

(AS AMENDED BY THE SENATE)

CONGRESS OF THE PHILIPPINES
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}

HOUSE OF REPRESENTATIVES

H. No. 6413

BY REPRESENTATIVES MANGUDADATU, SINSUAT, VILLANUEVA (N.), DATOL, FLORES, DY (V.), SANCHEZ, TEVES (J.), ALMARIO, LOYOLA, NOGRALES (J.F.F.), ZARATE, SARMIENTO, ROMULO, GAITE, AMATONG, RODRIGUEZ, GONZALES (A.), PIMENTEL, PICHAY, AGABAS, FORTUN, HATAMAN, ADIONG, MATBA, BAUTISTA-BANDIGAN, SANGCOPAN, ARBISON, BABASA, CAOAGDAN, DIMAPORO (A.), DEFENSOR (M.), SACDALAN, TAN (S.), DIMAPORO (M.K.), ARBISON, DY (F.M.C.), SAKALURAN, LEGARDA AND JAVIER, PER COMMITTEE REPORT NO. 249

AN ACT DIVIDING THE PROVINCE OF MAGUINDANAO INTO TWO (2) PROVINCES, NAMELY: ~~[NORTHERN MAGUINDANAO AND SOUTHERN MAGUINDANAO]~~ MAGUINDANAO DEL NORTE AND MAGUINDANAO DEL SUR

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

ARTICLE I

GENERAL PROVISIONS

1
2 SECTION 1. *Title.* – This Act shall be known as the “Charter
3 of the Provinces of ~~[Northern Maguindanao and Southern~~
4 ~~Maguindanao]~~ MAGUINDANAO DEL NORTE AND
5 MAGUINDANAO DEL SUR”.

1 SEC. 2. *Division of the Province of Maguindanao.* – The
2 Province of Maguindanao is hereby divided into two (2) distinct
3 and independent provinces to be known as [~~Northern Maguindanao~~
4 ~~and Southern Maguindanao~~] MAGUINDANAO DEL NORTE AND
5 MAGUINDANAO DEL SUR.

6 SEC. 3. *Composition.* – The provinces of [~~Northern~~
7 ~~Maguindanao and Southern Maguindanao~~] MAGUINDANAO DEL
8 NORTE AND MAGUINDANAO DEL SUR shall be composed
9 of the following municipalities:

10 (a) Province of [~~Northern Maguindanao~~] MAGUINDANAO
11 DEL NORTE

- 12 (1) Barira;
- 13 (2) Buldon;
- 14 (3) Datu Blah Sinsuat;
- 15 (4) Datu Odin Sinsuat;
- 16 (5) Kabuntalan;
- 17 (6) Matanog;
- 18 (7) Northern Kabuntalan;
- 19 (8) Parang;
- 20 (9) North Upi;
- 21 (10) Sultan Kudarat;
- 22 (11) Sultan Mastura; and
- 23 (12) Talitay

24 (b) Province of [~~Southern~~ ~~Maguindanao~~]
25 MAGUINDANAO DEL SUR

- 26 (1) Ampatuan;
- 27 (2) Buluan;

- 1 (3) Datu Abdulla Sangki;
- 2 (4) Datu Anggal Midtimbang;
- 3 (5) Datu Hoffer Ampatuan;
- 4 (6) Datu Montawal;
- 5 (7) Datu Paglas;
- 6 (8) Datu Piang;
- 7 (9) Datu Salibo;
- 8 (10) Datu Saudi Ampatuan;
- 9 (11) Datu Unsay;
- 10 (12) Gen. Salipada K. Pendatun;
- 11 (13) Guindulungan;
- 12 (14) Mamasapano;
- 13 (15) Mangudadatu;
- 14 (16) Pagalungan;
- 15 (17) Paglat;
- 16 (18) Pandag;
- 17 (19) Rajah Buayan;
- 18 (20) Sharif Aguak;
- 19 (21) Sharif Saydona Mustafa;
- 20 (22) Sultan sa Barongis;
- 21 (23) Talayan; and
- 22 (24) South Upi.

