

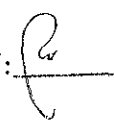
FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



11 FEB -8 P5:27

SENATE

S. B. No. 2681

RECEIVED BY: 

Introduced by Senator Ralph G. Recto

EXPLANATORY NOTE

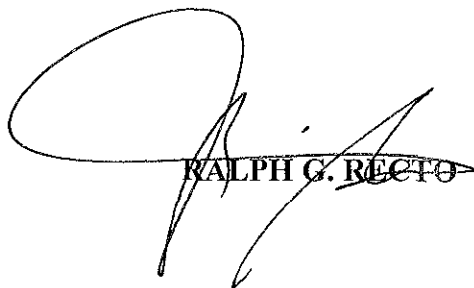
Davao del Sur is a province situated in the southern tip of the Philippines and is bounded by Davao City on the north; the provinces of North Cotabato, South Cotabato and Sarangani on the west; Celebes Sea on the south and Davao Gulf on the east. The province covers a land area of 3,934 square kilometers and as of 2007, it has a population of 822,406 in its 14 municipalities.

Some of the major industries of the province include agriculture, food processing, fishing, small to big scale mining and tourism. But with the vast spread in area and number of municipalities in the province, the provincial government is hindered from closely managing its economic growth.

This bill aims to divide the existing Province of Davao del Sur into two provinces to wit, the Province of Davao del Sur and the creation of a new Province of Davao Occidental. The Province of Davao del Sur shall comprise the municipalities of Digos, as the capital, Malalag, Sulop, Padada, Hagonoy, Matanao, Bansalan and Sta. Cruz. Whereas, the proposed province of Davao Occidental shall be composed of the municipalities of Malita, as the capital, Sta. Maria, Don Marcelino, Jose Abad Santos, and Saranggani.

With the creation of the new Davao Occidental province, it is expected that the slow pace of development in the present province of Davao del Sur will turn into a rapid and robust growth considering the wide range of better opportunities and easier access to governmental programs and services as the seats of government will be nearer, accessible, and more responsive to its inhabitants.

In view of the foregoing, the immediate passage of this bill is earnestly sought.


RALPH G. RECTO

'11 FEB -8 P5:27

SENATE

S. B. No. **2681**

RECEIVED BY: 

Introduced by Senator Ralph G. Recto

AN ACT
CREATING THE PROVINCE OF DAVAO OCCIDENTAL FROM THE PROVINCE OF
DAVAO DEL SUR AND FOR OTHER PURPOSES

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

ARTICLE I

GENERAL PROVISIONS

Section 1. Title – This Act shall be known as the “*Charter of the Province of Davao Occidental*”

Section 2. Province of Davao Occidental – There is hereby created a new province from the present Province of Davao Del Sur to be known as the Province of Davao Occidental. The Municipalities of Sta. Maria, Malita, Don Marcelino, Jose Abad Santos, and Sarangani shall comprise the Province of Davao Occidental. The remaining Municipalities of Malalag, Sulop, Kiblawan, Padada, Hagonoy, Sta. Cruz, Matanao, Bansalan, Magsaysay, and the City of Digos, shall now comprise the Province of Davao Del Sur.

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

Section 3. Capital Town and Seat of Government - The capital town and seat of government of the new Province of Davao Occidental shall be the Municipality of Malita.

Section 4. Corporate Powers of the Province – The province constitutes a political body corporate and as such is endowed with the attributes of perpetual succession and possessed of the powers that pertain to a provincial corporation to be exercised in conformity with the provisions of the Charter. The province shall have the following corporate powers:

- (a) To have a continuous succession in its corporate name;
- (b) To sue and be sued;
- (c) To have and use a corporate seal;
- (d) To acquire, hold and convey real or personal property;
- (e) To enter into contracts and agreements, and;
- (f) To exercise such other powers, prerogatives, or authority, subject to the limitations provided in this Act or other laws.

Section 5. General Powers. The province shall have a common seal and may alter the same at its pleasure. It shall exercise the powers to levy taxes; to close and open roads, streets, alleys, parks or squares; to take, purchase, receive, hold, lease, convey and dispose of real and personal properties for the general interests of the province; to expropriate or condemn private property for public use; to contract and to be contracted with, to sue and be sued; to prosecute and defend to final judgment and

1 execution suits wherein the province is involved or interested in; and to exercise all the powers as are
2 granted to corporations or as hereafter granted.

3
4 **Section 6. Liability for Damages.** – The province and its officials shall not be exempt from liability for
5 death or injury to persons or damage to properties.

6
7 **Section 7. Congressional District.** - Notwithstanding the ratification of this Act by a majority of the
8 votes cast in a plebiscite called for the purpose thereby creating the new Province of Davao Occidental,
9 the Representative of the Second District of the Province of Davao Del Sur at the time of such
10 ratification shall continue to represent the municipalities covered by the said district in the May 10, 2010
11 elections, until June 30, 2013.

12
13 Thereafter, the component municipalities and cities, if any, covered by the new Province of
14 Davao Occidental shall constitute the known congressional district of the Province of Davao Occidental,
15 subject to the increase in the number of congressional districts which may hereafter be provided in
16 accordance with law; and the Municipalities of Malalag, Sulop, Kiblawan, Padada, Hagonoy, Sta. Cruz,
17 Matanao Bansalan, Magsaysay, and the City of Digos that shall remain in the Province of Davao Del
18 Sur shall constitute the lone district of the Province of Davao Del Sur, unless they are hereafter divided
19 into two or more congressional districts in accordance with law.

20
21 **Section 8. Jurisdiction of the Province.** – The jurisdiction of the Province of Davao Occidental shall
22 cover the Municipalities of Sta. Maria, Malita, Don Marcelino, Jose Abad Santos, and Sarangani.

23
24 The Regional Trial Courts and other courts under the Department of Justice of adjoining
25 municipalities shall continue to try crimes and misdemeanors committed within the mandated
26 jurisdiction of the new province. The court first taking jurisdiction of such offense shall thereafter retain
27 exclusive jurisdiction thereof.

28
29 **ARTICLE II**

30
31 **PROVINCIAL OFFICIALS IN GENERAL**

32
33 **Section 9. Officials of the Provincial Government.** –

34
35 (A) There shall be in the Province of Davao Occidental, a governor, a vice-governor, members of the
36 sangguniang panlalawigan, a secretary to the secretary to the sangguniang panlalawigan, a provincial
37 treasurer, a provincial assessor, a provincial accountant, a provincial engineer, a provincial budget
38 officer, a provincial planning and development coordinator, a provincial legal officer, a provincial
39 administrator, a provincial health officer, a provincial civil registrar, a provincial social welfare and
40 development officer, a provincial general services officer, a provincial agriculturist, a provincial
41 veterinarian, a provincial environment and natural resources officer, and a provincial cooperatives
42 officer.

43
44 (B) In addition thereto, the governor may appoint a provincial architect, a provincial population officer,
45 and a provincial information officer.

46
47 (C) The province shall establish a provincial fire station to be headed by a provincial fire marshal, a
48 provincial jail to be headed by a provincial jail warden, and a provincial schools division to be headed
49 by a provincial schools' divisions superintendent.

50
51 (D) The province may:

- 52
53 (1) Establish and maintain offices not mentioned in subsections (A) and (B) hereof;
54
55 (2) Create such other offices as may be necessary to carry out the purposes of the
56 provincial government; or
57
58 (3) Consolidate the functions of any office with those of another in the interest of
59 efficiency and economy.
60

1 Unless otherwise provided herein, heads of departments and offices shall be appointed by the
2 provincial governor with the concurrence of a majority of the sangguniang panlalawigan members,
3 subject to civil service rules and regulations. The sangguniang panlalawigan shall act on the
4 appointment within fifteen (15) days from the day of its submission; otherwise, the same shall be
5 deemed confirmed.

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

13
14
15 **ARTICLE III**

16
17 **ELECTIVE PROVINCIAL OFFICIALS**

18
19 **Section 11. The Provincial Governor.** –

20
21 (A) The provincial governor, as the chief executive of the provincial government, shall exercise such
22 powers and perform such duties and functions as provided in the Local Government Code of 1991 and
23 other laws.

24
25 (B) For efficient, effective, and economical governance, the purpose of which is the general welfare of
26 the province and its inhabitants pursuant to Section 16 of the Local Government Code of 1991, the
27 provincial governor shall:

- 28
29 (1) Exercise general supervision and control over all programs, projects, services, and
30 activities of the provincial government and, in this connection, shall:
- 31
32 (a) Determine the guidelines of provincial policies and be responsible to the
33 sangguniang panlalawigan for the program of the government;
 - 34
35 (b) Direct the formulation of the provincial development plan, with the assistance of
36 the provincial government council, and, upon approval thereof by the
37 sangguniang panlalawigan, implement the same;
 - 38
39 (c) Present the program of government and propose policies and projects for the
40 consideration of the sangguniang panlalawigan at the opening of the regular
41 session of the sangguniang panlalawigan every calendar year and as often as may
42 be deemed necessary as the general welfare of the inhabitants and the needs of
43 the provincial government may require;
 - 44
45 (d) Appoint all officials and employees whose salaries and wages are wholly or
46 mainly paid out of provincial funds and whose appointments are not otherwise
47 provided for in this Act as well as those he may be authorized by law to appoint
48 except those who are to be appointed by the vice-governor as provided in
49 Section 12 hereof;
 - 50
51
52 (e) Represent the province in all its business transactions and sign on its behalf all
53 bonds, contracts, and obligations, and such other documents upon authority of
54 the sangguniang panlalawigan or pursuant to law or ordinance;
 - 55
56 (f) Carry out such emergency measures as may be necessary during and in the
57 aftermath of man-made and natural disasters or calamities;
 - 58
59 (g) Determine the time, manner, and place of payment of salaries or wages of
60 provincial officials and employees, in accordance with law or ordinance;

