlalawigan in making its
16 decision.

17 (c) If the sangguniang panlalawigan finds that such an ordinance or
18 resolution is beyond the power conferred upon the sangguniang panlungsod
19 concerned, it shall declare such ordinance or resolution invalid in whole or in
20 part. The sangguniang panlalawigan shall enter its action in the minutes and
21 shall advise the corresponding city authorities of the action it has taken.

22 (d) If no action has been taken by the sangguniang panlalawigan within
23 thirty (30) days after submission of such an ordinance or resolution, the same
24 shall be presumed consistent with law and therefore valid.

25 SEC. 19. *Review of Barangay Ordinances by the Sangguniang*
26 *Panlungsod.* – (a) Within ten (10) days after its enactment, the sangguniang
27 barangay shall furnish copies of all barangay ordinances to the sangguniang
28 panlungsod for review as to whether the ordinance is consistent with law and
29 city ordinances.

1 (b) If the sangguniang panlungsod fails to take action on barangay
2 ordinances within thirty (30) days from receipt thereof, the same shall be
3 deemed approved.

4 (c) If the sangguniang panlungsod finds the barangay ordinances
5 inconsistent with law or city ordinances, the sangguniang panlungsod shall,
6 within thirty (30) days from receipt thereof, return the same with its comments
7 and recommendations to the sangguniang barangay concerned for adjustment,
8 amendment or modification; in which case, the effectivity of the barangay
9 ordinance is suspended until such time as the revision called for is effected.

10 SEC. 20. *Enforcement of Disapproved Ordinances or Resolutions.* –
11 Any attempt to enforce any ordinance or any resolution approving the local
12 development plan and the public investment program after the disapproval
13 thereof shall be sufficient ground for the suspension or dismissal of the official
14 or employee concerned.

15 SEC. 21. *Effectivity of Ordinances and Resolutions.* – (a) Unless
16 otherwise stated in the ordinance or the resolution approving the local
17 government plan and the public investment program, the same shall take effect
18 after ten (10) days from the date a copy thereof is posted in a bulletin board at
19 the entrance of the City Hall of Cabadbaran and in at least two other
20 conspicuous places in the City of Cabadbaran.

21 (b) The secretary of the sangguniang panlungsod shall cause the
22 posting of an ordinance or resolution in the bulletin board at the entrance of the
23 City Hall of Cabadbaran and in at least two conspicuous places in the City of
24 Bogo not later than five days after approval thereof.

25 The text of the ordinance or resolution shall be disseminated and posted
26 in Filipino or English and in the language or dialect understood by the majority
27 of the people in the City and the secretary of the sangguniang panlungsod shall
28 record such fact in a book kept for the purpose, stating the dates of approval
29 and posting.

1 (c) The main features of the ordinance or resolution duly enacted or
 2 adopted shall, in addition to being posted, be published once in a local
 3 newspaper of general circulation, within the City: *Provided*, That in the
 4 absence thereof, the ordinance or resolution shall be published in any
 5 newspaper of general circulation: *Provided, further*, That the gist of all
 6 ordinances with penal sanctions shall also be published in a newspaper of
 7 general circulation.

8 ARTICLE VI

9 DISQUALIFICATION AND SUCCESSION 10 FOR ELECTIVE CITY OFFICIALS

11 SEC. 22. *Disqualifications for Elective City Officials.* – The following
 12 persons are not qualified from running for any elective position in the City:

13 (a) Those sentenced by final judgment for an offense involving moral
 14 turpitude or an offense punishable by one year or more of imprisonment,
 15 within two years after serving sentence;

16 (b) Those removed from office as a result of an administrative case;

17 (c) Those convicted by final judgment for violating the oath of
 18 allegiance to the Republic of the Philippines;

19 (d) Those with dual citizenship;

20 (e) Fugitives from justice in criminal or nonpolitical cases here and
 21 abroad;

22 (f) Permanent residents in a foreign country or those who have
 23 acquired the right to reside abroad and continue to avail of the same right after
 24 the effectivity of the Local Government Code of 1991; and

25 (g) The insane or feeble-minded.

26 SEC. 23. *Permanent Vacancy in the Offices of the City Mayor and the*
 27 *City Vice Mayor.* – (a) If a permanent vacancy occurs in the office of the city
 28 mayor, the city vice mayor concerned shall become the city mayor. If a
 29 permanent vacancy occurs in the office of the city vice mayor, the highest

1 ranking sangguniang panlungsod member or, in case of his permanent
2 incapacity, the second highest ranking sangguniang panlungsod member shall
3 become the city mayor or the city vice mayor, as the case may be. Subsequent
4 vacancies in said offices shall be filled in automatically by the other
5 sanggunian members according to their ranking as defined herein.

6 (b) A tie between or among the highest ranking sangguniang
7 panlungsod members shall be resolved by drawing of lots.

8 (c) The successors as defined herein shall serve only the unexpired
9 terms of their predecessors.

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

14 For purposes of succession as provided for in this Act, ranking in the
15 sanggunian shall be determined on the basis of the proportion of votes obtained
16 by each winning candidate to the total number of registered voters in the City
17 immediately preceding local election.

18 SEC. 24. *Permanent Vacancies in the Sanggunian.* – Permanent
19 vacancies in the sangguniang panlungsod where automatic succession as
20 provided above does not apply shall be filled in by appointments in the
21 following manner:

22 (a) The provincial governor shall make the aforesaid appointments;

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

1 without such nomination and certification shall be null and void *ab initio* and
2 shall be a ground for administrative action against the official responsible
3 therefor;

4 (c) In case the permanent vacancy is caused by a sanggunian member
5 who does not belong to any political party, the city mayor shall, upon the
6 recommendation of the sangguniang panlungsod, appoint a qualified person to
7 fill in the vacancy; and

8 (d) In case of vacancy in the representation of the youth and the
9 barangay in the sangguniang panlungsod, said vacancy shall be filled in
10 automatically by the official next-in-rank of the organization concerned.

11 SEC. 25. *Temporary Vacancy in the Office of the City Mayor.* – (a)
12 When the city mayor is temporarily incapacitated to perform his duties for
13 physical or legal reasons such as, but not limited to, leave of absence, travel
14 abroad and suspension from office, the city vice mayor or the highest ranking
15 sangguniang panlungsod member shall automatically exercise the powers and
16 perform the duties and functions of the city mayor, except the power to
17 appoint, suspend or dismiss employees which can only be exercised if the
18 period of temporary incapacity exceeds thirty (30) working days.

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

24 (c) When the city mayor is traveling within the country but outside
25 territorial jurisdiction for a period not exceeding three consecutive days, he
26 may designate in writing the officer-in-charge of his office. Such authorization
27 shall specify the powers and functions that the local official concerned shall
28 exercise in the absence of the city mayor except the power to appoint, suspend
29 or dismiss employees.