23 SEC. 4. *Territorial Jurisdiction.* – The territorial jurisdiction
24 of the provinces of [~~Northern Maguindanao and Southern~~
25 ~~Maguindanao~~] MAGUINDANAO DEL NORTE AND
26 MAGUINDANAO DEL SUR shall be within the present metes and
27 bounds of all the municipalities that comprise the respective

1 provinces.

2 The foregoing provision shall be without prejudice to the
3 resolution by the appropriate agency or forum of existing boundary
4 disputes or cases involving questions of territorial jurisdiction
5 between the new provinces and adjoining local government units:
6 *Provided*, That the territorial boundaries of the disputed area or
7 areas shall remain with the local government unit which has
8 existing administrative supervision over said area or areas until
9 final resolution of the case.

10 SEC. 5. *Capital Towns and Seats of Government.* – The capital
11 towns and seats of government of the provinces of [~~Northern~~
12 ~~Maguindanao and Southern Maguindanao~~] MAGUINDANAO DEL
13 NORTE AND MAGUINDANAO DEL SUR shall be the
14 municipalities of Datu Odin Sinsuat and Buluan, respectively.

15 SEC. 6. *Corporate Powers of the Provinces.* – Each province
16 constitutes a political body corporate and as such is endowed
17 with the attributes of perpetual succession and possessed of the
18 powers which pertain to a provincial corporation to be exercised
19 in conformity with the provision of this Charter and Republic
20 Act No. 7160, otherwise known as the “Local Government Code of
21 1991, as amended.” Each province shall have the following corporate
22 powers:

- 23 (a) To exercise continuous succession in its corporate name;
24 (b) To sue and be sued;
25 (c) To use a corporate seal;
26 (d) To acquire and convey real or personal property;
27 (e) To enter into contracts; and

1 (f) To exercise such other powers granted to corporations,
2 subject to the limitations provided under the Local Government
3 Code of 1991, as amended, and other laws.

4 SEC. 7. *General Powers.* – Each province shall have a
5 common seal and may alter the same at its pleasure: *Provided,*
6 That any change of corporate seal shall be registered with the
7 Department of the Interior and Local Government (DILG). Each
8 province shall have the power to create its sources of revenue
9 and to levy taxes, fees and charges; to close and open roads,
10 streets, alleys, parks, or squares; to take, purchase, receive, hold,
11 lease, convey and dispose of real and personal property for the
12 general interests of the province; to expropriate or condemn private
13 property for public use; to contract and to be contracted with; to sue
14 and be sued; to prosecute and defend to final judgment and
15 execution, suits wherein the province is involved or interested in
16 and to exercise all the powers as are granted to corporations or
17 as hereinafter granted, subject to the provisions of the Local
18 Government Code of 1991, as amended.

19 SEC. 8. *Liability for Damages.* – Each province and its
20 officials shall not be exempt from liability for death or injury to
21 persons or damage to property.

22 SEC. 9. *Legislative Districts.* – Each province shall have its
23 own legislative district comprising of the municipalities enumerated
24 under Section 3 of this Charter, which shall take effect upon the
25 election and qualification of its representative to be held on the
26 second Monday of May 2022.

1 For the purpose of this section, the City of Cotabato shall be a
 2 part of the Lone Legislative District of the Province of [~~Northern~~
 3 ~~Maguindanao~~] MAGUINDANAO DEL NORTE.

4 The incumbent Representatives of the present Province of
 5 Maguindanao shall continue to represent their respective legislative
 6 districts until the expiration of their terms of office.

7 ARTICLE II

8 PROVINCIAL OFFICIALS IN GENERAL

9 SEC. 10. *Officials of the Provincial Government.* – (a) In each
 10 of the provinces of [~~Northern Maguindanao and Southern~~
 11 ~~Maguindanao~~] MAGUINDANAO DEL NORTE AND
 12 MAGUINDANAO DEL SUR, there shall be a provincial governor, a
 13 provincial vice governor, the regular members of the *sangguniang*
 14 *panlalawigan*, a secretary to the *sangguniang panlalawigan*,
 15 a provincial treasurer, a provincial assessor, a provincial accountant,
 16 a provincial budget officer, a provincial planning and development
 17 coordinator, a provincial engineer, a provincial health officer,
 18 a provincial administrator, a provincial legal officer, a provincial
 19 agriculturist, a provincial social welfare and development officer,
 20 a provincial veterinarian and a provincial general services officer.