- (h) Allocate and assign office space to provincial and other officials and employees who, by law or ordinance, are entitled to such space in the provincial capital and other buildings owned or leased by the provincial government;
- (i) *Ensure that all executive officials and employees of the province faithfully discharge their duties and functions as provided by law and the Local Government Code of 1991, and cause to be instituted administrative or judicial proceedings against any official or employee of the province who may have committed an offense in the performance of his official duties;*
- (j) Examine the books, records, and other documents of all officers, officials, agents, or employees of the province, and, in aid of his executive powers and authority, require all national officials and employees stationed in the province to make available to him such books, records, and other documents in their custody, except those classified by law as confidential;
- (k) Furnish the Office of the President copies of executive orders issued by him within seventy-two (72) hours after their issuance;
- (l) Visit component cities and municipalities of the province at least once every six (6) months to deepen his understanding of problems and conditions, listen and give appropriate counsel to local officials and inhabitants, inform the officials and inhabitants of component cities and municipalities of general laws and ordinances that especially concern them, and otherwise conduct visits and inspections to ensure that the governance of the province will improve the quality of life of the inhabitants;
- (m) Act on leave applications of officials and employees appointed by him and the commutation of the monetary value of their leave credits in accordance with law;
- (n) Authorize official trips of provincial officials and employees outside of the province for a period not exceeding thirty (30) days;
- (o) Call upon any national official or employee stationed in or assigned to the province to advise him on matters affecting the province and to make recommendations thereon; coordinate with said official or employee in the formulation and implementation of plans, programs, and projects; and, when appropriate, initiate an administrative or judicial action against a national government official or employee who may have committed an offense in the performance of his duties while stationed in or assigned to the province;
- (p) Authorize payments for medical care, necessary transportation, subsistence, hospital, or medical fees or provincial officials and employees who are injured while in the performance of their official duties and functions, subject to the availability of funds;
- (q) Represent the province in inter-provincial or regional sports councils or committees, and coordinate the efforts of component cities or municipalities in the regional or national palaro or sports development activities;
- (r) Conduct an annual palarong panlalawigan, which shall feature traditional sports and disciplines included in national and international games, in coordination with the Department of Education; and
- (s) Submit to the Office of the President the following reports: an annual report containing a summary of all matters pertinent to the management, administration, and development of the province and all information and data relative to its political, social, and economic conditions, and supplemental

1 reports when unexpected events and situations arise at any given time during the
2 year, particularly when man-made or natural disasters or calamities affect the
3 general welfare of the province, region, or country.
4

5 (2) Enforce all laws and ordinances relative to the governance of the province and the
6 exercise of the appropriate corporate powers provided for in Section 22 of the Local
7 Government Code of 1991; implement all approved policies, programs, projects,
8 services, and activities of the province, and in addition to the foregoing, shall:
9

10 (a) Ensure that the acts of the component cities and municipalities of the province
11 and of its officials and employees are within the scope of their prescribed
12 powers, duties, and functions;
13

14 (b) Call conventions, conferences, seminars, or meetings of elective and appointive
15 officials of the province and its component cities and municipalities, including
16 national officials and employees stationed in or assigned to the province,
17 at such time and place and on such subject as he may deem important for the
18 promotion of the general welfare of the inhabitants;
19

20 (c) Issue such executive orders for the faithful and appropriate enforcement
21 and execution of laws and ordinances;
22

23 (d) Be entitled to carry the necessary firearm within his territorial jurisdiction;
24

25 (e) In coordination with the mayors of component cities and municipalities and the
26 National Police Commission, formulate the peace and order plan of the province
27 and, upon its approval, implement the same in accordance with Republic Act No.
28 6975; and
29

30 (f) Call upon the appropriate national law enforcement agencies to suppress
31 disorder, riot, lawless violence, rebellion, or sedition or to apprehend violators of
32 the law when public interest so requires and the police forces of the component
33 cities and municipalities where the disorder or violence is happening are
34 inadequate to cope with the situation.
35

36 (3) Initiate and maximize the generation of resources and revenues, and apply the same to
37 the implementation of development plans, programs, objectives, and priorities as
38 provided for under Section 18 of the Local Government Code of 1991, particularly those
39 resources and revenues programmed for agro-industrial development and country-wide
40 growth and progress and, relative thereto, shall:
41

42 (a) Require each head of an office or department to prepare and submit an estimate
43 of appropriations for the ensuing calendar year, in accordance with the budget
44 preparation process under Title V, Book II of the Local Government Code of
45 1991;
46

47 (b) Prepare and submit to the sangguniang panlalawigan for approval the executive
48 and supplemental budgets of the province for the ensuing calendar year in the
49 manner provided under Title V, Book II of the Local Government Code of 1991;
50

51 (c) Ensure that all the taxes and other revenues of the province are collected, and
52 that provincial funds are applied to the payment of expenses and settlement of
53 obligations of the province, in accordance with law or ordinance;
54

55 (d) Issue licenses and permits and suspend or revoke the same for any violation of
56 the conditions upon which said licenses or permits have been issued, pursuant to
57 law or ordinance;
58

- (e) Adopt adequate measures to safeguard and conserve land, mineral, marine, forest, and other resources of the province, in coordination with the mayors of component cities or municipalities;
- (f) Provide efficient and effective property and supply management in the province; and protect the funds, credits, rights, and other properties of the province; and
- (g) Institute or cause to be instituted administrative or judicial proceedings for violations of ordinances in the collection of taxes, fees, or charges, and for the recovery of funds and properties, and cause the province to be defended against all suits to ensure that the interests, resources, and rights are adequately protected.
- (4) Ensure the delivery of basic services and the provision of adequate facilities as provided for under Section 17 of the Local Government Code of 1991 and, in addition thereto, shall;
- (a) Ensure that the construction and repair of roads and highways funded by the national government shall be, as far as practicable, carried out in a spatially contiguous manner in coordination with the construction and repair of the roads and bridges of the province and its component cities and municipalities; and
- (b) Coordinate the implementation of technical services by national offices for the province and its component cities and municipalities, including public works and infrastructure programs of the provincial government and its component cities and municipalities.
- (5) Exercise such powers and perform such other duties and functions as may be prescribed by law or ordinances.

(C) The provincial governor shall receive a minimum monthly compensation corresponding to Salary Grade Thirty (30) prescribed under Republic Act No. 6758 and its implementing guidelines.

Section 12. The Vice-Governor. --

(A) The vice governor shall:

- (1) Be the presiding officer of the sangguniang panlalawigan and sign all warrants drawn on the provincial treasury for all the expenditures appropriated for the operation of the sangguniang panlalawigan;
- (2) Subject to the civil service law, rules and regulations, appoint all officials and employees including the secretary to the sangguniang panlalawigan and such employees of the individual members of the sangguniang panlalawigan, except those whose manner of appointment is specifically provided for under existing laws;
- (3) Assume the office of the governor for the unexpired term of the latter in the event of permanent vacancy, as provided in Section 44, Book 1 of the Local Government Code of 1991; and
- (4) Exercise the powers and perform the duties and functions of the governor in cases of temporary vacancy as provided for in Section 46, Book 1 of the Local Government Code of 1991; and
- (5) Exercise such other powers and perform such other duties and functions as maybe prescribed by law or ordinance.

(B) The vice-governor shall receive a monthly compensation corresponding to Salary Grade Twenty-eight (28) under Republic Act No. 6758 and the implementing guidelines issued pursuant thereto.

1
2
3 ARTICLE IV
4

5 THE SANGGUNIANG PANLALAWIGAN
6

7 Section 13. The Sangguniang Panlalawigan. –
8

9 (A) The sangguniang panlalawigan, the legislative body of the province shall be composed of the
10 provincial vice-governor as presiding officer, the regular sangguniang panlalawigan members, the
11 president of the provincial chapter of the liga ng mga barangay, the president of the panlalawigang
12 pederasyon ng mga sangguniang kabataan, the president of the provincial federation of sangguniang
13 members of component cities and municipalities, and the sectoral representatives, as members.
14

15 (B) In addition thereto, there shall be sectoral representatives: one (1) from the women; and shall be
16 determined by the sangguniang concerned within ninety (90) days prior to the holding of the local
17 elections, one (1) from the agricultural or industrial workers; and one (1) from the other sectors,
18 including the urban poor, indigenous cultural communities, or disabled persons.
19

20 (C) The regular members of the sangguniang panlalawigan and the sectoral representatives shall be
21 elected in the manner provided for by law, and shall receive a monthly compensation corresponding to
22 Salary Grade Twenty-seven (27) as prescribed under Republic Act No. 6758 and its implementing
23 guidelines issued pursuant thereto.
24

25
26 Section 14. The Provincial Legislative Function. –
27

28 (A) The sangguniang panlalawigan, as the legislative body of the province, shall enact ordinances,
29 approve resolutions, and appropriate funds for the general welfare of the province and its inhabitants
30 pursuant to Section 16 of the Local Government Code of 1991 and in the proper exercise of the
31 corporate powers of the province as provided for under Section 22 of the Local Government Code of
32 1991, and shall:
33

- 34 (1) Approve all ordinances and pass resolutions necessary for an efficient and effective
35 provincial government, and in this connection, shall:
36
- 37 (a) Review all ordinances approved by the sanggunians of component cities and
38 municipalities and executive orders issued by the mayors of said component units to
39 determine whether these are within the scope of the prescribed powers of the
40 sanggunian and of the mayor;
41
 - 42 (b) Maintain peace and order by enacting measures to prevent or suppress lawlessness,
43 riot, violence, rebellion, or sedition and impose penalties for the violation of
44 said ordinances;
45
 - 46 (c) Approve ordinances imposing a fine not exceeding Five Thousand (P5,000.00) Pesos
47 or imprisonment not exceeding one (1) year, or both, in the discretion of the court,
48 for the violation of a provincial ordinance;
49
 - 50 (d) Adopt measures to protect the inhabitants of the province from the harmful effects of
51 man-made or natural disasters and calamities, and to provide relief services and
52 assistance for victims during and in the after the aftermath of said disasters or
53 calamities and their return to productive livelihood following said events;
54
 - 55 (e) Enact ordinances intended to prevent, suppress, and impose appropriate penalties for
56 habitual drunkenness in public places, vagrancy, mendicancy and prostitutions,
57 establishment and maintenance of houses of ill repute, gambling and other prohibited
58 games of chance, fraudulent devices and ways to obtain money or property, drug
59 addiction, maintenance of drug dens, drug pushing, juvenile delinquency, the
60 printing, distribution, and exhibition of obscene or pornographic materials or

1 publications, and such other activities inimical to the welfare and morals of the
2 inhabitants of the province;

3
4 (f) Protect the environment. To this end, it may set aside at least ten percent of its
5 development funds for the purpose of maintaining or enhancing the ecological
6 balance of the province. It may also impose appropriate penalties for acts that
7 endanger the environment, such as dynamite fishing and other forms of destructive
8 fishing, illegal logging and smuggling of logs, smuggling of natural resources
9 products and of endangered species of flora and fauna, slash and burn farming, and
10 such other activities that result in pollution, acceleration of eutrophication of rivers
11 and lakes, or of ecological balance;

12
13 (g) Subject to the provisions of the Local Government Code of 1991 and pertinent laws,
14 determine the powers and duties of officials and employees of the province;

15
16 (h) Determine the positions and salaries, wages, allowances, and other emoluments or
17 benefits of officials and employees paid wholly or mainly from provincial funds, and
18 provide for expenditures necessary for the proper conduct of programs, projects,
19 services, and activities of the national government;

20
21 (i) Authorize payment of compensation to a qualified person not in the government
22 service who fills up a temporary vacancy, or grant honorarium to any qualified
23 official or employee designated to fill a temporary vacancy in a concurrent capacity,
24 at the rate authorized by law;

25
26 (j) Provide mechanism and appropriate funds therefor to ensure the safety and
27 protection of all provincial government property, public documents or records,
28 such as those relating to property inventory, land ownership, records of birth,
29 marriages, death, assessments, taxation, accounts, business permits, and such other
30 records and documents of public interest in the offices and departments of the
31 provincial government;

32
33 (k) When the finances of the provincial government allow, provide for additional
34 allowances and other benefits to judges, prosecutors, public elementary and high
35 school teachers, and other national government officials stationed or assigned to the
36 province;

37
38 (l) Provide legal assistance to provincial and municipal officials including the members
39 of the provincial police who, in the performance of their official duties or on the
40 occasion thereof, have to initiate judicial proceedings or defend themselves
41 against legal actions. The sangguniang panlalawigan may authorize the provincial
42 governor to engage the services of a private counsel for this purpose; and

43
44 (m) Provide for group insurance coverage for all officials, including members of
45 barangay tanod brigades and other service units, with public or private insurance
46 companies, when the finances of the provincial government allow said coverage.