1 (d) In the event, however, that the city mayor fails or refuses to issue
2 such authorization, the city vice mayor or the highest ranking sangguniang
3 panlungsod member shall have the right to assume the powers, duties and
4 functions of the said office on the fourth day of absence of the city mayor,
5 subject to the limitations provided for in subsection (c) hereof.

6 (e) Except as provided above, the city mayor shall, in no case,
7 authorize any local official to assume the powers, duties and functions of the
8 office other than the city vice mayor or the highest ranking sangguniang
9 panlungsod member, as the case may be.

10 ARTICLE VII

11 THE APPOINTIVE OFFICIALS OF THE CITY: 12 THEIR QUALIFICATIONS, POWERS AND DUTIES

13 SEC. 26. *The Secretary to the Sangguniang Panlungsod.* – (a) There
14 shall be a secretary to the sangguniang panlungsod who should be a career
15 official with the rank and salary equal to a head of a department or office.

16 (b) No person shall be appointed secretary to the sangguniang
17 panlungsod unless he is a citizen of the Philippines, a resident of the City of
18 Cabadbaran, of good moral character, a holder of a master's degree preferably
19 in law, commerce or public administration from a recognized college or
20 university, and a first grade civil service eligible or its equivalent.

21 (c) The secretary of the sangguniang panlungsod shall receive such
22 compensation, emoluments and allowances as may be determined by law.

23 (d) The secretary to the sangguniang panlungsod shall take charge of
24 the office of the sangguniang panlungsod and shall:

25 (1) Attend meetings of the sangguniang panlungsod and keep a journal
26 of its proceedings;

27 (2) Keep the seal of the City and affix the same with his signature to
28 all ordinances, resolutions and other official acts of the sangguniang
29 panlungsod and present the same to the presiding officer for his signature;

1 (3) Forward to the city mayor, for approval, copies of ordinances
2 enacted by the sangguniang panlungsod duly certified by the presiding officer
3 in the manner as provided for under the Local Government Code of 1991;

4 (4) Forward to the sangguniang panlalawigan copies of duly approved
5 ordinances in the manner provided for in Sections 56 and 57 under Book 1 of
6 the Local Government Code of 1991;

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

10 (6) Record in a book kept for the purpose all ordinances and
11 resolutions enacted or adopted by the sangguniang panlungsod, with the dates
12 of passage and publication thereof;

13 (7) Keep his office and all nonconfidential records therein open to the
14 public during usual business hours;

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

19 (9) Take custody of the local archives and, where applicable, the local
20 library and annually account for the same; and

21 (10) Exercise such other powers and perform such other duties and
22 functions as may be prescribed by law or ordinance relative to his position.

23 SEC. 27. *The City Treasurer.* – (a) The city treasurer shall be
24 appointed by the Secretary of Finance from a list of at least three ranking
25 eligible recommendees of the city mayor, subject to civil service law, rules and
26 regulations.

27 (b) The city treasurer shall be under the administrative supervision of
28 the city mayor, to whom he shall report regularly on the tax collection efforts
29 of the City.

1 (c) No person shall be appointed city treasurer unless he is a citizen of
2 the Philippines, a resident of the City of Cabadbaran, of good moral character,
3 a holder of a college degree preferably in commerce, public administration or
4 law from a recognized college or university and a first grade civil service
5 eligible or its equivalent. He must have acquired experience in treasury or
6 accounting service for at least five years.

7 (d) The city treasurer shall receive such compensation, emoluments and
8 allowances as may be determined by law.

9 (e) The city treasurer shall take charge of the city treasury office and
10 shall:

11 (1) Advise the city mayor, the sangguniang panlungsod and other local
12 government and national officials concerned regarding disposition of local
13 government funds and on such other matters relative to public finance;

14 (2) Take custody and exercise proper management of the funds of the
15 City;

16 (3) Take charge of the disbursement of all funds of the City and such
17 other funds the custody of which may be entrusted to him by law or other
18 competent authority;

19 (4) Inspect private commercial and industrial establishments within the
20 jurisdiction of the City in relation to the implementation of tax ordinances,
21 pursuant to the provisions of the Local Government Code of 1991;

22 (5) Maintain and update the tax information system of the City; and

23 (6) Perform such other duties and functions and exercise such other
24 powers as provided for under Republic Act No. 7160, otherwise known as the
25 Local Government Code of 1991, and those that are prescribed by law or
26 ordinance.

27 SEC. 28. *The Assistant City Treasurer.* – (a) The assistant city treasurer
28 may be appointed by the Secretary of Finance from a list of at least three

1 ranking eligible recommendees of the city mayor, subject to civil service law,
2 rules and regulations.

3 (b) No person shall be appointed assistant city treasurer unless he is a
4 citizen of the Philippines, a resident of the City of Cabadbaran, of good moral
5 character, a holder of a college degree preferably in commerce, public
6 administration or law from a recognized college or university and a first grade
7 civil service eligible or its equivalent. He must have acquired at least three
8 years experience in treasury or accounting.

9 (c) The assistant city treasurer shall receive such compensation,
10 emoluments and allowances as may be determined by law.

11 (d) The assistant city treasurer shall assist the city treasurer and
12 perform such other duties as the latter may assign him. He shall have authority
13 to administer oaths concerning notices and notifications to those delinquent in
14 the payment of the real property tax and concerning official matters relating to
15 the accounts of the city treasurer or otherwise arising from the offices of the
16 city treasurer and the city assessor.

17 *SEC. 29. The City Assessor.* – (a) The city assessor must be a citizen of
18 the Philippines, a resident of the City of Cabadbaran, of good moral character,
19 a holder of a college degree preferably in civil or mechanical engineering,
20 commerce or any other related course from a recognized college or university
21 and a first grade civil service eligible or its equivalent. He must have acquired
22 experience in real property assessment work or in any related field for at least
23 five years immediately preceding the date of his appointment.

24 (b) The city assessor shall receive such compensation, emoluments and
25 allowances as may be determined by law.

