

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

10 The City shall have the following corporate powers:

11 (a) To have continuous succession in its corporate powers;

12 (b) To sue and be sued;

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

14 (d) To acquire and convey real or personal property;

15 (e) To enter into contracts; and

16 (f) To exercise such other powers, prerogatives and authority as are
17 granted to corporations, subject to the limitations provided in this Act and
18 other laws.

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

1 SEC. 5. *General Welfare Clause of the City.* – The City shall
2 exercise the powers expressly granted, those necessarily implied therefrom, as
3 well as powers necessary, appropriate or incidental for its efficient and
4 effective governance, and those which are essential to the promotion of the
5 general welfare.

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

13 SEC. 6. *Liability for Damages.* – Unless otherwise provided by law, the
14 City of Guihulngan shall be liable for injuries or damages to persons or
15 property arising from the act or omission of any of its officers or employees
16 while in the performance of their official functions.

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

24 The regional trial courts and the city courts of the City of Guihulngan
25 shall have concurrent jurisdiction with the regional trial courts and the
26 metropolitan trial courts or city or municipal courts of the adjoining
27 municipalities or cities to try crimes and misdemeanors committed within said
28 drainage area or within said spaces of one hundred meters (100 m.).

1 (2) Create such other offices as may be necessary to carry out the
2 purposes of the City; or

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

5 Unless otherwise provided herein, all appointive city officials of the
6 City shall be appointed by the city mayor with the concurrence of the majority
7 of all the sangguniang panlungsod members, subject to civil service law, rules
8 and regulations. The sangguniang panlungsod shall act on the appointment
9 within fifteen (15) days from the date of its submission; otherwise, the same
10 shall be deemed confirmed.

11 ARTICLE III

12 THE CITY MAYOR AND CITY VICE MAYOR

13 SEC. 9. *The City Mayor.* – (a) The city mayor shall be the chief
14 executive of the City. He shall be elected at large by the qualified voters of the
15 City. No person shall be eligible for the position of the city mayor unless at the
16 time of election, he is at least twenty-one (21) years of age, a resident of the
17 City for at least one year prior to his election and a qualified voter therein. He
18 shall hold office for three years, unless sooner removed, and shall receive a
19 minimum monthly compensation corresponding to Salary Grade Thirty (30) as
20 prescribed under Republic Act No. 6758, otherwise known as the Salary
21 Standardization Law, and the implementing guidelines issued pursuant thereto,
22 and such other compensation, emoluments and allowances as may be
23 determined by law.

24 (b) The city mayor, as the chief executive of the city government, shall
25 exercise such powers and perform such duties and functions as provided
26 herein:

27 (1) Exercise those powers expressly granted to him by law, those
28 necessarily implied therefrom, as well as powers necessary, appropriate or

1 incidental for the *efficient and effective* governance of the City and those
2 which are essential to the promotion of the general welfare;

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

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

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

13 (iv) Initiate and propose legislative measures to the sangguniang
14 panlungsod, as may be deemed necessary, and provide such information and
15 data needed or requested by the said sanggunian in the performance of its
16 legislative functions;

17 (v) Appoint all officials and employees whose salaries and wages are
18 wholly or mainly paid out of city funds and whose appointments are not
19 otherwise provided for in the *Local Government Code of 1991*, as well as
20 those he may be authorized by law to appoint;

21 (vi) Represent the City in all its business transactions and sign on its
22 behalf all bonds, contracts, obligations and such other documents upon the
23 authority of the sangguniang panlungsod or pursuant to law or ordinance;

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

26 (viii) Determine the time, manner and place of payments of salaries or
27 wages of the officials and employees of the City, in accordance with law or
28 ordinance;

1 (ix) Allocate and assign office space to city and other officials and
2 employees who, by law or ordinance, are entitled to such space in the city hall
3 and other buildings owned or leased by the city government, including the
4 offices and officials created therein;

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

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

15 (xii) Furnish copies of executive orders issued by him to the provincial
16 governor within seventy-two (72) hours after their issuance;

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

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

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

28 (xvi) Call upon any national official or employee stationed in or
29 assigned to the City to advise him on matters affecting the City and to make

1 recommendations thereon; coordinate with the said officials or employees in
2 the formulation and implementation of plans, programs and projects; and when
3 appropriate, initiate an administrative or judicial action against a national
4 government official or employee who may have committed an offense in the
5 performance of their official duties while stationed in or assigned to the City;

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

10 (xviii) Solemnize marriages, any provision of law to the contrary
11 notwithstanding;

12 (xix) Conduct an annual palarong panlungsod which shall feature
13 traditional sports and disciplines included in national and international games,
14 in coordination with the Department of Education (DepEd), the Philippine
15 Sports Commission and other related agencies; and

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

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

27 (i) Ensure that the acts of the City's component barangays and of its
28 officials and employees are within the scope of their prescribed powers, duties
29 and functions;

1 (ii) Call conventions, conferences, seminars or meetings of elective or
2 appointive officials of the City, including national officials and employees
3 stationed in or assigned to the City, at such time and place and on such subject
4 he may deem important for the promotion of the general welfare of the local
5 government unit and its inhabitants;

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

8 (iv) Be entitled to carry the necessary firearms within his territorial
9 jurisdiction after the procurement of necessary permit/s and/or license/s from
10 duly constituted authorities;

11 (v) Act as the deputized representative of the National Police
12 Commission, formulate the peace and order plan of the City and upon its
13 approval, implement the same and as such, exercise general and operational
14 control and supervision over the local police forces in the City in accordance
15 with Republic Act No. 6975, otherwise known as the Philippine National
16 Police Law; and

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

21 (3) Initiate and maximize the generation of resources and revenues and
22 apply the same to the implementation of development plans, program
23 objectives and priorities, particularly the resources and revenues programmed
24 for agro-industrial development and the provision of basic services and relative
25 thereto, shall:

26 (i) Require each head of an office or department to prepare and
27 submit an estimate of appropriations for the ensuing calendar year, in
28 accordance with the budget preparation process and in accordance with the
29 provisions of the Local Government Code of 1991, and other relevant laws;

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

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

7 (iv) Issue licenses and permits and suspend or revoke the same for any
8 violation of the conditions upon which said licenses or permits had been issued
9 pursuant to law or ordinance;

10 (v) Issue permits, not requiring approval from any national agency, for
11 the holding of activities for any charitable or welfare purposes, excluding
12 prohibited games of chance or shows contrary to law, public policy and public
13 morals;

14 (vi) Require owners of illegally constructed houses, buildings or
15 structures to obtain the necessary permits, subject to such fines and penalties as
16 may be imposed by law or ordinance, or to make necessary changes in the
17 construction or to order the demolition or removal of said houses, buildings or
18 structures within the period prescribed by law or ordinance;

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

21 (viii) Provide efficient and effective property and supply management in
22 the City, and protect the funds, credits, rights and other properties of the City;
23 and

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

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

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

8 (ii) Coordinate the implementation of technical services, including
9 public works and infrastructure programs, rendered by national offices and
10 provincial office; and

11 (5) Perform such other duties and functions and exercise such other
12 powers as provided for under the Local Government Code of 1991, and those
13 that are prescribed by other relevant laws or by ordinance.

14 SEC. 10. *The City Vice Mayor.* – (a) There shall be a city vice mayor
15 who shall be elected in the same manner as the city mayor and shall, at the time
16 of his election, possess the same qualifications as the city mayor. He shall hold
17 office for three years, unless sooner removed, and shall receive a minimum
18 monthly compensation corresponding to Salary Grade Twenty-six (26) as
19 prescribed under the Salary Standardization Law and the implementing
20 guidelines issued pursuant thereto, and such other compensation, emoluments
21 and allowances as may be determined by law.