47
48 (2) Generate and maximize the use of resources and revenues for the development plans,
49 program of objectives and priorities of the province as provided for under Section 18 of
50 the Local Government Code of 1991, with particular mention of the agro-industrial
51 development and country-wide growth and progress and relative thereto, shall:

52
53 (a) Enact the annual supplemental appropriation of the provincial government and
54 appropriate funds for specific programs, projects, services and activities of the
55 province, or for other purposes not contrary to law, in order to promote the general
56 welfare of the province and its inhabitants;

57
58 (b) Subject to the provisions of Book II of the Local Government Code of 1991 and
59 other applicable laws, and upon the majority vote of all the members of the
60 sangguniang panlalawigan, enact ordinances levying taxes, fees, and charges,

- 1 prescribing the rates thereof for general and specific purposes, and granting tax
2 exemptions, incentives, or reliefs;
- 3
- 4 (c) Subject to the provisions of Book II of the Local Government Code of 1991 and
5 other applicable laws, and upon the majority vote of all the members of the
6 sangguniang panlalawigan, authorize the governor to negotiate and contract loans
7 and other forms of indebtedness;
- 8
- 9 (d) Subject to the provisions of Book II of the Local Government Code of 1991 and
10 other applicable laws, and upon the majority vote of all the members of the
11 sangguniang panlalawigan, enact ordinances authorizing the floating of bonds or
12 other instruments of indebtedness, for the purpose of raising funds to finance
13 development projects;
- 14
- 15 (e) Appropriate funds for the construction or maintenance or the rental of buildings for
16 the use of the province; and upon the majority vote of all the members of the
17 sangguniang panlalawigan, authorize the provincial governor to lease to private
18 parties such public buildings held in proprietary capacity, subject to existing laws,
19 rules and regulations;
- 20
- 21 (f) Prescribe reasonable limits and restraints on the use of property within the
22 jurisdiction of the province;
- 23
- 24 (g) Review the comprehensive land use plans and zoning ordinances of component
25 cities and municipalities and adopt a comprehensive provincial land use plan, subject
26 to existing laws;
- 27
- 28 (h) Reclassify lands within the jurisdiction of the province subject to the pertinent
29 provisions of the Local Government Code of 1991;
- 30
- 31 (i) Adopt measures to enhance the full implementation of the national agrarian reform
32 program in coordination with the Department of Agrarian Reform;
- 33
- 34 (j) Enact integrated zoning ordinances in consonance with the approved comprehensive
35 provincial land use plan, subject to existing laws, rules and regulations; establish
36 fire limits or zones, particularly in populous centers, and regulate the construction,
37 repair or modification of buildings within said fire limits or zones in accordance
38 with the provisions of the Fire Code;
- 39
- 40 (k) Subject to national law, process and approve subdivision plans for residential,
41 commercial or industrial purposes and other development purposes, and collect
42 processing fees and other charges, the proceeds of which shall accrue entirely to the
43 province: Provided, however, That where approval of a national agency is required
44 by law, said approval shall not be withheld for more than Thirty (30) days from
45 receipt of the application. Failure to act on the application within the aforementioned
46 prescribed period shall be deemed as approval thereof;
- 47
- 48 (l) Subject to the provisions of Book II of the Local Government Code of 1991 and
49 other applicable laws, grant the exclusive privilege of constructing fish corrals or
50 fish pens in the province;
- 51
- 52 (m) With the concurrence of at least two-thirds (2/3) of all the members of the
53 sangguniang panlalawigan, grant tax exemptions, incentives, or relief to entities
54 engaged in community growth including industries, subject to the provisions of the
55 Local Government Code of 1991;
- 56
- 57 (n) Grant loans or provide grants to other local government units or to national,
58 provincial, and municipal charitable, benevolent, or educational institutions operated
59 and maintained within the province;
- 60

- 1 (o) Regulate the numbering of residential, commercial, and other buildings; and
2
3 (p) Regulate the inspection, weighing, and measuring of articles of commerce.
4
5 (3) Subject to the provisions of the Local Government Code of 1991, grant franchises,
6 approve the issuances of permits or licenses, or enact ordinances levying taxes, fees, and
7 charges upon such conditions and for such purposes intended to promote the general
8 welfare of the inhabitants of the province, and pursuant to the legislative authority, shall:
9
10 (a) Fix and impose reasonable fees and charges for all services rendered by the
11 provincial government to private persons or entities;
12
13 (b) Regulate and fix license fees for any business or practice of profession within the
14 province and the conditions under which the license for said business or practice of
15 profession may be revoked and enact ordinances levying taxes thereon;
16
17 (c) Provide for and set the terms and conditions under which public utilities owned by
18 the province shall be operated by the provincial government, and prescribe the
19 conditions under which the same may be leased to private persons or entities,
20 preferably cooperatives;
21
22 (d) Regulate the display of and fix the license fees for signs, signboards, or billboards at
23 the place or places where the profession or business is advertised thereby is, in
24 whole or in part, conducted;
25
26 (e) Any law to the contrary notwithstanding, authorize and license the establishment,
27 operation, and maintenance of cockpits, and regulate cockfighting and commercial
28 breeding of gamecocks. Existing rights should not be prejudiced;
29
30 (f) Subject to the guidelines set by the Department of Transportation and
31 Communications, regulate the operation of tricycles and grant franchises for the
32 operation thereof within the territorial jurisdiction of the province; and
33
34 (g) Upon approval by a majority vote of all the members of the sangguniang
35 panlalawigan, grant a franchise to any person, partnership, corporation, or
36 cooperative to do business within the province; establish, construct, operate, and
37 maintain ferries, wharves, markets, or slaughterhouses; or undertake such other
38 activities within the province as may be allowed by existing law.
39
40 (4) Regulate activities relative to the use of the land, buildings, and structures within the
41 province in order to promote the general welfare and for said purpose shall:
42
43 (a) Declare, prevent, or abate nuisance;
44
45 (b) With the concurrence of a majority vote of all the members of the sangguniang
46 panlalawigan, a quorum being present, deny the entry of legalized gambling by
47 ordinance into any part of the province or regulate its location in the province;
48
49 (c) Require the buildings and the premises thereof and any land within the province be
50 kept and maintained in a sanitary condition, impose penalties for any violations
51 thereof; or upon failure to comply with such requirements, have the work done at the
52 expense of the owner, administrator, or tenant concerned, and require the filling up
53 of any land or premises to a grade necessary for proper implementation;
54
55 (d) Regulate the disposal of clinical and other wastes from hospitals, clinics, and other
56 similar establishments;
57
58 (e) Regulate the establishment, operation and maintenance of cafes, bars, restaurants,
59 beer, wine and liquor stores, hotels, motels, inns, pension houses, dorms, and

- 1 lodging houses, and other similar establishments, including tourist guides and
2 transportation services;
- 3
- 4 (f) Regulate the sale, giving away, dispensing of intoxicating malt, vino, or mixed or
5 fermented liquors at any provincial retail outlets;
- 6
- 7 (g) Regulate the establishment and provide for the inspection of steam boilers or any
8 heating device on any building or structures, and the storage of inflammable and
9 other highly combustible materials within the province;
- 10
- 11 (h) Regulate the establishment, operation and maintenance of any entertainment or
12 amusement facilities, including the theatrical and stage performances, circuses,
13 billiard pools, public dancing halls, computer gaming cafes and bars, health and
14 fitness spas, sauna baths, massage parlors, and other places for entertainment or
15 amusement; regulate such other events or activities for amusement or entertainment,
16 particularly those which tend to disturb the community or annoy the inhabitants, or
17 require the suspension or suppression of the same; or prohibit certain forms of
18 amusement or entertainment in order to protect the social and moral welfare of the
19 community;
- 20
- 21 (i) Regulate the establishment, operation and maintenance of funeral parlors and the
22 burial or cremation of the dead, subject to existing laws, rules and regulations;
- 23
- 24 (j) Regulate the establishment, operation and maintenance of gyms, sport centers, health
25 and fitness spas, and similar centers and parlors, subject to existing laws, rules and
26 regulations; and
- 27
- 28 (k) Provide for the impounding of stray animals; regulate the keeping of animals inside
29 homes or as part of a business, and the slaughter, sale or disposition of the same; and
30 adopt measures to prevent and penalize cruelty to animals.
- 31
- 32 (5) Approve ordinances which shall ensure the efficient and effective delivery of basic
33 services and facilities as provided in Section 17 of the Local Government Code of 1991
34 and, in addition to said services and facilities, shall:
- 35
- 36 (a) Provide for the establishment, maintenance and protection of communal forests and
37 watersheds, tree parks, greenbelts, mangroves, and other similar forest development
38 projects;
- 39
- 40 (b) Establish markets, slaughterhouses, or animal corrals and authorize the operation
41 thereof by the provincial government; and regulate the construction and operation of
42 public markets, talipapas, or other similar buildings or structures;
- 43
- 44 (c) Authorize the establishment, maintenance and operation by the provincial
45 government of ferries, wharves, and other structures intended to accelerate
46 productivity related to marine and seashore and offshore activities;
- 47
- 48 (d) Regulate the preparation and sale of meat, poultry, fish, vegetables, fruits, fresh
49 dairy products, and other food stuff for public consumption;
- 50
- 51 (e) Regulate the use of streets, avenues, alleys, sidewalks, bridges, parks and other
52 public places and approve the construction, improvement, repair, and maintenance of
53 the same; establish bus and vehicle stops and terminals and regulate the use of the
54 same by privately owned vehicles which serve the public; regulate garages and
55 operation of conveyances for hire; designate stands to be occupied by public vehicles
56 when not in use; regulate the putting up of signs, signposts, awnings and awning
57 posts on the streets; and provide for lighting, cleaning and sprinkling of streets and
58 public places;
- 59