26 (c) The city assessor shall take charge of the city assessor's office and
27 shall:

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

- 1 (2) Initiate, review and recommend changes in policies and objectives,
2 plans and programs, techniques, procedures and practices in the evaluation and
3 assessment of real properties for taxation purposes;
- 4 (3) Establish a systematic method of real property assessment;
- 5 (4) Install and maintain real property identification and accounting
6 systems;
- 7 (5) Prepare, install and maintain a system of tax mapping, showing
8 graphically all properties subject to assessment and gather all data concerning
9 the same;
- 10 (6) Conduct frequent physical surveys to verify and determine whether
11 all real properties within the City are properly listed in the assessment rolls;
- 12 (7) Exercise the functions of appraisal and assessment primarily for
13 taxation purposes of all real properties in the City;
- 14 (8) Prepare a schedule of the fair market value of different classes of
15 real properties in accordance with the provisions of the Local Government
16 Code of 1991;
- 17 (9) Issue, upon the request of any interested party, certified copies of
18 assessment records of real properties and all their records relative to its
19 assessment, upon payment of a service charge or fee to the city treasurer;
- 20 (10) Submit every semester a report of all assessments, cancellations
21 and modifications of assessments to the city mayor and the sangguniang
22 panlungsod;
- 23 (11) Attend personally or through an authorized representative all
24 sessions of the local Board of Assessment Appeals whenever his assessment is
25 the subject of the appeal and present or submit any information or record in his
26 possession, as may be required by the Board; and
- 27 (12) Perform such other duties and functions and exercise such other
28 powers as provided for under Republic Act No. 7160, otherwise known as the

1 Local Government Code of 1991, and those that are prescribed by law or
2 ordinance.

3 SEC. 30. *The Assistant City Assessor.* – (a) The assistant city assessor
4 must be a citizen of the Philippines, a resident of the City of Cabadbaran, of
5 good moral character, a holder of a college degree preferably in civil or
6 mechanical engineering, commerce or any related course from a recognized
7 college or university and a first grade civil service eligible or its equivalent.
8 He must have acquired experience in assessment or in any related field for at
9 least three years immediately preceding the date of his appointment.

10 (b) The assistant city assessor shall receive such compensation,
11 emoluments and allowances as may be determined by law.

12 (c) The assistant city assessor shall assist the city assessor and perform
13 such other duties as the latter may assign to him. He shall have the authority to
14 administer oaths and all declarations of real property for purposes of
15 assessment.

16 SEC. 31. *The City Accountant.* – (a) The city accountant must be a
17 citizen of the Philippines, a resident of the City of Cabadbaran, of good moral
18 character and a certified public accountant. He must have acquired experience
19 in the treasury or accounting service for at least five years immediately
20 preceding the date of his appointment.

21 (b) The city accountant shall receive such compensation, emoluments
22 and allowances as may be determined by law.

23 (c) The city accountant shall take charge of both the office of the
24 accounting and internal audit services and shall:

25 (1) Install and maintain an internal audit system in the City;

26 (2) Prepare and submit financial statements to the city mayor and to
27 the sangguniang panlungsod;

28 (3) Apprise the sangguniang panlungsod and other officials on the
29 financial condition and operations of the City;

1 (4) Certify to the availability of budgetary allotment to which
2 expenditures and obligations may be properly charged;

3 (5) Review supporting documents before the preparation of vouchers
4 to determine the completeness of requirements;

5 (6) Prepare statements of cash advances, liquidations, salaries,
6 allowances, reimbursements and remittances pertaining to the City;

7 (7) Prepare statements of journal vouchers and liquidations of the
8 same and other adjustments related thereto;

9 (8) Post individual disbursements to subsidiary ledgers and index
10 cards;

11 (9) Maintain individual ledgers for officials and employees of the City
12 pertaining to payrolls and deductions;

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

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

17 (12) Prepare journals and the analyses of obligations and maintain and
18 keep all records and reports related thereto; and

19 (13) Perform such other duties and functions and exercise such other
20 powers as provided for under Republic Act No. 7160, otherwise known as the
21 Local Government Code of 1991, and those that are prescribed by law or
22 ordinance.

23 SEC. 32 *The City Budget Officer.* – (a) The city budget officer must be
24 a citizen of the Philippines, a resident of the City of Cabadbaran, of good
25 moral character, a holder of a college degree preferably in accounting,
26 economics, public administration or any related course from a recognized
27 college or university and a first grade civil service eligible or its equivalent.
28 He must have acquired experience in government budgeting or in any related
29 field for at least five years preceding the date of his appointment.

1 (b) The city budget officer shall receive such compensation,
2 emoluments and allowances as may be determined by law.

3 (c) The city budget officer shall take charge of the city budget office
4 and shall:

5 (1) Prepare forms, orders and circulars embodying instructions on
6 budgetary and appropriation matters for the signature of the city mayor;

7 (2) Review and consolidate the budget proposals of different
8 departments and offices of the City;

9 (3) Assist the city mayor in the preparation of the budget and during
10 budget hearings;

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

13 (5) Submit periodic budgetary reports to the Department of Budget and
14 Management;

15 (6) Coordinate with the city treasurer, the city accountant and the city
16 planning and development coordinator for the purpose of budgeting;

17 (7) Assist the sangguniang panlungsod in reviewing the approved
18 budgets of component local government units;

19 (8) Coordinate with the city planning and development coordinator in
20 the formulation of the development plan of the City; and

21 (9) Perform such other duties and functions and exercise such other
22 powers as provided for under Republic Act No. 7160, otherwise known as the
23 Local Government Code of 1991, and those that are prescribed by law and
24 ordinance.

25 SEC. 33. *The City Planning and Development Coordinator.* – (a) The
26 city planning and development coordinator must be a citizen of the Philippines,
27 a resident of the City of Cabadbaran, of good moral character, a holder of a
28 college degree preferably in urban planning, development studies, economics,
29 public administration or any related course from a recognized college or

1 university and a first grade civil service eligible or its equivalent. He must
2 have acquired experience in development planning or in any related field for at
3 least five years immediately preceding the date of his appointment.

4 (b) The city planning and development coordinator shall receive such
5 compensation, emoluments and allowances as may be determined by law.

6 (c) The city planning and development coordinator shall take charge of
7 the city planning and development coordinating office and shall:

8 (1) Formulate integrated economic, social, physical and other
9 development plans and policies for the consideration of the City;

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

12 (3) Integrate and coordinate all sectoral plans and studies undertaken
13 by the different functional groups or agencies;

14 (4) Monitor and evaluate the implementation of the different
15 development programs, projects and activities in the City in accordance with
16 the approved development plan;

17 (5) Prepare comprehensive plans and other development planning
18 documents for the consideration of the local development council;

19 (6) Analyze the income and expenditure patterns, and formulate and
20 recommend fiscal plans and policies for the consideration of the finance
21 committee of the City as provided for under the Local Government Code of
22 1991;

23 (7) Promote people's participation in development planning within the
24 City;

25 (8) Exercise supervision and control over the secretariat of the local
26 development council; and

27 (9) Perform such other functions and duties and exercise such other
28 powers as provided for under Republic Act No. 7160, otherwise known as the

1 Local Government Code of 1991, and those that are prescribed by law or
2 ordinance.

3 SEC. 34. *The City Engineer.* – (a) The city engineer must be a citizen
4 of the Philippines, a resident of the City of Cabadbaran, of good moral
5 character and a licensed civil engineer. He must have acquired experience in
6 the practice of his profession for at least five years immediately preceding the
7 date of his appointment.