22 (b) The city vice mayor shall:

23 (1) Be the presiding officer of the sangguniang panlungsod and sign all
24 warrants drawn on the city treasury for all expenditures appropriated for the
25 operation of the sangguniang panlungsod;

26 (2) Subject to civil service law, rules and regulations, appoint all
27 officials and employees, including the secretary of the sangguniang
28 panlungsod, except those whose manner of appointment is specifically
29 provided for under the Local Government Code of 1991;

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

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

6 (5) Perform such other duties and functions and exercise such other
7 powers as provided for under the Local Government Code of 1991, and those
8 that are prescribed by other relevant laws or by ordinance.

9 ARTICLE IV

10 THE SANGGUNIANG PANLUNGSOD

11 SEC. 11. *The Sangguniang Panlungsod.* – (a) The sangguniang
12 panlungsod, the legislative body of the City, shall be composed of the city vice
13 mayor as the presiding officer, ten (10) regular sanggunian members, the
14 president of the city chapter of the *liga ng mga barangay*, the *president of the*
15 *panlungsod na pederasyon ng mga sangguniang kabataan*, the sectoral
16 representatives and such other members as may be provided for by law. They
17 shall hold office for three years unless sooner removed.

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

23 (c) The regular members of the sangguniang panlungsod, the sectoral
24 representatives and other members as may be allowed by law shall be elected
25 or appointed in the manner as may be provided for by law. The elective
26 members of the sangguniang panlungsod shall possess the same qualifications
27 as that of the city mayor and the city vice mayor except that candidates for said
28 position must be at least eighteen (18) years of age on election day.

1 (d) They shall receive a minimum monthly compensation
2 corresponding to Salary Grade Twenty-five (25) as prescribed under the Salary
3 Standardization Law and the implementing guidelines issued pursuant thereto,
4 and such other compensation, emoluments and allowances as may be
5 determined by law.

6 (e) The sangguniang panlungsod shall:

7 (1) Approve ordinances and pass resolutions necessary for an efficient
8 and effective city government and, in this connection, shall:

9 (i) Review all ordinances approved by the sangguniang barangay and
10 executive orders issued by the punong barangay to determine whether these are
11 within the scope of the prescribed powers of the sangguniang barangay and of
12 the punong barangay;

13 (ii) Maintain peace and order by enacting measures to prevent and
14 suppress lawlessness, disorder, riot, violence, rebellion or sedition and impose
15 penalties for the violation of said ordinances;

16 (iii) Approve ordinances imposing a fine not exceeding Five thousand
17 pesos (P5,000.00) or an imprisonment for a period not exceeding one year, or
18 both, at the discretion of the court, for violation of a city ordinance;

19 (iv) Adopt measures to protect the inhabitants of the City from harmful
20 effects of man-made and natural disasters or calamities and to provide relief
21 services and assistance to victims during and in the aftermath of said disasters
22 or calamities and in their return to productive livelihood following said events;

23 (v) Enact ordinances intended to prevent, suppress and impose
24 appropriate penalties for habitual drunkenness in public places, vagrancy,
25 mendicancy, prostitution, the establishment and maintenance of houses of
26 ill-repute, gambling and other prohibited games of chance, fraudulent devices
27 and ways to obtain money or property, drug addiction, maintenance of drug
28 dens, drug pushing, juvenile delinquency, the printing, distribution or

1 exhibition of obscene or pornographic materials or publications and such other
2 activities inimical to the welfare and morals of the inhabitants of the City;

3 (vi) Protect the environment. To this end, it shall set aside a reasonable
4 amount from its development funds for the purpose of maintaining and
5 enhancing the ecological balance of the City. It may also impose appropriate
6 penalties for acts which endanger the environment, such as dynamite fishing
7 and other forms of destructive fishing, illegal logging and smuggling of logs,
8 smuggling of natural resources products and of endangered species of flora and
9 fauna, slash-and-burn farming and such other activities which result in
10 pollution, acceleration of eutrophication of rivers and other bodies of water, or
11 of ecological imbalance, the fines for which shall be used exclusively for the
12 advancement of ecological protection;

13 (vii) Subject to the provisions of the Local Government Code of 1991
14 and other pertinent laws, determine the powers and duties of officials and
15 employees of the City;

16 (viii) Consistent with the Salary Standardization Law, determine the
17 positions and the salaries, wages, allowances and other emoluments and
18 benefits of officials and employees paid wholly or mainly from city funds and
19 provide for expenditures necessary for the proper conduct of programs,
20 projects, services and activities of the city government;

21 (ix) *Authorize the payment of compensation to a qualified person not*
22 *in the government service who fills in a temporary vacancy or grant*
23 *honorarium to any qualified official or employee designated to fill in a*
24 *temporary vacancy in a concurrent capacity at the rate authorized by law;*

25 (x) Provide a mechanism and the appropriate funds therefor to ensure
26 the safety and the protection of all city government properties, public
27 documents or records such as those relating to property inventory, land
28 ownership, records of births, marriages, deaths, assessments, taxation,

1 accounts, business permits and such other records and documents of public
2 interest in the offices and departments of the city government;

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

7 (xii) Provide legal assistance to barangay officials who, in the
8 performance of their official duties or on the occasion thereof, have to initiate
9 judicial proceedings or defend themselves against legal actions; and

10 (xiii) Provide for group insurance or additional insurance coverage for
11 all barangay officials, including members of barangay tanod brigades and other
12 service units, with public or private insurance companies;

13 (2) Generate and maximize the use of resources and revenues for the
14 development plans, program objectives and priorities of the City with
15 particular attention to agro-industrial development, citywide growth and
16 progress and the provision of basic services and, relative thereto, the
17 sangguniang panlungsod shall:

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

22 (ii) Subject to the provisions of Book II of the Local Government
23 Code of 1991 and applicable laws and, upon the majority vote of all the
24 members of the sangguniang panlungsod, enact ordinances levying taxes, fees
25 and charges, prescribing the rates thereof for general and specific purposes,
26 and granting tax exemptions, incentives or reliefs;

27 (iii) Subject to the provisions of Book II of the Local Government
28 Code of 1991 and applicable laws and, upon the majority vote of all the
29 members of the sangguniang panlungsod, authorize the city mayor to negotiate

1 and contract loans and other forms of indebtedness. The application for loans
2 or other forms of indebtedness and the terms and conditions thereof shall,
3 before approval, be published in a newspaper of general circulation in the City.
4 Once approved, the contract covering the loans or other forms of indebtedness
5 shall be furnished to any city resident requesting a copy thereof, upon payment
6 of reasonable fees;

7 (iv) Subject to the provisions of Book II of the Local Government
8 Code of 1991 and applicable laws and, upon the majority vote of all members
9 of the sangguniang panlungsod, enact ordinances authorizing the floating of
10 bonds or other instruments of indebtedness for the purpose of raising funds to
11 finance development projects. The authorization to float bonds or other
12 instruments of indebtedness shall be published in a newspaper of general
13 circulation in the City. Once approved, the contract covering the floating of
14 bonds or other instruments of indebtedness shall be furnished to any city
15 resident requesting a copy thereof upon payment of reasonable fees;

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

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

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

26 (viii) Reclassify lands within the jurisdiction of the City, subject to the
27 pertinent provisions of the Local Government Code of 1991;

28 (ix) Enact integrated zoning ordinances in consonance with the
29 approved comprehensive land-use plan, subject to existing laws, rules and

1 regulations; establish fire limits or zones, particularly in populous centers; and
2 regulate the construction, repair or modification of buildings within said fire
3 limits or zones, in accordance with the provisions of the Fire Code;

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

11 (xi) Subject to the provisions of Book II of the Local Government
12 Code of 1991, grant the exclusive privilege of constructing fish corrals or fish
13 pens, or the taking or catching of bangus fry, prawn fry or kawag-kawag, or fry
14 of any species of fish within the city waters;

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

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

23 (xiv) Regulate the numbering of residential, commercial and other
24 buildings; and

25 (xv) Regulate the inspection, weighing and measuring of articles of
26 commerce;