- (f) Regulate traffic on all streets and bridges, prohibit encroachments or obstacles thereon and, when necessary in the interest of public welfare, authorize the removal of encroachments and illegal settlement structures and constructions in public lands and areas;
- (g) Subject to existing laws, establish and provide for the maintenance, repair, and operation of efficient waterworks system to supply water for the inhabitants and to purify the source of the water supply; regulate the construction, maintenance, repair and use of hydrants, pumps, cisterns and reservoirs; and protect the purity and quantity of the water supply of the province;
- (h) Regulate the drilling and excavation of the ground for water source, laying of water, gas, sewer, and other pipes, and the conservation, repair, and maintenance of public drains, sewers, cesspools, tunnels and similar structures; regulate the placing of poles and the use of crosswalks, curbs and gutters, adopt measures to ensure public safety against open canals, manholes, livewires, and other similar hazards to life and property, and regulate the construction and use of private water closets, privies, and other similar structures in buildings and homes;
- (i) Regulate the placing, stringing, attaching, installing, repair and construction of all gas mains, electric telegraph and electric wires and cables, conduits, meters, support structures, and other similar apparatus and provide for the correction, condemnation, and removal of the same when found to be dangerous to the welfare of the inhabitants;
- (j) Subject to the availability of funds and to existing laws, rules and regulations, provide for the establishment and operation of vocational and technical schools and other post-secondary educational institutions; and, with the approval of the Department of Education, and subject to the existing laws on the regulation of tuition fees, fix reasonable tuition fees and other school charges in educational institutions supported by the provincial government;
- (k) Establish an education and training scholarship fund for the poor but deserving constituents in schools located within its jurisdiction or of students residing within the province;
- (l) Approve measures and adopt quarantine regulations to prevent the introduction and spread of diseases within its territorial jurisdiction;
- (m) Provide for the care of paupers, the aged, the sick, persons of unsound mind, abandoned minors, abused children, disabled persons, juvenile delinquents, drug dependents and other needy and disadvantaged persons, particularly children and youth below eighteen (18) years of age; subject to the availability of funds, establish and support the operation of centers and facilities for said needy and disadvantaged persons and facilitate the efforts to promote the welfare of the families below the poverty threshold, the disadvantaged, and the exploited;
- (n) Establish and provide for the maintenance and improvement of jails and detention centers, institute a sound jail management program, and appropriate funds for the subsistence of detainees and convicted prisoners of the province;
- (o) Establish a provincial council whose purpose is the promotion of culture and the arts, coordinate with government agencies and non-governmental organizations and, subject to the availability of funds, appropriate funds for the support and development of the same; and
- (p) Establish a provincial council for the elderly and veterans that shall formulate policies and adopt measures mutually beneficial to the elderly and the province; and, subject to the availability of funds, appropriate funds to support programs and

1 projects for the elderly; and provide incentives for non-governmental agencies and
2 entities to support the programs and projects of the elderly.

- 3
4 (6) Exercise such other powers and perform such other duties and functions as provided for
5 under the Local Government Code of 1991 and as may be prescribed by law or
6 ordinance.

7
8
9 **ARTICLE V**

10
11 **PROCESS OF LEGISLATION**

12
13
14 **Section 15. Internal Rules of Procedure. –**

15
16 (A) On the first regular session following the election of its members and within ninety (90) days
17 thereafter, the sangguniang panlalawigan shall adopt its own rules of procedure.

18
19 (B) The rules of procedure shall provide for the following:

- 20
21 (1) The organization of the sanggunian and the election of its officers as well as the
22 creation of standing committees which shall include, but shall not be limited to,
23 the committees on appropriations, revenues, engineering and public works,
24 education and health, women and family, human rights, youth and sports
25 development, environmental protection, peace and order and traffic, and
26 cooperatives; the general jurisdiction of each committee; and the election of the
27 chairman and the members of each committee;
28
29 (2) The order and calendar of business for each session;
30
31 (3) The legislative process;
32
33 (4) The parliamentary procedures that include the conduct of members during
34 the sessions;
35
36 (5) The discipline of members for disorderly behaviors and absences without
37 justifiable cause for four (4) consecutive sessions for which they may be
38 censured, reprimanded, or excluded from the session, suspended for not more
39 than sixty (60) days, or expelled: Provided, that the penalty of suspension or
40 expulsion shall require at least two-thirds vote of all the sanggunian members:
41 Provided, further, That the member convicted by final judgment to imprisonment
42 of at least one (1) year for any crime involving moral turpitude shall be
43 automatically expelled from the sanggunian; and
44
45 (6) Such other rules as the sanggunian may adopt.

46
47 **Section 16. Full Disclosure of Financial and Business Interests of Sangguniang Panlalawigan**
48 **Members. –**

49
50 (A) Every Sangguniang Panlalawigan member shall, upon assumption to office, make a full disclosure
51 of his business and financial interests. He shall also disclose any business and financial, professional
52 relationship, or any relation by affinity or consanguinity within fourth civil degree which he may have
53 with any person, firm, or entity affected by any ordinance or resolution under consideration by the
54 sanggunian of which he is a member, which relationship may result in conflict of interest. Such
55 relationship shall include:

- 56
57 (1) Ownership of stocks or capital, or investment in the entity or firm to which the
58 ordinance or resolution may apply; and
59

- 1 (2) Contracts or agreements with any person or entity which the ordinance or resolution
2 under consideration may affect.
3

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

9 (B) The disclosure required under this Act shall be made in writing and submitted to the secretary of the
10 sanggunian or the secretary of the committee of which he is a member. The disclosure shall, in all cases,
11 form part of the record of the proceedings and shall be made in the following manner:
12

- 13 (1) Disclosure shall be made before the member participates in the deliberations of the
14 ordinance or resolution under consideration: Provided, That if the member did not
15 participate during the deliberations, the disclosure shall be made before voting on the
16 ordinance or resolution on second and third readings; and
17
18 (2) Disclosure shall be made when a member takes a position or makes a privileged speech
19 on a matter that may affect the business interest, financial connection, or professional
20 relationship described herein.
21

22 **Section 17. Sessions. —**

23

24 (A) On the first day of session immediately following the election of its members, the sangguniang
25 panlalawigan shall, by resolution, fix the day, time, and place of its regular sessions. The minimum
26 number of regular sessions of the sangguniang panlalawigan shall be once a week;
27

28 (B) When the public interest so demands, special sessions may be called by the provincial governor or
29 by a majority of the members of the sanggunian;
30

31 (C) All sanggunian session shall be open to public unless a closed-door session is ordered by the
32 affirmative vote of a majority of the members present, there being a quorum, in the public interest or for
33 reasons of public security, decency, or morality. No two (2) sessions, regular or special, may be held in
34 a single day; and
35

36 (D) In the case of special sessions of the sanggunian, a written notice to the members shall be served
37 personally at the members' usual place of residence at least twenty-four (24) hours before the special
38 session is held.
39

40 Unless otherwise concurred in by two-thirds (2/3) vote of the members present, there being a
41 quorum, no other matters may be considered at a special session except those stated in the notice.
42

43 (E) The sanggunian shall keep a record and a journal of its proceedings which may be published upon
44 resolution of the sangguniang panlalawigan.
45

46 **Section 18. Quorum. —**

47

48 (A) A majority of the members of the sanggunian who have been elected and qualified shall constitute a
49 quorum to transact official business. Should a question of quorum be raised during the session, the
50 presiding officer shall immediately proceed to call the roll of the members and thereafter announce the
51 results;
52

53 (B) Where there is no quorum, the presiding officer may declare a recess until such time that a quorum
54 is constituted, or a majority of members present may adjourn from day to day to compel the immediate
55 attendance of any member absent without justifiable cause by designating a member of the sanggunian,
56 to be assisted by a member or members of the police force assigned in the territorial jurisdiction of the
57 province, to arrest the absent member and present him at the session; and
58

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

Section 19. Approval of Ordinances –

(A) Every ordinance enacted by the sangguniang panlalawigan shall be presented to the governor. If the governor approves the same, he shall affix his signature on each and every page thereof; otherwise, he shall veto it and return the same with his objections to the sanggunian, which may proceed to reconsider the same. The sanggunian may override the veto of the governor by two-thirds (2/3) vote of all its members, thereby making the ordinance or resolution effective for all intent and purposes; and

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

Section 20. Veto Power of the Governor. –

(A) The provincial governor may veto any ordinance or resolution of the sangguniang panlalawigan on the ground that it is prejudicial to public welfare, stating his reasons thereof in writing.

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

(C) The governor may veto an ordinance or resolution only once. The sanggunian may override the veto by the governor by two-thirds (2/3) vote of all its members, thereby making the ordinance or resolution effective even without the approval of the provincial governor.

ARTICLE VI

DISQUALIFICATION AND SUCCESSION FOR ELECTIVE PROVINCIAL OFFICIALS

Section 21. Disqualifications. – The following persons are not qualified from running for any elective position in the province:

(A) Those sentenced by final judgment for an offense involving moral turpitude or an offense punishable by one (1) year or more imprisonment within two (2) years after serving the sentence;

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

(C) Those convicted by final judgment for violating the oath of allegiance to the republic;

(D) Those with dual citizenship;

(E) Fugitives from justice in criminal or non-political cases here or abroad;

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

(G) The insane or feeble-minded.

Section 22. Permanent Vacancy in the Office of the Provincial Governor. –

(A) If a permanent vacancy occurs in the office of the governor, the vice-governor shall become the governor. If the vice-governor refuses to assume the position of the governor, the highest ranking sangguniang panlalawigan member or, in case of his permanent incapacity, the second highest ranking member shall become the governor or the vice-governor, as the case may be. Subsequent vacancies in said offices shall be filled automatically by the other sanggunian members according to their ranking as defined herein:

- (1) In case of tie in the votes between or among the highest ranking sangguniang panlalawigan members, the same shall be resolved by drawing lots.
- (2) The successors as defined herein shall serve only the unexpired terms of their predecessors.
- (3) For purposes of this Act, a permanent vacancy arises when an elective local official fills a higher vacant office, refuses to assume office, fails to qualify, dies, is removed from office, voluntarily resigns, or is otherwise permanently incapacitated to discharge the functions of his office.
- (4) For purposes of succession as provided in this Act, ranking in the sangguniang panlalawigan shall be determined on the basis of the proportion of votes obtained by each winning candidate to the local number of registered voters in the province in the immediately preceding local elections.