8 (b) The city engineer shall receive such compensation, emoluments and
9 allowances as may be determined by law.

10 (c) The city engineer shall take charge of the city engineering office
11 and shall:

12 (1) Initiate, review and recommend changes in policies and objectives,
13 plans and programs, techniques, procedures and practices in infrastructure and
14 development and public works in general of the City;

15 (2) Advise the city mayor on infrastructure, public works and other
16 engineering matters;

17 (3) Administer, coordinate, supervise and control the construction,
18 maintenance, improvement and repair of roads, bridges, other engineering and
19 public works projects of the City;

20 (4) Provide engineering services to the City, including investigations
21 and surveys, engineering designs, feasibility studies and project management;
22 and

23 (5) Perform such other duties and functions and exercise such other
24 powers as provided for under Republic Act No. 7160, otherwise known as the
25 Local Government Code of 1991, and those that are prescribed by law or
26 ordinance.

27 SEC. 35. *The City Health Officer.* – (a) The city health officer must be
28 a citizen of the Philippines, a resident of the City of Cabadbaran, of good
29 moral character and a licensed medical practitioner. He must have acquired

1 experience in the practice of his profession for at least five years immediately
2 preceding the date of his appointment.

3 (b) The city health officer shall receive such compensation,
4 emoluments and allowances as may be determined by law.

5 (c) The city health officer shall take charge of the office of the city
6 health services and shall:

7 (1) Supervise the personnel and staff of the said office, formulate
8 program implementation guidelines and rules and regulations for the operation
9 of the said office for the approval of the city mayor in order to assist him in the
10 efficient, effective and economical implementation of health services programs
11 geared to implement health-related projects and activities;

12 (2) Formulate measures for the consideration of the sangguniang
13 panlungsod and provide technical assistance and support to the city mayor in
14 carrying out activities to ensure the delivery of basic services and the provision
15 of adequate facilities relative to health services provided for under Section 17
16 of the Local Government Code of 1991;

17 (3) Develop plans and strategies and, upon approval thereof by the
18 city mayor, implement the same, particularly those which have to do with
19 health programs and projects which the city mayor is empowered to implement
20 and which the sangguniang panlungsod is empowered to provide for under the
21 Local Government Code of 1991;

22 (4) In addition to the foregoing duties and functions, the city health
23 officer shall:

24 (i) Formulate and implement policies, plans and projects to promote
25 the health of the people in the City;

26 (ii) Advise the city mayor and the sangguniang panlungsod on matters
27 pertaining to health;

28 (iii) Execute and enforce all laws, ordinances and regulations relating
29 to public health;

1 (iv) Recommend to the sangguniang panlungsod, through the local
2 health board, the passage of such ordinances as he may deem necessary for the
3 preservation of public health;

4 (v) Recommend the prosecution of any violation of sanitary laws,
5 ordinances or regulations;

6 (vi) Direct the sanitary inspection of all business establishments selling
7 food items or providing accommodation such as hotels, motels, lodging
8 houses, pension houses and the like, in accordance with the Sanitation Code;

9 (vii) Conduct health information campaigns and render health
10 intelligence services; and

11 (viii) Coordinate with other government agencies and nongovernmental
12 organizations involved in the promotion and the delivery of health services;

13 (5) Be in the frontline of the delivery of health services, particularly
14 during and in the aftermath of man-made and natural disasters or calamities;
15 and

16 (6) Perform such other duties and functions and exercise such other
17 powers as provided for under Republic Act No. 7160, otherwise known as the
18 Local Government Code of 1991, and those that are prescribed by law or
19 ordinance.

20 SEC. 36. *The City Civil Registrar.* – (a) The city civil registrar must be
21 a citizen of the Philippines, a resident of the City of Cabadbaran, of good
22 moral character, a holder of a college degree from a recognized college or
23 university and a first grade civil service eligible or its equivalent. He must
24 have acquired experience in civil registry work for at least five years
25 immediately preceding the date of his appointment.

26 (b) The city civil registrar shall receive such compensation,
27 emoluments and allowances as may be determined by law.

28 (c) The city civil registrar shall be responsible for the civil registration
29 program in the City of Cabadbaran, pursuant to the Civil Registry Law, the

1 Civil Code and other pertinent laws, rules and regulations issued to implement
2 them.

3 (d) The city civil registrar shall take charge of the office of the city
4 civil registry and shall:

5 (1) Develop plans and strategies and, upon approval thereof by the city
6 mayor, implement the same, particularly those which have to do with the
7 management and administration-related programs and projects which the city
8 mayor is empowered to implement and which the sangguniang panlungsod is
9 empowered to provide for under the Local Government Code of 1991;

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

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

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

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

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

21 (v) Issue certified transcripts or copies of any certificate or registered
22 document upon payment of the required fees to the city treasurer;

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

27 (vii) Coordinate with the National Statistics Office in conducting
28 educational campaigns for vital registration and assist in the preparation of
29 demographic and other statistics for the City of Cabadbaran; and

1 (3) Perform such other duties and functions and exercise such other
2 powers as provided for under Republic Act No. 7160, otherwise known as the
3 Local Government Code of 1991, and those that are prescribed by law or
4 ordinance.

5 SEC. 37. *The City Administrator.* – (a) The city administrator must be a
6 citizen of the Philippines, a resident of the City of Cabadbaran, of good moral
7 character, a holder of a college degree preferably in public administration, law
8 or any other related course from a recognized college or university and a first
9 grade civil service eligible or its equivalent. He must have acquired
10 experience in management and administrative work for at least five years
11 immediately preceding the date of his appointment.

12 (b) The term of the city administrator is coterminous with that of his
13 appointing authority.

14 (c) The city administrator shall take charge of the city administrator's
15 office and shall:

16 (1) Develop plans and strategies and, upon approval thereof by the city
17 mayor, implement the same particularly those which have to do with the
18 management and administration-related programs and projects which the city
19 mayor is empowered to implement and which the sangguniang panlungsod is
20 empowered to provide for under the Local Government Code of 1991;

21 (2) In addition to the foregoing duties and functions, the city
22 administrator shall:

23 (i) Assist in the coordination of the work of all the officials of the City
24 under the supervision, direction and control of the city mayor and, for this
25 purpose, he may convene the chiefs of offices and other officials of the City;

26 (ii) Establish and maintain a sound personnel program for the City
27 designed to promote career development and uphold the merit principle in the
28 local government service; and

1 (iii) Conduct a continuing organizational development of the City with
2 the end in view of instituting effective administrative reforms;

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

6 (4) Recommend to the sangguniang panlungsod and advise the city
7 mayor on all matters relative to the management and administration of the City;
8 and

9 (5) Perform such other duties and functions and exercise such other
10 powers as provided for under Republic Act No. 7160, otherwise known as the
11 Local Government Code of 1991, and those that are prescribed by law or
12 ordinance.