21 (b) In addition thereto, the provincial governor may appoint
 22 a provincial architect, a provincial population officer, a provincial
 23 environment and natural resources officer, a provincial cooperatives
 24 officer and a provincial information officer.

25 (c) The *sangguniang panlalawigan* may:

26 (1) Maintain existing offices mentioned in subsections (a) and
 27 (b) hereof;

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

3 (3) Consolidate the functions of any office with those of
4 another in the interest of efficiency, economy, and public welfare;

5 Unless otherwise provided herein or under the Local
6 Government Code of 1991, as amended, the heads of departments
7 and offices shall be appointed by the provincial governor with the
8 concurrence of a majority of all the *sangguniang panlalawigan*
9 members, subject to civil service law, rules and regulations. The
10 *sangguniang panlalawigan* shall act on the appointments within
11 fifteen (15) days from the day of submission; otherwise, the same
12 shall be deemed confirmed.

13 SEC. 11. *Residence and Office.* – The official residence
14 and office of the provincial governor, during the latter's
15 incumbency, shall be in the capital of the province. All elective
16 and appointive provincial officials shall hold office in the
17 provincial capital: *Provided, That*, upon the resolution of the
18 *sangguniang panlalawigan*, elective and appointive provincial
19 officials may hold office in any component city or municipality
20 within the province for a period of not more than seven (7) days for
21 any given month.

22 Elective and appointive provincial officials shall receive
23 such compensation, allowances and other emoluments as may
24 be determined by law or ordinance, subject to the budgetary
25 limitations on personal services prescribed under Section 325
26 of the Local Government Code of 1991, as amended: *Provided, That*
27 no increase in compensation shall take effect until after the

1 expiration of the full term of all the elective officials approving
2 such increase.

3 ARTICLE III

4 ELECTIVE PROVINCIAL OFFICIALS

5 SEC. 12. *The Provincial Governor.* – (a) The provincial
6 governor, as the chief executive of the provincial government,
7 shall exercise such powers and perform such duties and functions
8 as provided under the Local Government Code of 1991, as amended,
9 and other laws.

10 (b) For efficient, effective and economical governance, the
11 purpose of which is the general welfare of the province and its
12 inhabitants pursuant to Section 16 of the Local Government Code of
13 1991, as amended, the provincial governor shall:

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

17 (i) Determine the guidelines of provincial policies and be
18 responsible to the *sangguniang panlalawigan* for the program of
19 government;

20 (ii) Direct the formulation of the provincial development
21 plan, with the assistance of the provincial development council, and
22 upon approval thereof by the *sangguniang panlalawigan*, implement
23 the same;

24 (iii) Present the program of government and propose policies
25 and projects for the consideration of the *sangguniang panlalawigan*
26 at the opening of the regular session of the *sangguniang*
27 *panlalawigan* every calendar year and as often as may be deemed

1 necessary as the general welfare of the inhabitants and the needs
2 of the provincial government may require;

3 (iv) Initiate and propose legislative measures to the
4 *sangguniang panlalawigan* and, as often as may be deemed
5 necessary, provide such information and data needed or requested in
6 the performance of its legislative functions;

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

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

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

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

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

26 (x) Ensure that all executive officials and employees of
27 the province faithfully discharge their duties and functions as

1 provided for by law and the Local Government Code of 1991,
2 as amended, and cause to be instituted administrative or judicial
3 proceedings against any official or employee of the province who may
4 have committed an offense in the performance of official duties;

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

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

14 (xiii) Visit component cities and municipalities of the province
15 at least once every six (6) months to deepen the governor's
16 understanding of problems and conditions, listen and give
17 appropriate counsel to local officials and inhabitants, inform the
18 officials and inhabitants of component cities and municipalities of
19 general laws and ordinances which especially concern them, and
20 otherwise conduct visits and inspections to ensure that the
21 governance of the province will improve the quality of life of the
22 inhabitants;