27 (3) Subject to the provisions of the Local Government Code of 1991,
28 enact ordinances granting franchises and authorizing the issuance of permits or
29 licenses, upon such conditions and for such purposes intended to promote the

1 general welfare of the inhabitants of the City and, pursuant to this legislative
2 authority, shall:

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

5 (ii) Regulate or fix license fees for any business or practice of
6 profession within the City and the conditions under which the license for said
7 business or practice of profession may be revoked, and enact ordinances
8 levying taxes thereon;

9 (iii) Provide for and set the conditions under which public utilities
10 owned by the City shall be operated by the city government and prescribe the
11 conditions under which the same may be leased to private persons or entities,
12 preferably cooperatives;

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

16 (v) Authorize and license the establishment, operation and
17 maintenance of cockpits, regulate cockfightings and the commercial breeding
18 of gamecocks: *Provided*, That existing rights should not be prejudiced;

19 (vi) Subject to the guidelines prescribed by the Department of
20 Transportation and Communications, regulate the operation of tricycles and
21 grant franchises for the operation thereof within the territorial jurisdiction of
22 the City; and

23 (vii) Upon approval by a majority vote of all the members of the
24 sangguniang panlungsod, grant a franchise to any person, partnership,
25 corporation or cooperative to do business within the City; establish, construct,
26 operate and maintain ferries, wharves, markets or slaughterhouses; or
27 undertake such other activities within the City as may be allowed by existing
28 laws: *Provided*, That cooperatives shall be given preference in the grant of
29 such franchise;

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

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

5 (ii) With the concurrence of a majority of the members of the
6 sangguniang panlungsod constituting a quorum, deny the entry of legalized
7 gambling by ordinance into any part of the City or regulate its location within
8 the City;

9 (iii) Require that buildings and the premises thereof and any land
10 within the City be kept and maintained in a sanitary condition; impose
11 penalties for any violation thereof or, upon failure to comply with the
12 requirement, have the work done at the expense of the owner, administrator or
13 tenant concerned and require the filling up of any land or premises to a grade
14 necessary for proper sanitation;

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

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

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

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

25 (viii) Regulate the establishment, operation and maintenance of
26 entertainment or amusement facilities, including the theatrical performance,
27 circuses, billiard halls, public dancing schools, public dance halls, sauna baths,
28 massage parlors and other places for entertainment or amusement, particularly
29 those which tend to disturb the community or annoy the inhabitants or require

1 the suspension or suppression of the same; or prohibit certain forms of
2 amusement or entertainment in order to protect the social and moral welfare of
3 the community;

4 (ix) Provide for the impounding of stray animals; regulate the keeping
5 of animals in homes or as part of a business, and the slaughter, sale or
6 disposition of the same and adopt measures to prevent and penalize cruelty to
7 animals, subject to existing laws, rules and regulations; and:

8 (x) Regulate the establishment, operation and maintenance of funeral
9 parlors and the burial or cremation of the dead, subject to existing laws, rules
10 and regulations;

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

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

17 (ii) Establish markets, slaughterhouses or animal corrals and authorize
18 the operation thereof by the city government; and regulate the construction and
19 operation of private markets, talipapas or other similar buildings and
20 structures;

21 (iii) Authorize the establishment, maintenance and operation by the
22 city government of ferries, wharves and other structures intended to accelerate
23 productivity related to marine and seashore or offshore activities;

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

27 (v) Regulate the use of streets, avenues, alleys, sidewalks, bridges,
28 parks and other public places, and approve the construction, improvement,
29 repair and maintenance of the same; establish bus and vehicle stops and

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

6 (vi) Regulate traffic on all streets and bridges; prohibit encroachments
7 or obstacles thereon and, when necessary in the interest of public welfare,
8 authorize the removal of encroachments and illegal constructions in public
9 places;

10 (vii) Subject to existing laws and when necessary, establish and provide
11 for the maintenance, repair and operation of an efficient waterworks system to
12 supply water for the inhabitants and to purify the source of the water supply;
13 regulate the construction, maintenance, repair and use of hydrants, pumps,
14 cisterns and reservoirs; protect the purity and quantity of the water supply of
15 the City and, for this purpose, extend the coverage of appropriate ordinances
16 over all territory within the drainage area of said water supply within one
17 hundred meters (100 m.) of the reservoir, canal, conduit, aqueduct, pumping
18 station or watershed used in connection with the water service and regulate the
19 consumption, use or wastage of water and fix and collect charges therefor;

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

28 (ix) Regulate the placing, stringing, attaching, installing, repair and
29 construction of all gas mains, electric telegraph and telephone wires, conduits,

1 meters and other apparatus; and provide for the correction, condemnation or
2 removal of the same when found to be dangerous, defective or otherwise
3 hazardous to the welfare of the inhabitants;

4 (x) Subject to the availability of funds and the existing laws, rules and
5 regulations, establish or maintain and/or provide for the operation of a city
6 college, vocational and technical schools and similar post-secondary
7 institutions and, with the approval of the DepEd, the Commission on Higher
8 Education or the Technical Education and Skills Development Authority, as
9 the case may be, and subject to existing laws on tuition fees, fix and collect
10 reasonable tuition fees and other school charges in educational institutions
11 supported by the city government;

12 (xi) Ensure the physical maintenance of educational institutions under
13 the operational control of the City and the provision of books and other capital
14 equipment for the same;

15 (xii) Establish a scholarship fund for the poor but deserving students in
16 schools located within its jurisdiction or for students residing within the City;

17 (xiii) Approve measures and adopt quarantine regulations to prevent
18 the introduction and the spread of diseases;

19 (xiv) Provide for an efficient and effective system of solid waste and
20 garbage collection and prohibit littering and the placing or throwing of
21 garbage, refuse and other filth and wastes; and, for this purpose, provide for
22 incentive schemes for industries engaged in the recycling of waste and
23 garbage;

24 (xv) Provide for the care of disabled persons, paupers, the aged, the
25 sick, persons of unsound mind, abandoned minors, juvenile delinquents, drug
26 dependents, abused children and other needy and disadvantaged persons,
27 particularly children and the youth below eighteen (18) years of age and
28 subject to the availability of funds, establish and provide for the operation of
29 centers and facilities for the said needy and disadvantaged persons;

1 (xvi) Establish and provide for the maintenance and improvement of
2 jails and detention centers, institute a sound jail management program,
3 including a continuing education and training program for jail personnel
4 assigned or detailed in jails and detention centers within the jurisdiction of the
5 City, and the provision of separate detention centers for women and minors;

6 (xvii) Establish a city council whose purpose is the promotion of
7 culture and the arts, coordinate with government agencies and
8 nongovernmental organizations and, subject to the availability of funds,
9 appropriate funds for the support and development of the same;

10 (xviii) Establish a city council for the elderly which shall formulate
11 policies and adopt measures mutually beneficial to the elderly and to the
12 community; provide incentives for nongovernmental agencies and entities and,
13 subject to the availability of funds, appropriate funds to support programs and
14 projects for the benefit of the elderly; and

15 (xix) Perform for a social housing fund for the provision of housing
16 for the poor and, for this purpose, may allocate a reasonable amount annually
17 for the acquisition of land and development of the same; and

18 (6) Perform such other duties and functions and exercise such powers
19 as provided for under the Local Government Code of 1991, and those that are
20 prescribed by other relevant laws or by ordinance.

21 ARTICLE V

22 PROCESS OF LEGISLATION

23 SEC. 12. *Internal Rules of Procedure.* – (a) On the first regular session
24 following the election of its members and within ninety (90) days thereafter,
25 the sangguniang panlungsod shall adopt or update rules of procedure.