Section 23. Permanent Vacancies in the Sanggunian. –

(A) Permanent vacancies in the sangguniang panlalawigan where automatic succession as provided above does not apply shall be filled by appointments in the following manner;

- (1) The President, through the Executive Secretary shall make the aforesaid appointments;
- (2) Only the nominee of the political party under which the sanggunian member concerned had been elected shall be appointed in the manner hereinabove provided. The appointee shall come from the political party as that of the sanggunian member who caused the vacancy and shall serve the unexpired term of the vacant office. In the appointment herein mentioned, a nomination and a certificate of membership of the appointee from the highest official of the political party concerned are conditions sine qua non, and any appointment without such nomination and certification shall be null and *void ab initio* and shall be a ground for administrative action against the official responsible therefor;
- (3) In case the permanent vacancy is caused by a sanggunian member who does not belong to any political party, the governor shall, upon the recommendation of the sangguniang panlalawigan, appoint a qualified person to fill the vacancy; and
- (4) In case of vacancy in the representation of the sangguniang kabataan, the sangguniang barangay, and the provincial league of councilors in the sangguniang panlalawigan, said vacancy shall be filled automatically by the official next in rank of the organization concerned.

Section 24. Temporary Vacancy in the Office of the Provincial Vice Governor. –

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

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

1 (C) When the provincial governor is travelling within the country but outside the territorial jurisdiction
2 of the province for a period not exceeding three (3) consecutive days, he may designate in writing the
3 officer-in-charge off his office. Such authorization shall specify the powers and functions that the local
4 official concerned shall exercise in the absence of the governor except the power to appoint, suspend, or
5 dismiss employees.

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

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

13 14 15 **ARTICLE VII**

16 17 **APPOINTIVE PROVINCIAL OFFICIALS: THEIR QUALIFICATIONS,** 18 **POWERS AND DUTIES**

19 20 21 **Section 25. The Secretary to the Sangguniang Panlalawigan. –**

22
23 (A) There shall be a secretary to the sangguniang panlalawigan who shall be a career official, with the
24 rank and salary equal to a head of department or office;

25
26 (B) No person shall be appointed secretary to the sanggunian unless he is a citizen of the Philippines, a
27 resident of the local government unit concerned, of good moral character, a holder of a master's degree
28 preferably law, commerce, or public administration from a recognized college or university, and a first
29 grade civil service eligible or its equivalent.

30
31 (C) secretary to the sanggunian shall take charge of the office of the sangguniang panlalawigan, and
32 shall:

- 33
34 (1) Attend meetings of the sanggunian and keep journal of its proceedings;
35 (2) Keep the seal of the local government unit and affix the same with his signature to all
36 ordinances, resolutions, and other official acts of the sanggunian, and present the
37 same to the presiding officer for his signature;
38
39 (3) Forward to the governor, for approval, copies of ordinances enacted by the sanggunian
40 and duly certified by the presiding officer, in the manner provided for in Section 54 of
41 the Local Government Code of 1991;
42
43 (4) Forward to the sangguniang bayan or sangguniang panlungsod, as the case may be,
44 copies of duly approved ordinances, in the manner provided in Sections 56 and 57 of the
45 Local Government Code of 1991;
46
47 (5) Furnish, upon the request of any interested party, certified copies of records of public
48 character in his custody, upon payment to the treasurer of such fees as may be prescribed
49 by ordinance;
50
51 (6) Record in a book kept for the purpose, all ordinances and resolutions enacted or adopted
52 by the sanggunian, with the dates of passage and publication thereof;
53
54 (7) Keep his office and all non-confidential records therein open to the public during the
55 usual business hours;
56
57 (8) Translate into the dialect used by the majority of the inhabitants all ordinances and
58 resolutions immediately after their approval, and cause the publication of the same
59 together with the original version in the manner provided under the Local Government
60 Code of 1991; and

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

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

Section 26. The Provincial Treasurer. –

(A) The treasurer shall be appointed by the Secretary of Finance from the list of at least three (3) ranking eligible recommendees of the governor, subject to civil service law, rules and regulations;

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

(C) No person shall be appointed treasurer unless he is a citizen of the Philippines, a resident of the local government unit, of good moral character, a holder of a college degree preferably in commerce, public administration, or law from a recognized college or university, and a first grade civil service eligible or the equivalent. He must have acquired experience in treasury or accounting services for at least five (5) years.

The appointment of the provincial treasurer shall be mandatory.

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

- (1) Advise the governor, or the sanggunian, as the case may be, and other national or local officials concerned regarding the disposition of the local government funds and on such other matters relative to public finance;
- (2) Take custody and exercise proper management of the funds of the local government unit concerned;
- (3) Take charge of the disbursement of all local government funds and such other funds the custody of which may be entrusted to him by law or other component authority;
- (4) Inspect private commercial and industrial establishments within the jurisdiction of the province in relation to the implementation of tax ordinances, pursuant to the provisions of Book II of the Local Government Code of 1991;
- (5) Maintenance and update the tax information system of the local government unit; and
- (6) Exercise technical supervision over all treasury offices of component cities and municipalities.

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

Section 27. The Provincial Assessor. –

(A) No person shall be appointed assessor unless he is a citizen of the Philippines, a resident of the province, of good moral character, a holder of a college degree preferably in civil or mechanical engineering, commerce, or any other related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have experience in real property assessment work or in any related field for at least five (5) years.

The appointment of the provincial assessor shall be mandatory.

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

- (1) Ensure that all laws and policies governing the appraisal and assessment of real properties for taxation purposes are properly executed;
- (2) Initiate, review, and recommend changes in policies and objectives, plans and programs, techniques, procedures, and practices in the valuation and assessment of real properties for taxation purposes;
- (3) Establish a systematic method of real property assessment;
- (4) Install and maintain a real property identification and accounting system;
- (5) Prepare, install, and maintain a system of tax mapping, showing graphically all properties subject to assessment and gather all data concerning the same;
- (6) Conduct frequent physical surveys to verify and determine whether all real properties within the province are properly listed in the assessment rolls;
- (7) Exercise the functions of appraisal and assessment primarily for taxation purposes of all properties in the province;
- (8) Prepare a schedule of the market value for the different classes of real properties, in accordance with Title II, Book II, of the Local Government Code of 1991;
- (9) Issue, upon request of any interested party, certified copies of assessment records of real property and all other records relative to its assessment, upon payment of a service charge or fee to the treasurer.
- (10) Submit every semester a report of all assessments, as well as cancellations and modifications of assessments to the governor and the sangguniang panlalawigan; and
- (11) Exercise technical supervision and visitorial functions over all component cities and municipal assessors, coordinate with component city or municipal assessors in the conduct of tax mapping operations and all other assessment activities, and provide all forms of assistance there for; Provided, however, That, upon full provision of the component city or municipality concerned to its assessor's office of the minimum personnel, equipment, and funding requirements as may be prescribed by the Secretary of finance, such functions shall be delegated to the municipal assessor.

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

Section 28. The Provincial Accountant. —

(A) No person shall be appointed accountant unless he is a citizen of the Philippines, a resident of the province, of good moral character, and a certified public accountant. He must have acquired experience in the treasury or accounting service for at least five (5) years.

The appointment of a provincial accountant shall be mandatory.

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

- (1) Install and maintain an internal audit system in the province;
- (2) Prepare and submit financial statements to the governor and to the sangguniang panlalawigan;
- (3) Apprise the sanggunian and other local government officials on the financial condition and operations of the provincial government;

- (4) Certify to the availability of budgetary allotment to which expenditures and obligations may be properly charged;
 - (5) Review supporting documents before preparation of vouchers to determine completeness of requirements;
 - (6) Prepare statements of cash advances, liquidation, salaries, allowances, reimbursements, and remittances pertaining to the provincial government;
 - (7) Prepare statements of journal vouchers and liquidation of the same and other adjustments related thereto;
 - (8) Post individual disbursements to the subsidiary ledger and index cards;
 - (9) Maintain individual ledgers for officials and employees of the provincial government pertaining payrolls and deductions;
 - (10) Record and post in index cards details of purchased furniture, fixtures, and equipment, including disposal thereof, if any;
 - (11) Account for all issued requests for obligations and maintain and keep all records and reports related thereto; and
 - (12) Prepare journals and the analysis of obligations and maintain and keep all records and reports related thereto.
- (C) Exercise such other powers and perform such other functions and duties as may be provided by law or ordinances.

Section 29. The Provincial Budget Officer. —

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

The appointment of a provincial budget officer shall be mandatory.

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

- (1) Prepare forms, orders, and circulars, embodying instructions on budgetary and appropriation matters for the signature of the governor.
- (2) Review and consolidate the budget proposals of different departments and offices of the province;
- (3) Assist the governor in the preparation of the budget and during the budget hearings;
- (4) Study and evaluate budgetary implications of proposed legislation and submit comments and recommendations thereon;
- (5) Submit periodic budgetary reports to the Department of Budget and Management;
- (6) Coordinate with the treasurer, the accountant, and the planning and development coordinator for the purpose of budgeting;
- (7) Assist the sangguniang panlalawigan in reviewing the approved budgets of component cities and municipalities; and

(8) Coordinate with the planning and development coordinator in the formulation of the provincial development plan.

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

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

Section 30. The Provincial Planning and Development Coordinator. –

(A) No person shall be appointed planning and development coordinator unless he is a citizen of the Philippines, a resident of the province, of good moral character, a holder of a college degree preferably in urban planning, development studies, economics, public administration, or any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in the development planning or any related field for at least five (5) years.

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

(B) The planning and development coordinator shall take charge of the planning and development office, and shall;

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

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

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

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

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

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

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

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

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

Section 31. The Provincial Engineer. –

(A) No person shall be appointed as provincial engineer unless he is a citizen of the Philippines, a resident of the province, of good moral character, and a licensed civil engineer. He must have acquired experience in the practice of his profession for at least five (5) years.

The appointment of the provincial engineer shall be mandatory.

(B) The provincial engineer shall take charge of the engineering office, and shall:

- (1) Initiate, review, and recommend changes in policies and objective, plans, and programs, techniques, procedures, and practice in infrastructure development and public works in general of the province;
- (2) Advise the governor on infrastructure, public works, and other engineering matters;
- (3) Administer, coordinate, supervise, and control the construction, maintenance, improvement, and repair of roads, bridges, and other engineering and public works projects of the province;
- (4) Provide engineering services to the province, including investigation and survey, engineering designs, feasibility studies, and project management; and
- (5) Exercise technical supervision over all engineering offices of component cities and municipalities.