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

1 (xv) Authorize official trips of provincial officials and
2 employees outside of the province for a period not exceeding thirty
3 (30) days;

4 (xvi) Call upon any national official or employee stationed in
5 or assigned to the province to advise on matters affecting the
6 province and to make recommendations thereon; coordinate with the
7 official or employee in the formulation and implementation of plans,
8 programs and projects; and, when appropriate, initiate an
9 administrative or judicial action against a national government
10 official or employee who may have committed an offense in the
11 performance of official duties while stationed in or assigned to the
12 province;

13 (xvii) Authorize payment for medical care, necessary
14 transportation, subsistence, hospital or medical fees of provincial
15 officials and employees who are injured while in the performance of
16 their official duties and functions, subject to the availability of
17 funds;

18 (xviii) Represent the province in inter-provincial or regional
19 sports councils or committees, and coordinate the efforts of
20 component cities or municipalities in the regional or national *palaro*
21 or sports development activities;

22 (xix) Conduct an annual *palarong panlalawigan*, which shall
23 feature traditional sports and disciplines included in national and
24 international games in coordination with the Department of
25 Education (DepEd); and

26 (xx) Submit to the Office of the President the following
27 reports: an annual report containing a summary of all matters

1 pertinent to the management, administration and development of
2 the province and all information and data relative to its political,
3 social and economic conditions; and supplemental reports when
4 unexpected events and situations arise at any time during the year,
5 particularly when man-made or natural disasters or calamities
6 affect the general welfare of the province, the region or the country
7 in general;

8 (2) Enforce all laws and ordinances relative to the
9 governance of the province and the exercise of the appropriate
10 corporate powers provided under Section 22 of the Local
11 Government Code of 1991, as amended; implement all approved
12 policies, programs, projects, services and activities of the province;
13 and, in addition to the foregoing, shall:

14 (i) Ensure that the acts of the component cities and
15 municipalities of the province and of its officials and employees are
16 within the scope of their prescribed powers, duties and functions;

17 (ii) Call conventions, conferences, seminars or meetings of
18 elective and appointive officials of the province and its component
19 cities and municipalities, including national officials and employees
20 stationed in or assigned to the province, at such time and place and
21 on such subject as may be deemed important for the promotion of
22 the general welfare of the province and its inhabitants;

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

25 (iv) Be entitled to carry the necessary firearm within the
26 territorial jurisdiction of the province;

1 (v) In coordination with the mayors of component cities and
2 municipalities and the National Police Commission, formulate the
3 peace and order plan of the province and upon its approval,
4 implement the same in accordance with Republic Act No. 6975,
5 as amended, otherwise known as the “Department of the Interior
6 and Local Government Act of 1990”; and

7 (vi) Call upon the appropriate national law enforcement
8 agencies to suppress disorder, riot, lawless violence, rebellion or
9 sedition or to apprehend violators of the law when public interest so
10 requires and when the police forces of the component city or
11 municipality where the disorder or violation is happening are
12 inadequate to cope with the situation or the violators;

13 (3) Initiate and maximize the generation of resources and
14 revenues, and apply the same to the implementation of development
15 plans, program objectives and priorities as provided under Section
16 18 of the Local Government Code of 1991, as amended, particularly
17 those resources and revenues programmed for agro-industrial
18 development and countrywide growth and progress and, relative
19 thereto, shall:

20 (i) Require each head of an office or department to prepare
21 and submit an estimate of appropriations for the ensuing calendar
22 year, in accordance with the budget preparation process under
23 Title V, Book II of the Local Government Code of 1991, as amended;

24 (ii) Prepare and submit to the *sangguniang panlalawigan*
25 for approval the executive and supplemental budgets of the province
26 for the ensuing calendar year in the manner provided under Title V,
27 Book II of the Local Government Code of 1991, as amended;