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

27 (1) The organization of the sanggunian and the election of its officers
28 as well as the creation of standing committees which shall include, but shall not
29 be limited to, the committees on appropriations, women and family, human

1 rights, youth and sports development, environmental protection and
2 cooperatives, the general jurisdiction of each committee; and the election of
3 the chairman and members of each committee;

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

5 (3) The legislative process;

6 (4) The parliamentary procedures which include the conduct of
7 members during sessions;

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

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

17 SEC. 13. *Full Disclosure of Financial and Business Interests of*
18 *Sangguniang Panlungsod Members.* – (a) Every sangguniang panlungsod
19 member shall, upon assumption to office, make a full disclosure of his business
20 and financial interests. He shall also disclose any professional relationship or
21 any relation by affinity or consanguinity within the fourth civil degree, which
22 he may have with any person, firm or entity affected by any ordinance or
23 resolution under consideration by the sanggunian of which he is a member,
24 which relationship may result in conflict of interests. Such relationship shall
25 include:

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

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

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

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

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

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

19 SEC. 14. *Sessions.* – (a) *On the first day of the session immediately*
20 *following the election of its members, the sangguniang panlungsod shall, by*
21 *resolution, fix the day, time and place of its sessions. The minimum number of*
22 *regular sessions shall be once a week.*

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

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

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

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

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

9 SEC. 15. *Quorum.* – (a) A majority of all the members of the
10 sanggunian who have been elected and qualified shall constitute a quorum to
11 transact official business. Should a question of quorum be raised during a
12 session, the presiding officer shall immediately proceed to call the roll of the
13 members and thereafter announce the result.

14 (b) Where there is no quorum, the presiding officer may declare a
15 recess until such time a quorum is constituted or a majority of the members
16 present may adjourn from day to day and may compel the immediate
17 attendance of any member absent without justifiable cause by designating a
18 member or members of the sanggunian, to be assisted by a member or
19 members of the police force assigned in the territorial jurisdiction of the City
20 of Guihulngan, to arrest the absent member and present him at the session.

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

25 SEC. 16. *Approval of Ordinances.* – (a) Every ordinance enacted by the
26 sangguniang panlungsod shall be presented to the city mayor. If the city mayor
27 approves the same, he shall affix his signature on each and every page thereof;
28 otherwise, he shall veto it and return the same with his objections to the
29 sanggunian, which may proceed to reconsider the same. The sanggunian may

1 override the veto of the city mayor by two-thirds (2/3) vote of all its members,
2 thereby making the ordinance or resolution effective for all legal intents and
3 purposes.

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

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

10 (b) The city mayor shall have the power to veto any particular item or
11 items of an appropriations ordinance, an ordinance or resolution adopting a
12 local development plan, any public investment program or an ordinance
13 directing the payment of money or creating liability. In such case, the vetoed
14 item or items shall not take effect unless the sangguniang panlungsod overrides
15 the veto in the manner herein provided; otherwise, the item or items in the
16 appropriations ordinance of the previous year corresponding to those vetoed, if
17 any, shall be deemed enacted.

18 (c) The city mayor may veto an ordinance or resolution only once. The
19 sanggunian may override the veto by two-thirds (2/3) vote of all its members,
20 thereby making the ordinance effective even without the approval of the city
21 mayor.

22 SEC. 18. *Review of City Ordinances by the Sangguniang*
23 *Panlalawigan.* – (a) Within three days after approval, the secretary to the
24 sangguniang panlungsod shall forward to the sangguniang panlalawigan for
25 review, copies of approved ordinances and the resolutions approving the local
26 development plans and public investment programs formulated by the local
27 development councils.

28 (b) Within thirty (30) days after receipt of copies of such ordinances
29 and resolutions, the sangguniang panlalawigan shall examine the documents or

1 transmit them to the provincial attorney or the provincial prosecutor for prompt
2 examination. The provincial attorney or the provincial prosecutor shall, within
3 a period of ten (10) days from receipt of the documents, *inform the*
4 *sangguniang panlalawigan* in writing of his comments or recommendations,
5 which may be considered by the *sangguniang panlalawigan* in making its
6 decision.

7 (c) If the *sangguniang panlalawigan* finds that such an ordinance or
8 *resolution is beyond the power conferred upon the sangguniang panlungsod*
9 concerned, it shall declare such ordinance or resolution invalid in whole or in
10 part. The *sangguniang panlalawigan* shall enter its action in the minutes and
11 shall advise the corresponding city authorities of the action it has taken.

12 (d) If not action has been taken by the *sangguniang panlalawigan*
13 within thirty (30) days after submission of such an ordinance or resolution, the
14 same shall be presumed consistent with law and therefore valid.

15 SEC. 19. *Review of Barangay Ordinances by the Sangguniang*
16 *Panlungsod.* – (a) Within ten (10) days after their enactment, the *sangguniang*
17 *barangay* shall furnish copies of all *barangay ordinances* to the *sangguniang*
18 *panlungsod* for review as to whether the ordinance is consistent with law and
19 city or municipal ordinances.

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

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

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

6 SEC. 21. *Effectivity of Ordinances or Resolutions.* – (a) Unless
7 otherwise stated in the ordinance or the resolution approving the local
8 development plan and the public investment program, the same shall take
9 effect after ten (10) days from the date a copy thereof is posted in a bulletin
10 board at the entrance of the City Hall of Guihulngan and in at least two other
11 conspicuous places in the City of Guihulngan.

12 (b) The secretary of the sangguniang panlungsod shall cause the
13 posting of an ordinance or resolution in the bulletin board at the entrance of the
14 City Hall of Guihulngan and in at least two conspicuous places in the City of
15 Guihulngan not later than five days after approval thereof. The text of the
16 ordinance or resolution shall be disseminated and posted in Filipino or English
17 and in the language or dialect understood by majority of the people in the City,
18 and the secretary of the sangguniang panlungsod shall record such fact in a
19 book kept for the purpose, stating the dates of approval and posting.

20 (c) The main features of the ordinance or resolution duly enacted or
21 adopted shall, in addition to being posted, be published once in a local
22 newspaper of general circulation within the City: *Provided*, That in the
23 absence thereof, the ordinance or resolution shall be published in any
24 newspaper of general circulation: *Provided, further*, That the gist of all
25 ordinances with penal sanctions shall also be published in a newspaper of
26 general circulation.

27

ARTICLE VI

DISQUALIFICATIONS AND SUCCESSION FOR
ELECTIVE CITY OFFICIALS

1
2
3
4 SEC. 22. *Disqualifications for Elective Public City Officials.* – The
5 following persons are disqualified from running for any elective position in the
6 City:

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

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

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

13 (d) Those with dual citizenship;

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

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

19 (g) The insane or feeble-minded.

20 SEC. 23. *Permanent Vacancy in the Office of the City Mayor and the*
21 *City Vice Mayor.* – (a) If a permanent vacancy occurs in the office of the city
22 mayor, the city vice mayor concerned shall become the city mayor. If a
23 permanent vacancy occurs in the office of the city vice mayor, the highest
24 ranking sangguniang panlungsod member or, in case of his permanent
25 incapacity, the second highest ranking sangguniang panlungsod member shall
26 become the city mayor or the city vice mayor, as the case may be. Subsequent
27 vacancies in the said offices shall be filled in automatically by the other
28 sanggunian members according to their ranking as defined herein.

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

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

3 (d) For purposes of this Act, a permanent vacancy arises when an
4 elective local official fills in a higher vacant office, refuses to assume office,
5 fails to qualify, dies, is removed from office, voluntarily resigns or is otherwise
6 permanently incapacitated to discharge the function of his office.

7 ∴ (e) For purposes of succession as provided in this Act, ranking in the
8 sanggunian shall be determined on the basis of the proportion of votes obtained
9 by each winning candidate to the total number of registered voters in the City
10 in the immediately preceding local election.

11 SEC. 24. *Permanent Vacancies in the Sangguniang Panlungsod.* –
12 Permanent vacancies in the sangguniang panlungsod where automatic
13 succession as provided above does not apply shall be filled in by appointments
14 in the following manner:

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

16 (b) Only the nominee of the political party under which the sanggunian
17 member concerned had been elected shall be appointed in the manner herein
18 provided. The appointee shall come from the same political party as that of the
19 sanggunian member who caused the vacancy and shall serve the unexpired
20 term of the vacant office.