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

Section 32. The Provincial Health Officer. –

(A) No person shall be appointed health officer unless he is a citizen of the Philippines, of good moral character and a licensed medical practitioner. He must have acquired experience in the practice of his profession for at least five (5) years.

The appointment of a provincial health officer shall be mandatory.

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

- (1) Supervise the personnel and staff of said office, formulate program implementation guidelines and rules and regulations for the operation of the said office for the approval of the governor, in order to assist him in the efficient, effective, and economical implementation of health services program geared towards the implementation of health-related projects and activities;
- (2) Formulate measures for the consideration of the sangguniang panlalawigan and provide technical assistance and support to the governor in carrying out activities to ensure the delivery of basic services and provision of adequate facilities relative to health services provided for under Section 17 of the Local Government Code of 1991;
- (3) Develop plans and strategies and, upon approval thereof by the governor, implement the same, particularly those that have to do with health programs and projects that the governor is empowered to implement and which the sanggunian is empowered to provide under the Local Government Code of 1991;
- (4) In addition to the foregoing duties and functions, the health officer shall:
 - (a) Formulate and implement policies, plans, programs, and projects to promote the health of the people of the province;
 - (b) Advise the governor and the sanggunian on matters pertaining to health;
 - (c) Execute and enforce all laws, ordinances, and regulations relating to public health;
 - (d) Recommend to the sanggunian, through the provincial health board, the passage of such ordinances as he may deem necessary for the preservation of public health;
 - (e) Recommend the prosecution of any violation of sanitary laws, ordinances, and regulations;

- (f) Direct the sanitary inspection of all business establishments selling food items or providing accommodations such as hotels, motels, lodging houses, pension houses, and the like, in accordance with the Sanitation Code.
- (g) Conduct health information campaigns and render health intelligence service;
- (h) Coordinate with other government agencies and non-governmental organizations involved in the promotion and delivery of health services; and
- (i) Exercise general supervision over health offices of component cities and municipalities.

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

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

Section 33. The Provincial Civil Registrar. –

(A) No person shall be appointed civil registrar unless he is a citizen of the Philippines, of good moral character, a resident of the province, a holder of a college degree from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in civil registry work for at least five (5) years.

The appointment of a provincial civil registrar shall be mandatory.

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

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

- (1) Develop plans and strategies and upon approval thereof by the governor, implement the same, particularly those that have to do with the civil registry programs and projects that the governor and the sanggunian is empowered to provide under the Local Government Code
- (2) In addition to the foregoing functions, the Civil Registrar shall:
 - (a) Accept all registrable documents and judicial decrees affecting the civil status of persons;
 - (b) File, keep, and preserve in a secure place the books required by law;
 - (c) Transcribe and enter immediately upon receipt all registrable documents and judicial decrees affecting the civil status of persons in the appropriate civil registry books;
 - (d) Transmit to the Office of the Civil Registrar-General, within the prescribed period, duplicate copies of registered documents required by law;
 - (e) Issue certified transcripts or copies of any certificate or registered documents upon payment of the prescribed fees to the treasurer;
 - (f) Receive applications for the issuance of a marriage license and, after determining that the requirements and supporting certificates and publication thereof for the prescribed period have been complied with, issue the license upon payment of the authorized fee to the treasurer; and

- 1 (g) Coordinate with the National Statistics Office in conducting educational
2 campaigns for vital registration and assist in the preparation of demographic
3 and other statistics for the province.
4

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

8 **Section 34. The Provincial Administrator. –**
9

10 (A) No person shall be appointed administrator unless he is a citizen of the Philippines, a resident of the
11 province, of good moral character, a holder of a college degree preferably in public administration, law,
12 or any related course from a recognized college or university, and a first grade civil service eligible or
13 its equivalent. He must have acquired experience in management and administration work for at least
14 five (5) years.
15

16 The term of the administrator is coterminous with that of his appointing authority.
17

18 The appointment of an administrator shall be mandatory.
19

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

- 22 (1) Develop plans and strategies and, upon approval thereof by the governor, implement the
23 same, particularly those which have to do with the management and administration-
24 related programs and projects which the governor is empowered to implement and which
25 the sanggunian is empowered to provide for under the Local Government Code of 1991.
26
27 (2) In addition to the foregoing duties and functions, the administrator shall:
28
29 (a) Assist in the coordination of the work of all the officials of the province, under
30 the supervision, direction, and control of the governor, and for this purpose, he
31 may convene the chiefs of offices and other officials of the province;
32
33 (b) Establish and maintain a sound personnel program for the province designed to
34 promote career development and uphold the merit principle in the province; and
35
36 (c) Conduct a continuing organizational development of the province with the end in
37 view of instituting effective administrative reforms.
38
39 (3) Be in the frontline of the delivery of administrative support services, particularly those
40 related to those situations during and in the aftermath of man-made and natural disasters
41 and calamities; and
42
43 (4) Recommend to the sanggunian and advise the governor on all other matters relative to
44 the management and administration of the province
45

46 (C) Exercise such other powers and perform such other duties and functions as may be prescribed by the
47 law or ordinance.
48

49 **Section 35. The Provincial Legal Officer. –**
50

51 (A) No person shall be appointed legal officer unless he is a citizen of the Philippines, a resident of the
52 province, of good moral character and a member of the Philippine Bar. He must have practiced his
53 profession for at least five (5) years.
54

55 The term of the legal officer shall be coterminous of that of his appointing authority.
56

57 The appointment of a legal officer shall be mandatory.
58

59 (B) The legal officer, the chief legal counsel of the province, shall take care of the office for legal
60 services, and shall:

- (1) Formulate measures for the consideration of the sanggunian and provide legal assistance and support to the governor in carrying out the delivery of the basic services and services of adequate facilities as provided for under Section 17 of the Local Government Code of 1991;
- (2) Develop plans and strategies and, upon approval thereof by the governor, implement the same, particularly those which have to do with programs and projects related to legal services which the governor is empowered to implement and which the sanggunian is empowered to provide for under Local Government Code of 1991;
- (3) In addition to the foregoing duties and functions, the legal officer shall:
 - (a) Represent the province in all civil actions and special proceedings wherein the province or any official thereof, in his official capacity is a party: Provided, that, actions or proceedings where a component city or municipality is a party adverse to the provincial government or to another component city or municipality, a special legal officer may be employed to represent the adverse party;
 - (b) When required by the governor or the sanggunian, draft ordinances, contracts, bonds, leases, or other instruments, involving any interest of the province; and provide comments and recommendations on any instruments already drawn;
 - (c) Render his opinion in writing on any question of law when requested to do by the governor or the sanggunian;
 - (d) Investigate or cause to be investigated any provincial officer or employee for administrative neglect or misconduct in office and recommend appropriate action to the governor or sangguniang panlalawigan;
 - (e) Investigate or cause to be investigated any person, firm, or corporation holding any franchise or exercising any public privilege for failure to comply with any term or condition in the grant of such franchise or privilege and recommend appropriate action to the governor or the sanggunian;
 - (f) When directed by the governor or sanggunian, initiate and prosecute, in the interest of the province, any civil action on any bond, lease, or other contract upon any breach or violation thereof; and
 - (g) Review and submit recommendations on ordinances approved and executive orders issued by component municipalities.
- (4) Recommend measures to the sangguniang panlalawigan and advise the governor on all other matters related to the upholding of the rule of law; and
- (5) Be in the front line of protecting human rights and prosecuting any violations thereof, particularly those which occur during and in the aftermath of man-made or natural disasters and calamities.

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

Section 36. The Provincial Agriculturist.-

(A) No person shall be appointed agriculturist unless he is a citizen of the Philippines, a resident of the province, of good moral character, a holder of a college degree in agriculture or any related course from

1 a recognized college or university, and a first grade civil service eligible or its equivalent. He must have
2 acquired experience in a related field for at least five (5) years.

3
4 The appointment of a provincial agriculturist shall be mandatory.

5
6 (B) The agriculturist shall take charge of the office for agricultural services, and shall:

- 7
8 (1) Formulate measures for the approval of the sanggunian and provide technical
9 assistance and support to the governor in carrying out said measures to ensure the
10 delivery of basic services as provided for under Section 17 of the Local Government
11 Code of 1991;
12
13 (2) Develop plans and strategies and, upon approval thereof by the governor, implement
14 the same, particularly those which have to do with agricultural programs and projects
15 which the governor is empowered to implement and which the sanggunian is
16 empowered to provide under the Local Government Code of 1991;
17
18 (3) In addition to the foregoing duties and functions, the agriculturist shall:
19
20 (a) Ensure that maximum assistance and access to resources in the production,
21 processing, and marketing of agricultural and aqua-cultural and marine
22 products are extended to farmers, fishermen, and local entrepreneurs;
23
24 (b) Conduct or cause to be conducted location-specific agricultural researches and
25 assist in making available the appropriate technology arising out of and
26 disseminating information on basic research on crops, prevention and control
27 of plant diseases and pests, and other agricultural matters which will maximize
28 productivity;
29
30 (c) Assist the governor in the establishment and extension services of
31 demonstration farms or aqua-culture and marine products;
32
33 (d) Enforce rules and regulations relating to agriculture and aquaculture; and
34
35 (e) Coordinate with government agencies and non-government organizations that
36 promote agricultural productivity through appropriate technology compatible
37 with environmental integrity.
38
39 (4) Be in the frontline in the delivery of basic agricultural services, particularly those
40 needed for survival of the inhabitants during and in the aftermath of man-made and
41 natural disasters and calamities; and
42
43 (5) Recommend to the sanggunian and advise the governor on all matters related to
44 agriculture and aquaculture that will improve the livelihood and living conditions of
45 the inhabitants.
46

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

49
50 **Section 37. The Provincial Social Welfare and Development Officer. –**

51
52 (A) No person shall be appointed social welfare and development officer unless he is a citizen of the
53 Philippines, a resident of the province, of good moral character, a holder of a college degree in
54 agriculture or any related course from a recognized college or university, and a first grade civil service
55 eligible or its equivalent. He must have acquired experience in a related field for at least five (5) years.
56

57 The appointment of a provincial social development officer shall be mandatory.

58
59 (B) The social welfare and development officer shall take charge of the office on social welfare and
60 development services, and shall:

- (1) Formulate measures for the approval of the sanggunian and provide technical assistance and support to the governor in carrying out measures to ensure the delivery of basic services and provision of adequate facilities relative to social welfare and development services as provided under Section 17 of the Local Government Code of 1991;
- (2) Develop plans and strategies and, upon approval thereof by the governor, implement the same particularly those which have to do with social welfare programs and projects which the governor is empowered to implement and which the sanggunian is empowered to provide under the Local Government Code of 1991;
- (3) In addition to the foregoing duties, the provincial social welfare and development officer shall:
 - (a) Identify the basic needs of the needy, the disadvantaged and the impoverished and develop and implement appropriate measures to alleviate their problems and improve their living conditions;
 - (b) Provide relief and appropriate crisis intervention for victims of abuse and exploitation and recommend appropriate measures to deter further abuse and exploitation;
 - (c) Assist the governor in implementing the barangay level program for the total development and protection of children up to six (6) years of age;
 - (d) Facilitate the implementation of welfare programs for the disabled, the elderly, and victims of drug addiction, the rehabilitation of prisoners and parolees, the prevention of juvenile delinquency, and such other activities which would eliminate or minimize the ill-effects of poverty;
 - (e) Initiate and support welfare programs that will enhance the role of the youth in nation building; and
 - (f) Coordinate with government agencies and non-governmental organizations that have for their purpose the promotion and protection of all the needy, disadvantaged, underprivileged and impoverished groups or individuals, particularly those identified to be vulnerable and high-risk to exploitation, abuse and neglect;
- (4) Be in the frontline of service delivery, particularly those that have to do with immediate relief during and assistance in the aftermath of man-made and natural disasters and calamities; and
- (5) Recommend to the sanggunian and advise the governor on all matters related to social welfare and development service which will improve the livelihood and living conditions of the inhabitants

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

Section 38. The Provincial Environment and Natural Resources Officer. –

(A) No person shall be appointed provincial environment and natural resources officer unless he is a citizen of the Philippines, a resident of the province, of good moral character, a holder of college degree preferably in environment, forestry, agriculture, or any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in environmental and natural resources management, protection, conservation and utilization for at least five (5) years.

1
2 The appointment of a provincial environment and natural resources officer shall be mandatory.
3

4 (B) The provincial environment and natural resources officer shall take charge of the office of the
5 environment and natural resources, and shall:
6

- 7 (1) Formulate measures for the consideration of the sanggunian and provide
8 technical assistance and support to the governor in carrying out measures to
9 ensure the delivery of basic services and provision of adequate facilities relative
10 to environment and natural resources services as provided for under Section 17
11 of the Local Government Code of 1991;
12
- 13 (2) Develop plans and strategies and, upon approval thereof by the governor,
14 implement the same, particularly those that have to do with environment and
15 natural resources programs and projects which the governor is empowered to
16 implement and which the sanggunian is empowered to provide under the Local
17 Government Code of 1991;
18
- 19 (3) In addition to the foregoing duties and functions, the environment and natural
20 resources officer shall:
21
- 22 (a) Ensure the maximum assistance and access to resources in the
23 production, processing and marketing of agricultural and aqua-cultural
24 and marine products are extended to farmers, fishermen and
25 entrepreneurs;
26
- 27 (b) Establish, maintain, protect and preserve communal forests, watersheds,
28 tree parks, mangroves, greenbelts, commercial forests, and other similar
29 forest projects like industrial tree farms and agro-forestry projects;
30
- 31 (c) Provide extension services to beneficiaries of forest development
32 projects and technical, financial and infrastructural assistance;
33
- 34 (d) Manage and maintain seed banks and produce seedlings for forests and
35 tree parks;
36
- 37 (e) Provide extension services to beneficiaries of forest development
38 projects and render assistance for natural resources-related conservation
39 and utilization activities consistent with ecological balance;
40
- 41 (f) Promote small-scale mining and utilization of mineral resources,
42 particularly mining gold; and
43
- 44 (g) Coordinate with government agencies and non-governmental
45 organizations in the implementation of measures to prevent and control
46 land, air, and water pollution with the assistance of the Department of
47 Environment and Natural Resources.
48
- 49 (4) Be in the frontline of the delivery of basic services concerning
50 environment and natural resources, particularly in the renewal and
51 rehabilitation of the environment during and in the aftermath of man-made
52 and natural disasters and calamities; and
53
- 54 (5) Recommend to the sanggunian and advise the governor on all matters related to
55 the protection, conservation, maximum utilization, application of appropriate
56 technology, and other matters related to environment and natural resources.
57

58 (C) Exercise such others powers and perform such other functions and duties as may be prescribed by
59 law or ordinance.
60

1 **Section 39. The Provincial Veterinarian. —**

2
3 (A) No person shall be appointed provincial veterinarian unless he is a citizen of the Philippines, a
4 resident of the province, of good moral character, a licensed doctor of veterinary medicine, and a first
5 grade civil service eligible or its equivalent. He must have practiced his profession for at least five (5)
6 years.

7
8 The appointment of a provincial veterinarian shall be mandatory.

9
10 (B) The provincial veterinarian shall take charge of the office of the veterinary services, and shall:

- 11
12 (1) Formulate measures for the consideration of the sanggunian and provide
13 technical assistance and support to the governor in carrying out measures to
14 ensure the delivery of basic services and provision of adequate facilities pursuant
15 to Section 17 of the Local Government Code of 1991;
16
17 (2) Develop plans and strategies and, upon approval thereof by the governor,
18 implement the same, particularly those that have to do with veterinary-related
19 activities which the governor is empowered to implement and which the
20 sanggunian is empowered to provide under the Local Government Code of 1991;
21
22 (3) In addition to the foregoing duties and functions, the environment and natural
23 resources officer shall:
24
25 (a) Advise the governor on all matters pertaining to the slaughter of animals
26 for human consumption and regulation of slaughter houses;
27
28 (b) Regulate the keeping of domestic animals;
29
30 (c) Regulate and inspect poultry, milk, and dairy products for public
31 consumption;
32
33 (d) Enforce all laws and regulations for the prevention of cruelty to animals;
34 and
35
36 (e) Take the necessary measures to eradicate, prevent, or cure all forms of
37 animal diseases.
38
39 (4) Be in the frontline of veterinary-related activities, such as in the outbreak of
40 highly contagious and deadly diseases and in the situations resulting in the
41 depletion of animals for work and human consumption, particularly those arising
42 from and in the aftermath of man-made and natural disasters and calamities; and
43
44 (5) Recommend to the sanggunian and advise the governor on all matters related to
45 veterinary services that will increase the number and improve the quality of
46 livestock, poultry, and other domestic animals used for work or human
47 consumption.
48

49 (C) Exercise such others powers and perform such other functions and duties as may be prescribed by
50 law or ordinance.
51

52 **Section 40. The Provincial General Services Officer. —**

53
54 (A) No person shall be appointed general services officer unless he is a citizen of the Philippines, a
55 resident of the province, of good moral character, a holder of college degree preferably in public
56 administration, business administration, management, or any related course from a recognized college or
57 university, and a first grade civil service eligible or its equivalent. He must have acquired experience in
58 general services, including management of supply, property, solid waste disposal, and general sanitation
59 for at least five (5) years.
60

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

2
3 (B) The provincial general services officer shall take charge of the office of general services, and shall:

- 4
5 (1) Formulate measures for the consideration of the sanggunian and provide
6 technical assistance, and support to the governor in carrying out measures to
7 ensure the delivery of basic services and provision of adequate facilities pursuant
8 to Section 17 of the Local Government Code of 1991, and those that require
9 general services expertise and technical support services;
10
11 (2) Develop plans and strategies and, upon approval thereof by the governor,
12 implement the same, particularly those that have to do with general services
13 supportive to the welfare of the inhabitants which the governor is empowered to
14 implement and which the sanggunian is empowered to provide under the Local
15 Government Code of 1991;
16
17 (3) In addition to the foregoing duties and functions, the general services officer
18 shall:
19
20 (a) Take custody of and be accountable for all properties, real and personal,
21 owned by the provincial government and those granted to him in the
22 form of donation, reparation, assistance and counterpart of joint projects;
23
24 (b) With the approval of the governor, assign building or land space to
25 provincial officials or other public officials, who by law are entitled to
26 such space;
27
28 (c) Recommend to the governor reasonable rental rates for local
29 government properties whether real or personal which will be leased to
30 public or private entities by the provincial government;
31
32 (e) Recommend to the governor the reasonable rental rates of private
33 properties that may be leased for the official use of the provincial
34 government;
35
36 (e) Maintain and supervise janitorial, security, landscaping, and other related
37 services in all local government public buildings and other real property,
38 whether owned or leased by the provincial government;
39
40 (f) Collate and disseminate information regarding prices, shipping, and
41 other costs of supplies and other items commonly used by the provincial
42 government;
43
44 (g) Perform archival and record management with respect to records of
45 offices and departments of the province; and
46
47 (h) Perform all other functions pertaining to supply and property
48 management heretofore performed by the local government's treasurer,
49 and enforces policies on records creation, maintenance, and disposal.
50
51 (4) Be in the frontline of general services-related activities, such as the possible or
52 imminent destruction or damage to records, supplies, properties, and structure
53 and the orderly and sanitary clearing up of waste materials or debris particularly
54 those arising from and in the aftermath of man-made and natural disasters and
55 calamities; and
56
57 (5) Recommend to the sanggunian and advise the governor on all matters related to
58 general services.
59

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

Section 41. The Provincial Cooperatives Officer. –

(A) No person shall be appointed provincial cooperatives officer unless he is a citizen of the Philippines, a resident of the province, of good moral character, a holder of college degree preferably in business administration course with special training on cooperatives or any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have experience in cooperatives organization and management for at least five (5) years.

The appointment of a provincial cooperatives officer shall be mandatory.

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

- (1) Formulate measures for the consideration of the sanggunian and provide technical assistance and support to the governor in carrying out measures to ensure the delivery of basic services and provision of adequate facilities through the development of cooperatives, and in providing access to such services and facilities;
- (2) Develop plans and strategies and, upon approval thereof by the governor, implement the same, particularly those that have to do with integration of cooperatives principles and methods in programs where the governor is empowered to implement and which the sanggunian is empowered to provide under the Local Government Code of 1991;
- (3) In addition to the foregoing duties and functions, the cooperatives officer shall:
 - (a) Assist in the organization of cooperatives;
 - (b) Provide technical and other forms of assistance to existing cooperatives to enhance their viability as an economic enterprise and social organization; and
 - (c) Assist cooperatives in establishing linkages with government agencies and non-governmental organizations involved in the promotion and integration of the concept of cooperatives in the livelihood of the people and other community activities.
- (4) Be in the frontline of cooperatives organization, rehabilitation, or viability enhancement, particularly during and those arising from and in the aftermath of man-made and natural disasters and calamities, to aid in their survival and, if necessary, subsequent rehabilitation; and
- (5) Recommend to the sanggunian and advise the governor on all matters relative to cooperatives development and viability enhancement which will improve the livelihood and quality of life of the inhabitants.