13 SEC. 38. *The City Legal Officer.* – (a) The city legal officer must be a
14 citizen of the Philippines, a resident of the City of Cabadbaran, of good moral
15 character and a member of the Philippine Bar. He must have practiced his
16 profession for at least five years immediately preceding the date of his
17 appointment.

18 (b) The term of the legal officer shall be coterminous with that of his
19 appointing authority.

20 (c) The city legal officer shall receive such compensation, emoluments
21 and allowances as may be determined by law.

22 (d) The city legal officer, the chief legal counsel of the City, shall take
23 charge of the office of the city legal service and shall:

24 (1) Formulate measures for the consideration of the sangguniang
25 panlungsod and provide legal assistance and support to the city mayor in
26 carrying out the delivery of basic services and the provision of adequate
27 facilities;

28 (2) Develop plans and strategies and, upon approval thereof by the city
29 mayor, implement the same, particularly those which have to do with the

1 programs and projects related to legal services which the city mayor is
2 empowered to implement and which the sangguniang panlungsod is
3 empowered to provide for under the Local Government Code of 1991;

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

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

11 (ii) When required by the city mayor or the sanggunian, draft
12 ordinances, contracts, bonds, leases and other instruments, involving any
13 interests of the City and provide comments and recommendations on any
14 instruments already drawn;

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

17 (iv) Investigate or cause to be investigated any local official or
18 employee for administrative neglect or misconduct in office and recommend
19 the appropriate action to the city mayor or the sanggunian, as the case may be;

20 (v) When directed by the city mayor or the sanggunian, initiate or
21 prosecute, in the interest of the City, any civil action on any bond, lease or
22 other contract upon any breach or violation thereof; and

23 (vi) Review and submit recommendations on ordinances approved and
24 executive orders issued by component units;

25 (4) Recommend measures to the sangguniang panlungsod and advise
26 the city mayor on all matters related to upholding the rule of law;

27 (5) Be in the frontline of protecting human rights and prosecuting any
28 violation thereof, particularly those which occur during and in the aftermath of
29 man-made and natural disasters or calamities; and

1 (6) Perform such other duties and functions and exercise such other
2 powers as provided for under Republic Act No. 7160, otherwise known as the
3 Local Government Code of 1991, and those that are prescribed by law of
4 ordinance.

5 SEC. 39. *The City Social Welfare and Development Officer.* – (a) The
6 city social welfare and development officer must be a citizen of the
7 Philippines, a resident of the City of Cabadbaran, of good moral character, a
8 duly licensed social worker or a holder of a college degree preferably in
9 sociology or any other 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 the practice of social work for at least five years immediately
12 preceding the date of his appointment.

13 (b) The city social welfare and development officer shall receive such
14 compensation, emoluments and allowances as may be determined by law.

15 (c) The city social welfare and development officer shall take charge of
16 the office of the social welfare and development and shall:

17 (1) Formulate measures for the approval of the sangguniang
18 panlungsod and provide technical assistance and support to the city mayor in
19 carrying out measures to ensure the delivery of basic services and the
20 provisions of adequate facilities relative to social welfare and development
21 services;

22 (2) Develop plans and strategies and, upon approval thereof by the city
23 mayor, implement the same, particularly those which have to do with social
24 welfare programs and projects which the city mayor is empowered to
25 implement and which the sangguniang panlungsod is empowered to provide;

26 (3) Be in the frontline of the delivery of services particularly those
27 which have to do with immediate relief and assistance during and in the
28 aftermath of man-made and natural disasters or calamities;

1 (4) Recommend to the sangguniang panlungsod and advise the city
2 mayor on all other matters related to social welfare and development services
3 which will improve the livelihood conditions of the inhabitants; and

4 (5) Perform such other duties and functions and exercise such other
5 powers as provided for under Republic Act No. 7160, otherwise known as the
6 Local Government Code of 1991, and those that are prescribed by law or
7 ordinance.

8 SEC. 40. *The City Veterinarian.* – (a) The city veterinarian must be a
9 citizen of the Philippines, a resident of the City of Cabadbaran, of good moral
10 character and a licensed doctor of veterinary medicine. He must have
11 practiced his profession for at least three years immediately preceding the date
12 of his appointment.

13 (b) The city veterinarian shall receive such compensation, emoluments
14 and allowances as may be determined by law.

15 (c) The city veterinarian shall take charge of the office of veterinary
16 services and shall:

17 (1) Formulate measures for the consideration of the sangguniang
18 panlungsod and provide technical assistance and support to the city mayor in
19 carrying out measures to ensure the delivery of basic services and the provision
20 of adequate facilities;

21 (2) Develop plans and strategies and, upon approval thereof by the city
22 mayor, implement the same, particularly those which have to do with
23 veterinary-related activities which the city mayor is empowered to implement
24 and which the sangguniang panlungsod is empowered to provide;

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

27 (i) Advise the city mayor on all matters pertaining to the slaughter of
28 animals for human consumption and the regulation of slaughterhouses;

29 (ii) Regulate the keeping of domestic animals;

1 (iii) Regulate and inspect poultry, milk and dairy products for public
2 consumption;

3 (iv) Enforce all laws and regulations for the prevention of cruelty to
4 animals; and

5 (v) Take the necessary measures to eradicate, prevent or cure all forms
6 of animal diseases;

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

12 (5) Recommend to the sangguniang panlungsod and advise the city
13 mayor on all matters relative to veterinary services which will increase the
14 number and improve the quality of livestock, poultry and other domestic
15 animals used for work or for human consumption; and

16 (6) Perform such other duties and functions and exercise such other
17 powers as provided for under Republic Act No. 7160, otherwise known as the
18 Local Government Code of 1991, and those that are prescribed by law or
19 ordinance.

20 SEC. 41. *The City General Services Officer.* – (a) The city general
21 services officer must be a citizen of the Philippines, a resident of the City of
22 Cabadbaran, of good moral character, a holder of a college degree in public
23 administration, business administration or management from a recognized
24 college or university and a first grade civil service eligible or its equivalent.
25 He must have acquired experience in general services, including the
26 management of supply, solid waste disposal and general sanitation for at least
27 five years immediately preceding the date of his appointment.

28 (b) The city general services officer shall receive such compensation,
29 emoluments and allowances as may be determined by law.