21 In the appointment herein mentioned, a nomination and a certificate of
22 membership of the appointee from the highest official of the political party
23 concerned are conditions *sine qua non*, and any appointment without such
24 nomination and certification shall be null and void *ab initio* and shall be a
25 ground for administrative action against the official responsible therefor;

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

1 (d) In case of vacancy in the representation of the youth, the barangay
2 and other sectors in the sangguniang panlungsod, said vacancy shall be filled in
3 automatically by the official next-in-rank of the organization concerned.

4 SEC. 25. *Temporary Vacancy in the Office of the City Mayor.* – (a)
5 When the city mayor is temporarily incapacitated to perform his duties for
6 physical or legal reasons such as, but not limited to, leave of absence, travel
7 abroad and suspension from office, the city vice mayor shall automatically
8 exercise the powers and perform the duties and functions of the city mayor,
9 except the power to appoint, suspend or dismiss employees which can only be
10 exercised if the period of temporary incapacity exceeds thirty (30) working
11 days.

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

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

23 (d) In the event, however, that the city mayor fails or refuses to issue
24 such authorization, the city vice mayor or the highest ranking sangguniang
25 panlungsod member, as the case may be, shall have the right to assume the
26 powers, duties and functions of the said office on the fourth day of absence of
27 the city mayor, subject to the limitations provided for in subsection (c) hereof.

28 (e) Except as provided above, the city mayor shall, in no case,
29 authorize any local official to assume the powers, duties and functions of the

1 office other than the city vice mayor or the highest ranking sangguniang
2 panlungsod member, as the case may be.

3 ARTICLE VII

4 THE APPOINTIVE OFFICIALS OF THE CITY: 5 THEIR QUALIFICATIONS, POWERS AND DUTIES

6 SEC. 26. *The Secretary to the Sangguniang Panlungsod* – (a) There
7 shall be a secretary to the sangguniang panlungsod who shall be a career
8 official with the rank and salary equal to a head of a department or office who
9 shall be appointed by the city mayor with the concurrence of the majority of all
10 the sangguniang panlungsod members, subject to civil service law, rules and
11 regulations.

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

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

19 (d) The secretary to the sanggunian shall take charge of the office of
20 the sangguniang panlungsod and shall:

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

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

26 (3) Forward to the city mayor for approval copies of ordinances
27 enacted by the sangguniang panlungsod and duly certified by the presiding
28 officer;

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

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

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

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

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

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

18 (10) Perform such other duties and functions and exercise such other
19 powers as provided for under the Local Government Code of 1991, and those
20 that are prescribed by other relevant laws or by ordinance.

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

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

28 (c) No person shall be appointed city treasurer unless he is a citizen of
29 the Philippines, a resident of the City of Guihulngan, of good moral character,

1 a holder of a college degree preferably in commerce, public administration or
2 law from a recognized college or university and a first grade civil service
3 eligible or its equivalent. He must have acquired experience in treasury or
4 accounting service for at least five years.

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

7 (e) The city treasurer shall take charge of the city treasury office and
8 shall:

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

12 (2) Take custody and exercise proper management of the funds of the
13 City;

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

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

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

21 (6) Perform such other duties and functions and exercise such other
22 powers as provided for under the Local Government Code of 1991, and those
23 that are prescribed by law or ordinance.

24 SEC. 28. *The Assistant City Treasurer.* – (a) The assistant city
25 treasurer may be appointed by the Secretary of Finance from a list of at least
26 three ranking eligible recommendees of the city mayor, subject to civil service
27 law, rules and regulations.

28 (b) No person shall be appointed assistant city treasurer unless he is a
29 citizen of the Philippines, a resident of the City of Guihulngan, of good moral

1 character, a holder of a college degree preferably in commerce, public
2 administration or law from a recognized college or university and a first grade
3 civil service eligible or its equivalent. He must have acquired at least three
4 years experience in treasury or accounting.

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

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

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

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

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

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

26 (2) Initiate, review and recommend changes in policies and objectives,
27 plans and programs, techniques, procedures and practices in the evaluation and
28 assessment of real properties for taxation purposes;

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

1 (4) *Install and maintain real property identification and accounting*
2 *systems;*

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

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

8 (7) *Exercise the functions of appraisal and assessments primarily for*
9 *taxation purposes of all real properties in the City;*

10 (8) *Prepare a schedule of the fair market value of the different classes*
11 *of real properties in accordance with the provisions of the Local Government*
12 *Code of 1991;*

13 (9) *Issue, upon the request of any interested party, certified copies of*
14 *assessment upon payment of a service charge or fee to the city treasurer;*

15 (10) *Submit every semester a report of all assessments as well as the*
16 *cancellation and modification of assessment to the city mayor and the*
17 *sangguniang panlungsod; and*

18 (11) *Perform such other duties and functions and exercise such other*
19 *powers as provided for under the Local Government Code of 1991, and those*
20 *that are prescribed by law or ordinance.*

21 SEC. 30. *The Assistant City Assessor.* -- (a) *The assistant city assessor*
22 *must be a citizen of the Philippines, a resident of the City of Guihulngan, of*
23 *good moral character, a holder of a college degree preferably in civil or*
24 *mechanical engineering, commerce or any related course from a recognized*
25 *college or university and a first grade civil service eligible or its equivalent. He*
26 *must have acquired experience in assessment or in any related field for at least*
27 *three years immediately preceding the date of his appointment.*

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

1 (c) The assistant city assessor shall assist the city assessor and perform
2 such other duties as the latter may assign to him. He shall have authority to
3 administer oaths on all declarations of real property for purposes of
4 assessment.

5 SEC. 31. *The City Accountant.* – (a) The city accountant must be a
6 citizen of the Philippines, a resident of the City of Guihulngan, of good moral
7 character and a certified public accountant. He must have acquired experience
8 in the treasury or accounting service for at least five years immediately
9 preceding the date of his appointment.

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

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

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

15 (2) Prepare and submit financial statements to the city mayor and to the
16 sangguniang panlungsod;

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

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

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

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

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

27 (8) Post individual disbursements to subsidiary ledgers and index
28 cards;

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

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

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

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

9 (13) Perform such other duties and functions and exercise such other
10 powers as provided for under the Local Government Code of 1991, and those
11 that are prescribed by law or ordinance.

12 SEC. 32. *The City Budget Officer.* – (a) The city budget officer must
13 be a citizen of the Philippines, a resident of the City of Guihulngan, of good
14 moral character, a holder of a college degree preferably in accounting,
15 economics, public administration or any related course from a recognized
16 college or university and a first grade civil service eligible or its equivalent. He
17 must have acquired experience in government budgeting or in any related field
18 for at least five years immediately preceding the date of his appointment;

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

21 (c) The city budget officer shall take charge of the city budget office
22 and shall:

23 (1) Prepare forms, orders and circulars embodying instructions on
24 budgetary and appropriations matters for the signature of the city mayor;

25 (2) Review and consolidate the budget proposals of different
26 departments and offices of the City;

27 (3) Assist the city mayor in the preparation of the proposed legislation
28 and submit comments and recommendations thereon;

1 (4) Study and evaluate the budgetary implementation of proposed
2 legislation and submit comments and recommendations thereon;

3 (5) Submit periodic budgetary reports to the Department of Budget and
4 Management;

5 (6) Coordinate with the city treasurer, the city accountant and the city
6 planning and development officer for the purpose of budgeting;

7 (7) Assist the sangguniang panlungsod in reviewing the approved
8 budgets of component barangays;

9 (8) Coordinate with the city planning and development officer in the
10 formulation of the development plan of the City; and

11 (9) Perform such other duties and functions and exercise such other
12 powers as provided for under the *Local Government Code of 1991*, and those
13 that are prescribed by law or ordinance.