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

Section 42. The Provincial Architect. –

(A) No person shall be appointed provincial architect unless he is a citizen of the Philippines, a resident of the province, of good moral character, and a duly licensed architect. He must have practiced his profession for at least five (5) years.

The appointment of a provincial architect shall be mandatory.

(B) The provincial architect shall take charge of the office on architectural planning and design, and shall:

- (1) Formulate measures for the consideration of the sanggunian and provide technical assistance and support to the governor in carrying out measures to ensure the delivery of basic services and provision of adequate facilities relative to architectural planning and design as provided for under Section 17 of the Local Government Code of 1991;
- (2) Develop plans and strategies and, upon approval thereof by the governor, implement the same, particularly those that have to do with architectural planning and design programs and projects which the governor is empowered to implement and which the sanggunian is empowered to provide under the Local Government Code of 1991;
- (3) In addition to the foregoing duties and functions, the provincial architect shall:
 - (a) Prepare and recommend for consideration to the sanggunian the architectural plan and design for the province or part thereof, including the renewal of slums and blighted areas, land reclamation activities, the greening of land, and appropriate planning of marine and foreshore areas;
 - (b) Review and recommend for appropriate action of the sanggunian and the governor, the architectural design and plan submitted by governmental or non-governmental entities or individuals, particularly those for the undeveloped, underdeveloped and poorly-designed areas; and
 - (c) Coordinate with government agencies and non-governmental entities and individuals involved in the aesthetics and the maximum utilization of the land and water within the jurisdiction of the province, compatible with environmental integrity and ecological balance.
- (4) Be in the frontline of the delivery of basic services involving architectural planning and design particularly those related to the redesigning of spatial distribution of basic facilities and physical structures during and those arising from and in the aftermath of man-made and natural disasters and calamities; and
- (5) Recommend to the sanggunian and advise the governor on all matters related to the architectural planning and design as it relates to the total socio-economic development of the province.

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

Section 43. The Provincial Population Officer. –

(A) No person shall be appointed provincial cooperatives officer unless he is a citizen of the Philippines, a resident of the province, of good moral character, a holder of college degree preferably in business administration course with special training on cooperatives or any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have experience in the implementation of programs on population development or responsible parenthood for at least five (5) years.

The appointment of a provincial population officer shall be optional.

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

- (1) Formulate measures for the consideration of the sanggunian and provide technical assistance and support to the governor in carrying out measures to ensure the delivery of basic services and provision of adequate facilities relative to the integration of the population development principles and in providing access to said services and facilities;
 - (2) Develop plans and strategies and, upon approval thereof by the governor, implement the same, particularly those which have to do with the integration of population development principles and methods in programs and projects which the governor is empowered to implement and which the sanggunian is empowered to provide under the Local Government Code of 1991;
 - (3) In addition to the foregoing duties and functions, the population officer shall:
 - (a) Assist the governor in the implementation of the constitutional provisions relative to population development and the promotion of responsible parenthood;
 - (b) Establish and maintain an updated data bank for program operations, development planning and an educational program to ensure the people's participation in and understanding of population development; and
 - (c) Implement appropriate training programs responsive to the cultural heritage of the inhabitants.
- (C) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

Section 44. The Provincial Information Officer. –

(A) No person shall be appointed provincial information officer unless he is a citizen of the Philippines, a resident of the province, of good moral character, a holder of college degree preferably in journalism, mass communications, or any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have experience in writing articles and research papers, or in writing for print, television, or broadcast media for at least five (3) years.

The appointment of a provincial information officer shall be optional.

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

- (1) Formulate measures for the consideration of the sanggunian and provide technical assistance and support to the governor in providing the information and research data required for the delivery of basic services and provision of adequate facilities so that the public becomes aware of said service and may fully avail of the same;
- (2) Develop plans and strategies and, upon approval thereof by the governor, implement the same, particularly those which have to do with public information and research data to support programs and projects which the governor is empowered to implement and which the sanggunian is empowered to provide under the Local Government Code of 1991;
- (3) In addition to the foregoing duties and functions, the information officer shall:
 - (a) Provide relevant, adequate, and timely information to the provincial government and its residents;
 - (b) Maintain effective liaison with the various sectors of the community on matters and issues that affect the livelihood and the quality of life of the inhabitants and encourage support for programs of the local and national government;

- (c) Assist the governor in the establishment, maintenance, and promotion of local area tourism programs and projects; and
- (d) Furnish information and data on the province to government agencies or offices as may be required by law or ordinance and non-governmental organization to be furnished to said agencies and organizations.
- (4) Be in the frontline in providing information during and in the aftermath of man-made and natural disasters and calamities, with special attention to the victims thereof, to help minimize injuries and casualties during and after emergency, and accelerate relief and rehabilitation; and
- (5) Recommend to the sanggunian and advise the governor on all other matters relative to public information and research data as it relates to total socioeconomic development of the province.
- (C) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

ARTICLE VIII

THE PROVINCIAL FIRE STATION, THE PROVINCIAL JAIL, THE PROVINCIAL SCHOOL DIVISION AND THE PROVINCIAL PROSECUTION SERVICE

Section 45. The Provincial Fire Station Service. –

(A) There shall be established in the province at least five (5) fire stations with adequate personnel, fire fighting facilities, and equipment, by the Department of the Interior and Local Government (DILG), within two (2) months upon the commencement of the corporate existence of the new province. The provincial government shall provide the necessary land or site of the provincial fire stations.

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

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

Section 46. The Provincial Jail Service. –

(A) There shall be established and maintained in the province, within two (2) months from the commencement of the corporate existence of the province, by the Department of Interior and Local Government a secured, clean, adequately equipped, and sanitary jail facility for the custody and safekeeping of prisoners, any fugitive from justice, or person detained awaiting investigation or trial and/or transfer to the national penitentiary, and/or violent mentally ill person who endangers himself or the safety of others, duly certified as such by the proper medical health officer, pending the transfer to a mental institution.

(B) The provincial jail service shall be headed by a provincial jail warden who must be a graduate of four (4)- year course in psychology, psychiatry, sociology, nursing, social work, or criminology who shall assist in the immediate rehabilitation of individuals or detention of prisoners. Great care must be exercised so that human rights of these prisoners are respected and protected, and their spiritual and physical well- being is properly and promptly attended to.

1 **Section 47. The Provincial School Division. –**

2
3 (A) The Department of Education, Culture and Sports shall, within two (2) months from the
4 commencement of the corporate existence of the province herein created, establish and maintain a
5 separate school division in the province whose jurisdiction shall cover the municipalities under the lone
6 legislative district of the province.
7

8 (B) The provincial school division shall be headed by a division superintendent who must possess the
9 necessary qualifications required by the Department of Education, Culture and Sports.
10

11 **Section 48. The Provincial Prosecution Service. –**

12
13 (A) There shall be established and maintain a prosecution service by the Department of Justice, within
14 two (2) months from the commencement of the corporate existence of the province herein created,
15 which shall be headed by a provincial prosecutor and such number of assistant prosecutors as may be
16 necessary, who shall be organizationally part of the Department of Justice, and under the supervision of
17 the Secretary of the Department of Justice, and whose qualifications, manner of appointment, rank,
18 salary, and benefits shall be governed by existing laws covering prosecutors in the Department of
19 Justice.
20

21 (B) The provincial prosecutor shall handle the criminal prosecution in the municipal trial courts in the
22 province as well as in the regional trial courts for criminal cases originating in the territory of the
23 province, and shall render to and for the province such other services as are required by law or
24 regulation of the Department of Justice.
25

26
27 **ARTICLE IX**

28
29 **TRANSITORY AND FINAL PROVISIONS**

30
31 **Section 49. Plebiscite. –** The Province of Davao Occidental shall be created, as provided for in this Act,
32 upon approval by a majority of the votes cast by the voters of the affected areas in the plebiscite to be
33 conducted and supervised by the Commission on Elections within sixty (60) days from the date of
34 effectivity of this Act.
35

36 The amount necessary for the conduct of the plebiscite shall be charged to the appropriation of the
37 Province of Davao del Sur, with augmentation fund from the Commission of Elections, the National
38 Treasury, and concerned local government units.
39

40 **Section 50. Commencement of Corporate Existence. –** The Province of Davao Occidental shall
41 commence its corporate existence upon the election and qualification of the governor, vice governor,
42 and majority of the members of the sangguniang panlalawigan.
43

44 **Section 51. Officials of the Province of Davao Occidental. –**

45
46 (A) All elective and non-elective provincial and local government officials and employees of the present
47 Province of Davao del Sur shall continue to serve their term of office, perform their duties and functions
48 in the province, until the commencement of the corporate existence of the new province, as provided for
49 in Section 9 of this Act.
50

51 (B) The two (2) incumbent Congressional Representatives of the present Province of Davao del Sur
52 shall continue to represent the two (2) existing legislative districts of the province until the expiration of
53 their term of office.
54

55 **Section 52. Organization of the Provincial Government. –** All provincial appointive positions in the
56 Province of Davao Occidental shall be filled within sixty (60) days pursuant to Section 9 of this Act.
57 This shall be done without prejudice to the officials and employees of the present Province of Davao del
58 Sur, who may wish to serve in the Province of Davao Occidental.
59

1 Upon the effectivity of this Act, there shall be reorganization in the employment of employees
2 employed at the Provincial Capitol and all other provincial and municipal government offices in light of
3 the separation. Redundant positions therefore that may exist after the separation shall be removed
4 through Retrenchment.

5
6 **Section 53. Suspension of Increase in Rates of Local Taxes.** – No increase in the rates of local taxes
7 shall be imposed by the province within the period of five (5) years from its acquisition of corporate
8 existence. Notwithstanding any existing law or ordinance to the contrary, real property tax in the locality
9 shall not be increased within five (5) years upon its creation into a new province.

10
11 **Section 54. Present Provincial Properties.** – Upon the effectivity of this Act, ownership of real
12 properties and infrastructure projects of each local government units situated in the present Province of
13 Davao Del Sur, shall belong to the province where it is situated.

14
15 **Section 55. Applicability of Laws.** – The provisions of Republic Act No. 7160 otherwise known as the
16 Local Government Code of 1991, and other laws as are applicable to provinces shall govern the herein
17 created province insofar as they are not inconsistent with the provisions of this Act.

18
19 **Section 56. Separability Clause.**– If any part of this Act is declared invalid or unconstitutional, the
20 other parts or provisions hereof shall remain valid and effective.

21
22 **Section 57. Effectivity.**– This Act shall take effect fifteen (15) days upon publication in at least two (2)
23 newspapers of general circulation and local circulation.

Approved,