1 (c) The city general services officer shall take charge of the office of
2 the general services and shall:

3 (1) Formulate measures for the consideration of the sangguniang
4 panlungsod and provide technical assistance and support to the city mayor in
5 carrying out measures to ensure the delivery of basic services and the
6 provisions of adequate facilities which require general services expertise and
7 technical support services;

8 (2) Develop plans and strategies and, upon approval thereof by the
9 city mayor, implement the same, particularly those which have to do with the
10 general services supportive of the welfare of the inhabitants of the City which
11 the city mayor is empowered to implement and which the sangguniang
12 panlungsod is empowered to provide for under the Local Government Code of
13 1991;

14 (3) In addition to the foregoing duties and functions, the city general
15 services officer shall:

16 (i) Take custody of and be accountable for all properties, real and
17 personal, owned by the City and those granted to it in the form of donation,
18 reparation, assistance and counterpart of joint projects;

19 (ii) With the approval of the city mayor, assign building or land to
20 local officials or other public officials, who by law, are entitled to such space;

21 (iii) Recommend to the city mayor the reasonable rental rates for local
22 government properties, whether real or personal, which will be leased to public
23 or private entities by the city government;

24 (iv) Recommend to the city mayor reasonable rental of rates of private
25 properties which may be leased for the official use of the City;

26 (v) Maintain and supervise janitorial, security, landscaping and other
27 related services in all local government public buildings and other real
28 property, whether owned or leased by the City;

1 (vi) Collate and disseminate information regarding the prices, shipping
2 and other costs of supplies and other items commonly used by the City;

3 (vii) Perform archival and record management with respect to records
4 of offices and departments of the City; and

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

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

12 (5) Recommend to the sangguniang panlungsod and advise the city
13 mayor on all matters relative to general services; and

14 (6) Perform such other duties and functions and exercise such other
15 powers as provided for under Republic Act No. 7160, otherwise known as the
16 Local Government Code of 1991, and those that are prescribed by law or
17 ordinance.

18 SEC. 42. *The City Agriculturist.* – (a) The city agriculturist must be a
19 citizen of the Philippines, a resident of the City of Cabadbaran, of good moral
20 character, a holder of a college degree preferably in agriculture or any other
21 related course from a recognized college or university and a first grade civil
22 service eligible or its equivalent. He must have practiced his profession in
23 agriculture or acquired experience in any related field for at least five years
24 immediately preceding the date of his appointment.

25 (b) The city agriculturist shall receive such compensation,
26 emoluments and allowances as may be determined by law.

27 (c) The city agriculturist shall take charge of the office for the
28 agricultural services and shall:

1 (1) Formulate measures for the approval of the sangguniang
2 panlungsod and provide technical assistance and support to the city mayor in
3 carrying out measures to ensure the delivery of basic services and the provision
4 of adequate facilities relative to agricultural services;

5 (2) Develop plans and strategies and, upon approval thereof by the city
6 mayor, implement the same, particularly those which have to do with
7 agricultural programs and projects which the city mayor is empowered to
8 implement and which the sangguniang panlungsod is empowered to provide;

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

11 (i) Ensure that maximum assistance and access to resources in the
12 production, processing and marketing of agricultural and aquacultural and
13 marine products are extended to farmers, fisherfolk and local entrepreneurs;

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

19 (iii) Assist the city mayor in the establishment and extension services of
20 demonstration farms or aquaculture or marine products;

21 (iv) Enforce rules and regulations relating to agriculture and
22 aquaculture; and

23 (v) Coordinate with government agencies and nongovernment
24 organizations which promote agricultural productivity through appropriate
25 technology compatible with environmental integrity;

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

1 (5) Recommend to the sangguniang panlungsod and advise the city
2 mayor on all other matters related to agriculture which will improve the
3 livelihood and the living conditions of the inhabitants; and

4 (6) Perform such other duties and functions and exercise such other
5 powers as provided for under Republic Act No. 7160, otherwise known as the
6 Local Government Code of 1991, and those that are prescribed by law or
7 ordinance.

8 SEC. 43: *The City Cooperatives Officer.* – (a) The city cooperatives
9 officer must be a citizen of the Philippines, a resident of the City of
10 Cabadbaran, of good moral character, a holder of a college degree preferably
11 in business administration with special training on cooperatives or any related
12 course from a recognized college or university and a first grade civil service
13 eligible or its equivalent. He must have acquired experience in cooperatives
14 development for at least five years immediately preceding the date of his
15 appointment.

16 (b) The city cooperatives officer shall receive such compensation,
17 emoluments and allowances as may be determined by law.

18 (c) The city cooperatives officer shall take charge of the office for the
19 development of cooperatives and shall:

20 (1) Formulate measures for the consideration of the sangguniang
21 panlungsod and provide technical assistance and support to the city mayor in
22 carrying out measures to ensure the delivery of basic services and the provision
23 of adequate facilities through the development of cooperatives and in
24 providing access to such services and facilities;

25 (2) Develop plans and strategies and, upon approval thereof by the city
26 mayor, implement the same, particularly those which have to do with the
27 integration of cooperatives principles and methods in programs which the city
28 mayor is empowered to implement and which the sangguniang panlungsod is
29 empowered to provide for under the Local Government Code of 1991;

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

3 (i) Assist the organization of cooperatives;

4 (ii) 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 (iii) Assist cooperatives in establishing linkages with government
8 agencies and nongovernment 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 cooperative organization, rehabilitation or
12 viability enhancement, particularly during the aftermath of man-made and
13 natural disasters or calamities, and aid in their survival and, if necessary,
14 subsequent rehabilitation;

15 (5) Recommend to the sangguniang panlungsod and advise the city
16 mayor on all other matters relative to cooperatives development and viability
17 enhancement which will improve the livelihood and the quality of life of the
18 inhabitants; and

19 (6) Perform such other duties and functions and exercise such other
20 powers as provided for under Republic Act No. 7160, otherwise known as the
21 Local Government Code of 1991, and those that are prescribed by law or
22 ordinance.

23 SEC. 44. *The City Environment and Natural Resources Officer.* – (a)
24 The city environment and natural resources officer must be a citizen of the
25 Philippines, a resident of the City of Cabadbaran, of good moral character, a
26 holder of a college degree preferably in forestry, environment, agriculture or
27 any other related course from a recognized college or university and a first
28 grade civil service eligible or its equivalent. He must have acquired
29 experience in the environment and natural resources management, conservation

1 and utilization work for at least five years immediately preceding the date of
2 his appointment.

3 (b) The city environment and natural resources officer shall receive
4 such compensation, emoluments and allowances as may be determined by law.