1 (iii) Ensure that all taxes and other revenues of the province
2 are collected, and provincial funds are applied to the payment of
3 expenses, and obligations of the province are settled, in accordance
4 with law or ordinance;

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

8 (v) Adopt adequate measures to safeguard and conserve land,
9 mineral, marine, forest and other resources of the province, in
10 coordination with the mayors of component cities or municipalities;

11 (vi) Provide efficient and effective property and supply
12 management in the province; and safeguard the funds, accounts
13 receivables, rights and other properties of the province; and

14 (vii) Institute or cause to be instituted administrative or
15 judicial proceedings for violations of ordinances in the collection of
16 taxes, fees or charges, and for the recovery of funds and property,
17 and cause the province to be defended against all suits to ensure
18 that its interests, resources and rights shall be adequately protected;

19 (4) Ensure the delivery of basic services and the provision
20 of adequate facilities as provided under Section 17 of the Local
21 Government Code of 1991, as amended and, in addition thereto,
22 shall:

23 (i) Ensure that the construction and repair of roads and
24 highways funded by the national government shall be, as far as
25 practicable, carried out in a spatially contiguous manner and in
26 coordination with the construction and repair of the roads and

1 bridges of the province and of its component cities and
2 municipalities; and

3 (ii) Coordinate the implementation of technical services by
4 national offices for the province and its component cities and
5 municipalities, including public works and infrastructure programs
6 of the provincial government and its component cities and
7 municipalities; and

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

10 The provincial governor shall receive a minimum monthly
11 compensation as prescribed under Republic Act No. 6758,
12 as amended, otherwise known as the “Compensation and Position
13 Classification Act of 1989, as amended,” and the implementing
14 guidelines issued pursuant thereto.

15 SEC. 13. *The Provincial Vice Governor.* – (a) The provincial
16 vice governor shall:

17 (1) Be the presiding officer of the *sangguniang panlalawigan*
18 and sign all warrants drawn on the provincial treasury for all
19 expenditures appropriated for the operation of the *sangguniang*
20 *panlalawigan*;

21 (2) Subject to civil service law, rules and regulations, appoint
22 all officials and employees of the *sangguniang panlalawigan*,
23 except those whose manner of appointment is specifically provided
24 for under existing laws;

25 (3) Assume the office of the provincial governor for the
26 unexpired term of the latter in the event of permanent vacancy

1 as provided for under Section 44, Book I of the Local Government
2 Code of 1991, as amended;

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

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

9 (b) The provincial vice governor shall receive a monthly
10 compensation as prescribed under the "Compensation and Position
11 Classification Act of 1989", as amended, and the implementing
12 guidelines issued pursuant thereto.

13 ARTICLE IV

14 THE SANGGUNIANG PANLALAWIGAN

15 SEC. 14. *Composition.* – (a) The *sangguniang panlalawigan*,
16 the legislative body of the province, shall be composed of the
17 provincial vice governor as the presiding officer, the regular
18 *sangguniang panlalawigan* members, the president of the
19 provincial chapter of the liga ng mga barangay, the president
20 of the *panlalawigang pederasyon ng mga sangguniang kabataan*,
21 the president of the provincial federation of *sanggunian members*
22 of municipalities and component cities, and the sectoral
23 representatives, as members.

24 (b) In addition thereto, there shall be three (3) sectoral
25 representatives: one (1) from the women's sector; one (1) from
26 the agricultural or industrial worker sector; and one (1) from

1 other sectors, including the urban poor, indigenuous cultural
2 communities, or persons with disability.

3 (c) The regular members of the *sangguniang panlalawigan*
4 and the sectoral representatives shall be elected in the manner
5 provided by law, and shall receive a monthly compensation as
6 prescribed under the “Compensation and Position Classification
7 Act of 1989”, as amended, and the implementing guidelines issued
8 pursuant thereto.