14 SEC. 33. *The City Planning and Development Officer.* – (a) The city
15 planning and development officer must be a citizen of the Philippines, a
16 resident of the City of Guihulngan, of good moral character, a holder of a
17 college degree preferably in urban planning, development studies, economics,
18 public administration or any related course from a recognized college or
19 university and a first grade civil service eligible or its equivalent. He must have
20 acquired experience in development planning or in any related field for at least
21 five years immediately preceding the date of his appointment.

22 (b) The city planning and development officer shall receive such
23 compensation, emoluments and allowances as may be determined by law.

24 (c) The city planning and development officer shall take charge of the
25 city planning and development coordinating office and shall:

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

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

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

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

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

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

11 (7) Promote people's participation in development planning within the
12 City;

13 (8) Exercise supervision and control over the secretariat of the local
14 development council; and

15 (9) Perform such other duties and functions and exercise such other
16 powers as provided for under the Local Government Code of 1991, and those
17 that are prescribed by law or ordinance.

18 SEC. 34. *The City Engineer.* – (a) The city engineer must be a citizen
19 of the Philippines, a resident of the City of Guihulngan, of good moral
20 character and a licensed civil engineer. He must have acquired experience in
21 the practice of his profession for at least five years immediately preceding the
22 date of his appointment.

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

25 (c) The city engineer shall take charge of the city engineering office
26 and shall:

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

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

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

6 (4) Provide engineering services to the City, including investigations
7 and surveys, engineering designs, feasibility studies and project management;
8 and

9 (5) Perform such other duties and functions and exercise such other
10 powers as provided for under the Local Government Code of 1991, and those
11 that are prescribed by law or ordinance.

12 SEC. 35. *The City Health Officer.* – (a) The city health officer must be
13 a citizen of the Philippines, a resident of the City of Guihulngan, of good moral
14 character and a licensed medical practitioner. He must have acquired
15 experience in the practice of his profession for at least five years immediately
16 preceding the date of his appointment.

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

19 (c) The city health officer shall take charge of the office of the city
20 health services, and shall:

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

26 (2) Formulate measures for the consideration of the sangguniang
27 panlungsod and provide technical assistance and support to the city mayor in
28 carrying out activities to ensure the delivery of basic services and the provision

1 of adequate facilities relative to health services as provided for under Section
2 17 of the Local Government Code of 1991;

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

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

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

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

14 (iii) Execute and enforce all laws, ordinances and regulations relating
15 to health;

16 (iv) Recommend to the sangguniang panlungsod, through the local
17 health board, the passage of such ordinance as he may deem necessary for the
18 preservation of public health;

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

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

24 (vii) Conduct health information campaigns and render health
25 intelligence services; and

26 (viii) Coordinate with other government agencies and nongovernment
27 organizations involved in the promotion and the delivery of health services;

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

4 (6) Perform such other duties and functions and exercise such other
5 powers as provided for under the Local Government Code of 1991, and those
6 that are prescribed by law or ordinance.

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

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

15 (c) The city civil registrar shall be responsible for the civil registration
16 program in the City of Guihulngan pursuant to the Civil Registry Law, the
17 Civil Code and other pertinent laws, rules and regulations issued to implement
18 them.

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

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

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

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

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

3 (iii) Transcribe and enter immediately upon receipt, all registrable
4 documents and judicial decrees affecting the civil status of persons in the
5 appropriate civil registry books;

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

8 (v) Issue certified transcript or copies of any certificate or registered
9 document upon payment of the required fees to the city treasurer;

10 (vi) Receive applications for the issuance of a marriage license and
11 after determining that the requirements and supporting certificates and
12 publication thereof for the prescribed period have been complied with, issue
13 the license upon payment of the authorized fee to the city treasurer; and

14 (vii) Coordinate with the National Statistics Office in conducting
15 educational campaigns for vital registration and assist in the preparation of
16 demographic and other statistics for the City of Guihulngan; and

17 (3) Perform such other duties and functions and exercise such other
18 powers as provided for under the Local Government Code of 1991, and those
19 that are prescribed by law or ordinance.

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

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

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

3 (d) The city administrator shall take charge of the city administrator's
4 office 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
11 administrator shall assist in the coordination of the work of all the officials of
12 the City under the supervision, direction and control of the city mayor and, for
13 this purpose, he may convene the chiefs of offices and other officials of the
14 City;

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

18 (4) Recommend to the sangguniang panlungsod and advise the city
19 mayor on all matters relative to the management and administration of the City;
20 and

21 (5) Perform such other duties and functions and exercise such other
22 powers as provided for under the Local Government Code of 1991, and those
23 that are prescribed by law or ordinance.

24 SEC. 38. *The City Legal Officer.* – (a) The city legal officer must be a
25 citizen of the Philippines, a resident of the City of Guihulngan, of good moral
26 character and a member of the Philippine Bar. He must have practiced his
27 profession for at least five years immediately preceding the date of his
28 appointment.

1 (b) The term of the city legal officer shall be coterminous with that of
2 his appointing authority.

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

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

7 (1) Formulate measures for the consideration of the sangguniang
8 panlungsod and provide legal assistance and support to the city mayor in
9 carrying out the delivery of basic services and the provision of adequate
10 facilities;

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

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

18 (i) Represent the City in all civil actions and special proceedings
19 wherein the City or any official thereof, in his official capacity, is a party:
20 *Provided*, That in actions or proceedings where the City is the adverse party to
21 the provincial government or to another component city or municipality, a
22 special legal officer may be employed to represent the adverse party;

23 (ii) When required by the city mayor or the sanggunian, draft
24 ordinances, contracts, bonds, leases and other instruments involving any
25 instruments already drawn;

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

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

4 (v) Investigate or cause to be investigated any person, firm or
5 corporation holding any franchise or exercising any public privilege for failure
6 to comply with any term or condition in the grant of such franchise or
7 privilege, and recommending appropriate action to the city mayor or
8 sangguniang panlungsod, as the case may be;

9 (vi) When directed by the city mayor or sanggunian, initiate and
10 prosecute, in the interest of the City, any civil action on any bond, lease or
11 other contract upon any breach or violation thereof; and

12 (vii) Review and submit recommendations on ordinances approved and
13 executive orders issued by component units;

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

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

19 (6) Perform such other duties and functions and exercise such other
20 powers as provided for under the Local Government Code of 1991, and those
21 that are prescribed by law or ordinance.

22 SEC. 39. *The City Social Welfare and Development Officer.* – (a) The
23 city social welfare and development officer must be a citizen of the
24 Philippines, a resident of the City of Guihulngan, of good moral character, a
25 duly licensed social worker or a holder of a college degree preferably in
26 sociology or any other related course from a recognized college or university
27 and a first grade civil service eligible or its equivalent. He must have acquired
28 experience in the practice of social work for at least five years immediately
29 preceding the date of his appointment.

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

3 (c) The city social welfare and development officer shall take charge of
4 the office of the social welfare and development, and shall;

5 (1) Formulate measures for the approval of the sangguniang
6 panlungsod and provide technical assistance and support to the city mayor in
7 carrying out measures to ensure the delivery of basic services and the provision
8 of adequate facilities relative to social welfare and development services;

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

14 (3) In addition to the foregoing duties and functions, the city social
15 welfare and development officer shall:

16 (i) Identify the basic needs of the needy, the disadvantaged and the
17 impoverished and develop and implement appropriate measures to alleviate
18 their problems and improve their living conditions;

19 (ii) Provide relief and appropriate crisis intervention for victims of
20 abuse and exploitation and recommend appropriate measures to deter further
21 abuse and exploitation;

22 (iii) Assist the city mayor in implementing the barangay level program
23 for the total development and protection of children up to six years of age;

24 (iv) Facilitate the implementation of welfare programs for the
25 differently-abled, the elderly and victims of drug addiction, the rehabilitation
26 of prisoners and parolees, the prevention of juvenile delinquency and such
27 other activities which would eliminate or minimize the ill-effects of poverty;

28 (v) Initiate and support youth welfare programs that will enhance the
29 role of the youth in nation-building; and

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

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

9 (5) Recommend to the sangguniang panlungsod and advise the city
10 mayor on all other matters related to social welfare and development services
11 which will improve the livelihood and the living conditions of the inhabitants;
12 and

13 (6) Perform such other duties and functions and exercise such other
14 powers as provided for under the Local Government Code of 1991, and those
15 that are prescribed by law or ordinance.