5 (c) The city environment and natural resources officer shall take charge
6 of the office of environment and natural resources and shall:

7 (1) Formulate measures for the consideration of the sangguniang
8 panlungsod and provide assistance and support to the city mayor in carrying
9 out measures to ensure the delivery of basic services and the provision of
10 adequate facilities relative to environment and natural resources services as
11 provided for under Section 17 of the Local Government Code of 1991;

12 (2) Develop plans and strategies and, upon approval thereof by the city
13 mayor, implement the same, particularly those which have to do with
14 environment and natural resources programs and projects which the city mayor
15 is empowered to implement and which the sangguniang panlungsod is
16 empowered to provide under the Local Government Code of 1991;

17 (3) In addition to the foregoing duties and functions, the city
18 environment and natural resources officer shall:

19 (i) Establish, maintain, protect and preserve communal forests,
20 watersheds, tree parks, mangroves, greenbelts, commercial forests and similar
21 forests projects like industrial tree farms and agro-forestry projects;

22 (ii) Provide extension services to beneficiaries of forest development
23 projects and render assistance for natural resources related conservation and
24 utilization activities consistent with ecological balance;

25 (iii) Promote small-scale mining and the utilization of mineral
26 resources, particularly the mining of gold; and

27 (iv) Coordinate with government agencies and nongovernment
28 organizations in the implementation of measures to prevent and control land,

1 air and water pollution with the assistance of the Department of Environment
2 and Natural Resources.

3 (4) Be in the frontline of the delivery of services concerning the
4 environment and natural resources, particularly in the renewal and
5 rehabilitation of the environment during and in the aftermath of man-made and
6 natural disasters or calamities;

7 (5) Recommend to the sangguniang panlungsod and advise the city
8 mayor on all matters relative to the protection of, conservation, maximum
9 utilization, application of appropriate technology and other matters related to
10 the environment and natural resources; and

11 (6) Perform such other duties and functions and exercise such other
12 powers as provided for under Republic Act No. 7160, otherwise known as the
13 Local Government Code of 1991, and those that are prescribed by law or
14 ordinance.

15 SEC. 45. *The City Architect.* – (a) The city architect must be a citizen
16 of the Philippines, a resident of the City of Cabadbaran, of good moral
17 character and a duly licensed architect. He must have practiced his profession
18 for at least five years immediately preceding the date of his appointment.

19 (b) The city architect shall receive such compensation, emoluments and
20 allowances as may be determined by law.

21 (c) The city architect shall take charge of the office on architectural
22 planning and design and shall:

23 (1) Formulate measures for the consideration of the sangguniang
24 panlungsod and provide technical assistance and support to the city mayor in
25 carrying out measures to ensure the delivery of basic services and the provision
26 of adequate facilities relative to architectural planning and design;

27 (2) Develop plans and strategies and, upon approval thereof by the city
28 mayor, implement the same, particularly those which have to do with
29 architectural planning and design programs and projects which the city mayor

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

3 (3) In addition to the foregoing duties and functions, the city architect
4 shall:

5 (i) Prepare and recommend for the consideration of the sangguniang
6 panlungsod the architectural plan and design for the City, or part thereof,
7 including the renewal of slums and blighted areas, land reclamation activities,
8 the greening of land and the appropriate planning of marine and foreshore
9 areas;

10 (ii) Review and recommend, for appropriate action of the sangguniang
11 panlungsod or the city mayor as the case may be, the architectural plans and
12 designs submitted by the government and nongovernment entities or
13 individuals, particularly those for undeveloped, underdeveloped and poorly
14 designed areas; and

15 (iii) Coordinate with government, nongovernment entities and
16 individuals involved in the aesthetics and maximum utilization of the land and
17 water within the jurisdiction of the City, compatible with environmental
18 integrity and ecological balance;

19 (4) Be in the frontline of the delivery of services involving architectural
20 planning and design, particularly those related to the redesigning of spatial
21 distribution of basic facilities and physical structures during and in the
22 aftermath of man-made and natural disasters or calamities;

23 (5) Recommend to the sangguniang panlungsod and advise the city
24 mayor on all matters relative to architectural planning and design as it relates
25 to the total socioeconomic development of the City; and

26 (6) Perform such other duties and functions and exercise such other
27 powers as provided for under Republic Act No. 7160, otherwise known as the
28 Local Government Code of 1991, and those that are prescribed by law or
29 ordinance.

1 SEC. 46. *The City Information Officer.* – (a) The city information
2 officer must be a citizen of the Philippines, a resident of the City of
3 Cabadbaran, of good moral character, a holder of a college degree preferably
4 in journalism, mass communication or any related course from a recognized
5 college or university and a first grade civil service eligible or its equivalent.
6 He must have acquired experience in writing articles, research papers or
7 writing for print, television or broadcast media for at least three years
8 immediately preceding the date of his appointment.

9 (b) The city information officer shall receive such compensation,
10 emoluments and allowances as may be determined by law.

11 (c) The city information officer shall take charge of the office on public
12 information and shall:

13 (1) Formulate measures for the consideration of the sangguniang
14 panlungsod and provide assistance and support to the city mayor in providing
15 information and research data required for the delivery of basic services and
16 the provision of adequate facilities so that the public becomes aware of said
17 services and may fully avail of the same;

18 (2) Develop plans and strategies and, upon approval thereof by the city
19 mayor, implement the same, particularly those which have to do with public
20 information and research data to support programs and projects which the city
21 mayor is empowered to implement and which the sangguniang panlungsod is
22 empowered to provide;

23 (3) In addition to foregoing duties and functions, the city information
24 officer shall:

25 (i) Provide relevant, adequate and timely information to the City and
26 its residents;

27 (ii) Furnish information and data on the City to government agencies or
28 offices, as may be required by law or ordinance, and nongovernmental
29 organizations to be furnished to said agencies and organizations; and

1 (iii) Maintain effective liaison with various sectors of the community on
2 matters and issues that affect the livelihood and the quality of life of the
3 inhabitants and encourage support for programs of the local and national
4 government;

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

9 (5) Recommend to the sangguniang panlungsod and advise the city
10 mayor on all matters relative to public information and research data as it
11 relates to the total socioeconomic development of the City; and

12 (6) Perform such other duties and functions and exercise such other
13 powers as provided for under Republic Act No. 7160, otherwise known as the
14 Local Government Code of 1991, and those that are prescribed by law or
15 ordinance.

16 SEC. 47. *The City Population Officer.* – (a) The city population
17 officer must be a citizen of the Philippines, a resident of the City of
18 Cabadbaran, of good moral character, a holder of a college degree preferably
19 with specialized training in population development from a recognized college
20 or university and a first grade civil service eligible or its equivalent. He must
21 have acquired experience in the implementation of programs on population
22 development or responsible parenthood for at least five years immediately
23 preceding the date of his appointment.

24 (b) The city population officer shall receive such compensation,
25 emoluments and allowances as may be determined by law.

26 (c) The city population officer shall take charge of the office on
27 population development and shall:

28 (1) Formulate measures for the consideration of the sangguniang
29 panlungsod and provide technical assistance and support to the city mayor in

1 carrying out measures to ensure the delivery of basic services and the provision
2 of adequate facilities relative to the integration of the population development
3 principles and in providing access to said services and facilities;

4 (2) Develop plans and strategies and, upon approval thereof by the city
5 mayor, implement the same, particularly those which have to do with the
6 integration of population development principles and methods in program and
7 projects which the city mayor is empowered to implement and which the
8 sangguniang panlungsod is empowered to provide; and

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

11 (i) Assist the city mayor in the implementation of the constitutional
12 provisions relative to population development and the promotion of
13 responsible parenthood;

14 (ii) Establish and maintain an updated data bank for program
15 operations, development planning and an educational program to ensure the
16 people's participation in and understanding of population development; and

17 (iii) Implement appropriate training programs responsive to the
18 cultural heritage of the inhabitants; and

19 (4) Perform such other duties and functions and exercise such other
20 powers as provided for under Republic Act No. 7160, otherwise known as the
21 Local Government Code of 1991, and those that are prescribed by law or
22 ordinance.

ARTICLE VIII

24 THE CITY FIRE STATION SERVICE, THE CITY JAIL SERVICE,
25 THE CITY SCHOOLS DIVISION AND THE CITY PROSECUTION SERVICE

26 SEC. 48. *The City Fire Station Service.* – (a) There shall be established
27 in the City at least one fire station with adequate personnel, firefighting
28 facilities and equipment, subject to the standards, rules and regulations that

1 may be promulgated by the Department of the Interior and Local Government.
2 The City shall provide the necessary land or site of the station.

3 (b) The city fire station service shall be headed by a city fire marshal
4 whose qualifications shall be as those provided for under Republic Act No.
5 6975, otherwise known as the Philippine National Police Law.

6 (c) The city fire station shall be responsible for the provision of various
7 emergency services such as the rescue and evacuation of injured people at fire-
8 related incidents and, in general, all fire prevention and suppression measures
9 to secure the safety of life and property of the citizenry.

10 SEC. 49. *The City Jail Service.* – (a) There shall be established and
11 maintained in the City a secure, clean, adequately equipped and sanitary jail
12 for the custody and safekeeping of prisoners, any fugitive from justice or
13 person detained awaiting investigation or trial and/or transfer to the national
14 penitentiary, and/or violent mentally ill person who endangers himself or the
15 safety of others, duly certified as such by the proper medical health officer,
16 pending the transfer to a mental institution.

17 (b) The city jail service shall be headed by a city jail warden who must
18 be a graduate of a four-year course in psychology, psychiatry, sociology,
19 nursing, social work or criminology who shall assist in the immediate
20 rehabilitation of individuals or detention of prisoners. Great care must be
21 exercised so that human rights of these prisoners are respected and protected,
22 and their physical and spiritual well-being are properly and promptly attended
23 to.

24 SEC. 50. *The City Schools Division.* – (a) The DepEd shall establish
25 and maintain a city schools division of the City of Cabadbaran whose area of
26 jurisdiction will cover all the school districts within the City.

27 (b) The city schools division shall be headed by a division
28 superintendent who must possess the necessary qualifications required by the
29 DepEd.

1 expenses for such plebiscite shall be borne by the Municipality of Cabadbaran.
2 The Commission on Elections shall conduct and supervise such plebiscite.

3 SEC. 54. *Officials of the City of Cabadbaran.* – The present elective
4 officials of the Municipality of Cabadbaran shall continue to exercise their
5 powers and functions until such time that a new election is held and the duly
6 elected officials shall have already qualified and assumed their offices. The
7 appointive officials and employees of the Municipality of Cabadbaran shall
8 likewise continue exercising their functions and duties and they shall be
9 automatically absorbed by the city government of the City of Cabadbaran.

10 SEC. 55. *Succession Clause.* – The City of Cabadbaran shall succeed to
11 all the assets, properties, liabilities and obligations of the Municipality of
12 Cabadbaran.

13 SEC. 56. *Election of Provincial Governor and Sangguniang*
14 *Panlalawigan Members of the Province of Agusan del Norte.* – The qualified
15 voters of the City of Cabadbaran shall qualify to vote and run for any elective
16 position in the elections for provincial governor, provincial vice governor,
17 sangguniang panlalawigan members and other elective offices for the Province
18 of Agusan del Norte.

19 SEC. 57. *Jurisdiction of the Province of Agusan del Norte.* – The City
20 of Cabadbaran shall, unless otherwise provided by law, continue to be under
21 the jurisdiction of the Province of Agusan del Norte.

22 SEC. 58. *Suspension of Increase in Rates of Local Taxes.* – No increase
23 in the rates of local taxes shall be imposed by the City within the period of five
24 years from its acquisition of corporate existence.

25 SEC. 59. *Representative District.* – Unless otherwise provided by law,
26 the City of Cabadbaran shall continue to be a part of the Second Congressional
27 District of the Province of Agusan del Norte.

28 SEC. 60. *Applicability of Laws.* – The provisions of Republic Act No.
29 7160, otherwise known as the Local Government Code of 1991, and such laws

1 as are applicable to component cities shall govern the City of Cabadbaran
2 insofar as they are not inconsistent with the provisions of this Act.

3 SEC. 61. *Exemption from Republic Act No. 9009.* – The City of
4 Cabadbaran shall be exempted from the income requirement prescribed under
5 Republic Act No. 9009.

6 SEC. 62. *Separability Clause.* – If, for any reason or reasons, any part
7 or provision of this Charter shall be held unconstitutional, invalid or
8 inconsistent with the Local Government Code of 1991, the other parts or
9 provisions hereof which are not affected thereby shall continue to be in full
10 force and effect. Moreover, in cases where this Charter is silent or unclear, the
11 pertinent provisions of the Local Government Code shall govern, if so
12 provided therein.

13 SEC. 63. *Reservation.* – Nothing herein contained shall preclude the
14 determination by the appropriate agency or forum of boundary disputes or
15 cases involving questions of territorial jurisdiction between the City of
16 Cabadbaran and any of the adjoining government units even after the
17 effectivity of this Act.

18 SEC. 64. *Repealing Clause.* – All laws, decrees, rules and regulations
19 or parts thereof which are inconsistent with the provisions of this Act are
20 hereby repealed, amended or modified accordingly.

21 SEC. 65. *Effectivity.* – This Act shall take effect fifteen (15) days after
22 its complete publication in at least two newspapers of general and local
23 circulation.

Approved,