16 SEC. 40. *The City Veterinarian.* – (a) The city veterinarian must be a
17 citizen of the Philippines, a resident of the City of Guihulngan, of good moral
18 character and a licensed doctor of veterinary medicine. He must have practiced
19 his profession for at least three years immediately preceding the date of his
20 appointment.

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

23 (c) The city veterinarian shall take charge of the office of veterinary
24 services, and shall:

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

1 (2) Develop plans and strategies and, upon approval thereof by the city
2 mayor, implement the same, particularly those which have to do with
3 veterinary-related activities which the city mayor is empowered to implement
4 and which the sangguniang panlungsod is empowered to provide for under the
5 Local Government Code of 1991;

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

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

10 (ii) Regulate the keeping of domestic animals;

11 (iii) Regulate and inspect poultry, milk and dairy products for public
12 consumption;

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

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

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

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

26 (6) Perform such other duties and functions and exercise such other
27 powers as provided for under the Local Government Code of 1991, and those
28 that are prescribed by law or ordinance.

1 SEC. 41. *The City General Services Officer.* – (a) The city general
2 services officer must be a citizen of the Philippines, a resident of the City of
3 Guihulngan, of good moral character, a holder of a college degree in public
4 administration, business administration or management from a recognized
5 college or university and a first grade civil service eligible or its equivalent. He
6 must have acquired experience in general services, including the management
7 of supply, solid waste disposal and the general sanitation for at least five years
8 immediately preceding the date of his appointment.

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

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

13 (1) Formulate measures for the consideration of the sangguniang
14 panlungsod and provide technical assistance and support to the city mayor in
15 carrying out measures to ensure the delivery of basic services and the provision
16 of adequate facilities which require general services expertise and technical
17 support services;

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 the
20 general services supportive of the welfare of the inhabitants of the City which
21 the city mayor is empowered to implement and which the sangguniang
22 panlungsod is empowered to provide for under the Local Government Code of
23 1991;

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

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

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

3 (iii) Recommend to the city mayor the reasonable rental rates for local
4 government properties, whether real or personal, which will be leased to public
5 or private entities, owned by the City;

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

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

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

13 (vii) Perform archival and record management with respect to records
14 of offices and developments of the City; and

15 (viii) Perform all other functions pertaining to supply and property
16 management and enforce policies on records creation, maintenance and
17 disposal;

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

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

24 (6) Perform such other duties and functions and exercise such other
25 powers as provided for under the Local Government Code of 1991, and those
26 that are prescribed by law or ordinance.

27 SEC. 42. *The City Agriculturist.* – (a) The city agriculturist must be a
28 citizen of the Philippines, a resident of the City of Guihulngan, of good moral
29 character, a holder of a college degree preferably in agriculture or any other

1 related course from a recognized college or university and a first grade civil
2 service eligible or its equivalent. He must have practiced his profession in
3 agriculture or acquired the experience for at least five years preceding the date
4 of his appointment.

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

7 (c) The city agriculturist shall take charge of the office for agricultural
8 services, and shall:

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

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

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

20 (i) Ensure that maximum assistance and access to resources in the
21 production, processing and marketing of agricultural and aquaculture and
22 marine products are extended to farmers, fishermen and local entrepreneurs;

23 (ii) Conduct or cause to be conducted location-specific agricultural
24 researches and assist in making available the appropriate technology arising
25 out of and disseminating information on basic research on crops, prevention
26 and control of plant diseases and pests and other agricultural matters which
27 will maximize productivity;

28 (iii) Assist the city mayor in the establishment and extension services
29 of demonstration farms on aquaculture and marine products;

1 (iv) Enforce rules and regulations relating to agriculture and
2 aquaculture; and

3 (v) Coordinate with government agencies and nongovernmental
4 organizations which promote agricultural productivity through appropriate
5 technology compatible with environmental integrity;

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

9 (5) Recommend to the sangguniang panlungsod and advise the city
10 mayor on all other matters related to agriculture and aquaculture which will
11 improve the livelihood and the living conditions of the inhabitants; and

12 (6) Perform such other duties and functions and exercise such other
13 powers as provided for under the Local Government Code of 1991, and those
14 that are prescribed by law or ordinance.

15 SEC. 43. *The City Environment and Natural Resources Officer.* – (a)
16 The city environment and natural resources officer must be a citizen of the
17 Philippines, a resident of the City of Catbalogan, of good moral character, a
18 holder of a college degree preferably in environment, forestry, agriculture or
19 any other related course from a recognized college or university and a first
20 grade civil service eligible or its equivalent. He must have acquired experience
21 in environment/and natural resources management, conservation and utilization
22 work for at least five years immediately preceding the date of his appointment.

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

25 (c) The city environment and natural resources officer shall take charge
26 of the office of the environment and natural resources, and shall:

27 (1) Formulate measures for the consideration of the sangguniang
28 panlungsod and provide assistance and support to the city mayor in carrying
29 out measures to ensure the delivery of basic services and the provision of

1 adequate facilities relative to environment and natural resources services as
2 provided for under Section 17 of the Local Government Code of 1991;

3 (2) Develop plans and strategies and, upon approval thereof by the city
4 mayor, implement the same, particularly those which have to do with the
5 environment and natural resources programs and projects which the city mayor
6 is empowered to implement and which the sangguniang panlungsod is
7 empowered to provide for under the Local Government Code of 1991;

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

10 (i) Establish, maintain, protect and preserve communal forests,
11 watersheds, tree parks, mangroves, greenbelts, commercial forests and similar
12 forest projects, like industrial tree farms and agro-forestry projects;

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

16 (iii) Manage and maintain seedbanks and produce seedlings for forest
17 and tree parks;

18 (iv) Promote the small-scale mining and the utilization of mineral
19 resources, particularly the mining of gold; and

20 (v) Coordinate with government agencies and nongovernmental
21 organizations in the implementation of measures to prevent and control land,
22 air and water pollution, with the assistance of the Department of Environment
23 and Natural Resources;

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

28 (5) Recommend to the sangguniang panlungsod and advise the city
29 mayor on all matters relative to the protection, conservation, maximum

1 utilization, application of appropriate technology and other matters related to
2 the environment and natural resources; and

3 (6) Perform such other duties and functions and exercise such other
4 powers as provided for under the Local Government Code of 1991, and those
5 that are prescribed by law or ordinance.

6 SEC. 44. *The City Architect.* → (a) The city architect must be a citizen
7 of the Philippines, a resident of the City of Guihulngan, of good moral
8 character and a duly licensed architect. He must have practiced his profession
9 for at least five years immediately preceding the date of his appointment.

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

12 (c) The city architect shall take charge of the office of the architectural
13 planning and design, and shall:

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

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
20 architectural planning and design programs and projects which the city mayor
21 is empowered to implement and which the sangguniang panlungsod is
22 empowered to provide for under the Local Government Code of 1991;

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

25 (i) Prepare and recommend for the consideration of the sanggunian,
26 the architectural plan and design for the City, or a part thereof, including the
27 renewal of slums and blighted areas, land reclamation activities, the greening
28 of land and the appropriate planning of marine and foreshore areas;

1 (ii) Review and recommend for appropriate action of the sanggunian
2 or the city mayor, as the case may be, the architectural plans and designs
3 submitted by governmental and nongovernmental entities or individuals
4 particularly those for undeveloped, underdeveloped and poorly-designed areas;
5 and

6 (iii) Coordinate with government, nongovernment entities and
7 individuals involved in the aesthetics and the maximum utilization of the land
8 and water within the jurisdiction of the City, compatible with environmental
9 integrity and ecological balance;

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

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

17 (6) Perform such other duties and functions and exercise such other
18 powers as provided for under the Local Government Code of 1991, and those
19 that are prescribed by law or ordinance.

20 *SEC. 45. The City Information Officer.* – (a) The city information
21 officer must be a citizen of the Philippines, a resident of the City of
22 Guihulngan, of good moral character, a holder of a college degree preferably in
23 journalism or mass communications or any related course from a recognized
24 college or university and a first grade civil service eligible or its equivalent. He
25 must have acquired experience in writing articles and research papers or
26 writing for print, television, broadcast and other forms of mass media for at
27 least five years immediately preceding the date of his appointment.

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

1 (c) *The city information officer shall take charge of the office on public*
2 *information 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 *providing the information and research data required for the delivery of basic*
6 *services and the provision of adequate facilities so that the public becomes*
7 *aware of said services and may fully avail of the same;*

8 (2) *Develop plans and strategies and, upon approval thereof by the city*
9 *mayor, implement the same, particularly those which have to do with public*
10 *information and research data to support programs and projects which the city*
11 *mayor is empowered to implement and which the sangguniang panlungsod is*
12 *empowered to provide for under the Local Government Code of 1991;*

13 (3) *In addition to the foregoing duties and functions, the city*
14 *information officer shall:*

15 (i) *Provide relevant, adequate and timely information to the City and*
16 *its residents;*

17 (ii) *Furnish information and data on the City to government agencies*
18 *or offices as may be required by law or ordinance and nongovernmental*
19 *organizations to be furnished to said agencies and organization; and*

20 (iii) *Maintain effective liaison with the various sectors of the*
21 *community on matters and issues that affect the livelihood and the quality of*
22 *life of the inhabitants and encourage support for programs of the local and*
23 *national governments;*

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

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

4 (6) Perform such other duties and functions and exercise such other
5 powers as provided for under the Local Government Code of 1991, and those
6 that are prescribed by law or ordinance.

7 SEC. 46. *The City Cooperatives Officer.* – (a) The city cooperatives
8 officer must be a citizen of the Philippines, a resident of the City of
9 Guihulngan, of good moral character, a holder of a college degree preferably in
10 business administration with special training on cooperatives or any related
11 course from a recognized college or university and a first grade civil service
12 eligible or its equivalent. He must have acquired experience in cooperatives
13 development for at least five years immediately preceding the date of his
14 appointment.

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

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

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

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

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

3 (i) Assist in 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 nongovernmental organizations involved in the promotion and
9 *integration of the concept of cooperatives in the livelihood of the people and*
10 *other community activities;*

11 (4) Be in the frontline of cooperatives organization, rehabilitation or
12 viability enhancement, particularly during and in the aftermath of man-made
13 and natural disasters or calamities, to 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 the Local Government Code of 1991, and those
21 that are prescribed by law or ordinance.

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

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

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

5 (1) Formulate measures for the consideration of the sangguniang
6 panlungsod and provide technical assistance and support to the city mayor in
7 carrying out measures to ensure the delivery of basic services and the provision
8 of adequate facilities relative to the integration of the population development
9 principles and in providing access to said services and facilities;

10 (2) Develop plans and strategies and, upon approval thereof by the city
11 mayor, implement the same, particularly those which have to do with the
12 integration of population development principles and methods in programs and
13 projects which the city mayor is empowered to implement and which the
14 sangguniang panlungsod is empowered to provide for under the Local
15 Government Code of 1991;

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

18 (i) Assist the city mayor in the implementation of the constitutional
19 provisions relative to population development and the promotion of
20 responsible parenthood;

21 (ii) Establish and maintain an updated data bank for program
22 operation, development planning and an educational program to ensure
23 people's participation in and understanding of population development; and

24 (iii) Implement appropriate population training programs responsive to
25 the cultural heritage of the inhabitants; and

26 (4) Perform such other duties and functions and exercise such other
27 powers as provided for under the Local Government Code of 1991, and those
28 that are prescribed by law or ordinance.

ARTICLE VIII

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

1
2
3
4 SEC. 48. *The City Fire Station Service.* – (a) There shall be established
5 in the City at least one fire station with adequate personnel, fire fighting
6 facilities and equipment, subject to the standards, rules and regulations that
7 may be promulgated by the Department of the Interior and Local Government.
8 The City shall provide the necessary land or site of the station.

9 (b) The city fire station service shall be headed by a city fire marshal
10 whose qualifications shall be as those provided for under the Philippine
11 National Police law.

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

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

23 (b) The city jail service shall be headed by a city jail warden who must
24 be a graduate of a four-year course in psychology, psychiatry, sociology,
25 nursing, social work or criminology who shall assist in the immediate
26 rehabilitation of individuals or detention of prisoners. Great care must be
27 exercised so that the human rights of these prisoners are respected and
28 protected, and their spiritual and physical well-being are properly and promptly
29 attended to. Likewise, the City shall ensure that proper separate detention
30 centers for juveniles and women are provided for.

1 and effect within the City of Guihulngan until the sangguniang panlungsod
2 shall provide otherwise.

3 SEC. 53. *Plebiscite.* -- The City of Guihulngan shall acquire corporate
4 existence upon the ratification of its creation by a majority of the votes cast by
5 the qualified voters in a plebiscite to be conducted in the present Municipality
6 of Guihulngan within thirty (30) days from the approval of this Act. The
7 expenses for such plebiscite shall be borne by the Municipality of Guihulngan.
8 The Commission on Elections shall conduct and supervise such plebiscite.

9 SEC. 54. *Officials of the City of Guihulngan.* -- The present elective
10 officials of the Municipality of Guihulngan shall continue to exercise their
11 powers and functions until such time that a new election is held and the duly
12 elected officials shall have already qualified and assumed their offices. The
13 appointive officials and employees of the Municipality of Guihulngan shall
14 likewise continue exercising their functions and duties and they shall
15 automatically be absorbed by the city government of the City of Guihulngan.

16 SEC. 55. *Succession Clause.* -- The City of Guihulngan shall succeed to
17 all the assets, properties, liabilities and obligations of the Municipality of
18 Guihulngan.

19 SEC. 56. *Election of Provincial Governor and Sangguniang*
20 *Panlalawigan Members of the Province of Negros Oriental.* -- The qualified
21 voters of the City of Guihulngan shall qualify to vote and run for any elective
22 position in the elections for provincial governor, provincial vice governor,
23 sangguniang panlalawigan members and other elective offices for the Province
24 of Negros Oriental.

25 SEC. 57. *Jurisdiction of the Province of Samar.* -- The City of
26 Guihulngan shall, unless otherwise provided by law, continue to be under the
27 jurisdiction of the Province of Negros Oriental.

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

4 SEC. 59. *Representative District.* – Until otherwise provided by law,
5 the City of Guihulngan shall continue to be part of the First Congressional
6 District of the Province of Negros Oriental.

7 SEC. 60. *Applicability of Laws.* – The provisions of Republic Act No.
8 7160, otherwise known as the Local Government Code of 1991, and such laws
9 as are applicable to component cities shall govern the City of Guihulngan
10 insofar as they are not inconsistent with the provisions of this Act.

11 SEC. 61. *Exemption from Republic Act No. 9009.* – The City of
12 Guihulngan shall be exempted from the income requirement prescribed under
13 Republic Act No. 9009.

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

21 SEC. 63. *Reservation.* – Nothing herein contained shall preclude the
22 determination by the appropriate agency or forum of boundary disputes or
23 cases involving questions of territorial jurisdiction between the City of
24 Guihulngan and any of the adjoining local government units even after the
25 effectivity of this Act.

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

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

 Approved,