9 SEC. 15. *Powers, Duties, Functions and Compensation.* –

10 (a) The *sangguniang panlalawigan*, as the legislative body of
11 the province, shall enact ordinances, approve resolutions and
12 appropriate funds for the general welfare of the province and
13 its inhabitants pursuant to Section 16 of the Local Government
14 Code of 1991, as amended, and in the proper exercise of the
15 corporate powers of the province as provided under Section 22
16 of the Local Government Code of 1991, as amended, and shall:

17 (1) Approve all ordinances and pass resolutions necessary
18 for an efficient and effective provincial government and, in this
19 connection, shall:

20 (i) Review all ordinances approved by the *sanggunians* of
21 component cities and municipalities and executive orders issued
22 by the mayors of said component units to determine whether
23 these are within the scope of the prescribed powers of the
24 *sanggunian* and of the mayor;

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

1 (iii) Approve ordinances imposing a fine not exceeding Five
2 thousand pesos (P5,000.00) or an imprisonment not exceeding
3 one (1) year, or both, at the discretion of the court, for the violation
4 of a provincial ordinance;

5 (iv) Adopt measures to protect the inhabitants of the
6 province from the harmful effects of man-made or natural
7 disasters and calamities, and provide relief services and assistance
8 to victims during and in the aftermath of said disasters and
9 calamities, and to facilitate their return to productive livelihood
10 following said events;

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

21 (vi) Protect the environment, and impose appropriate
22 penalties for acts which endanger the environment, such as
23 dynamite fishing and other forms of destructive fishing,
24 illegal logging and smuggling of logs, smuggling of natural
25 resources products and of endangered species of flora and
26 fauna, slash-and-burn farming, irresponsible disposal of waste,

1 and such other activities which result in pollution, acceleration
2 of eutrophication of rivers and lakes, or of ecological imbalance;

3 (vii) Subject to the provisions of the Local Government
4 Code of 1991, as amended, and other pertinent laws, determine the
5 powers and duties of officials and employees of the province;

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

11 (ix) Authorize the payment of compensation to a qualified
12 person not in the government service who fills in a temporary
13 vacancy or grant honorarium to any qualified official or employee
14 designated to fill a temporary vacancy in a concurrent capacity at
15 the rate authorized by law;

16 (x) Provide a mechanism and the appropriate funds therefore
17 to ensure the safety and protection of all provincial government
18 property, public documents or records such as those relating to
19 property inventory, land ownership, records of births, marriages,
20 deaths, assessments, taxation, accounts, business permits, and such
21 other records and documents of public interest in the offices and
22 departments of the provincial government; and

23 (xi) When the finances of the provincial government allow,
24 provide for additional allowances and other benefits to judges,
25 prosecutors, public elementary and high school teachers, and other
26 national government officials stationed or assigned to the province;

1 (2) Generate and maximize the use of resources and
2 revenues for the development plans, program objectives and
3 priorities of the province as provided under Section 18 of the
4 Local Government Code of 1991, as amended, with particular
5 attention to agro-industrial development and countrywide growth
6 and progress and, relative thereto, shall:

7 (i) Enact the annual and supplemental appropriations
8 of the provincial government and appropriate funds for specific
9 programs, projects, services and activities of the province, or for
10 other purposes not contrary to law, in order to promote the
11 general welfare of the province and its inhabitants;

12 (ii) Subject to the provisions of Book II of the Local
13 Government Code of 1991, as amended, applicable laws and, upon
14 the majority vote of all the members of the *sangguniang*
15 *panlalawigan*, enact ordinances levying taxes, fees and charges,
16 prescribing the rates thereof for general and specific purposes
17 and granting tax exemptions, incentives or reliefs;

18 (iii) Subject to the provisions of Book II of the Local
19 Government Code of 1991, as amended, applicable laws and, upon
20 the majority vote of all the members of the *sangguniang*
21 *panlalawigan*, authorize the provincial governor to negotiate and
22 contract loans and other forms of indebtedness;

23 (iv) Subject to the provisions of Book II of the Local
24 Government Code of 1991, as amended, and applicable laws and,
25 upon the majority vote of all the members of the *sangguniang*
26 *panlalawigan*, enact ordinances authorizing the floating of bonds

1 or other instruments of indebtedness, for the purpose of raising
2 funds to finance development projects;

3 (v) Appropriate funds for the construction and maintenance
4 or the rental of buildings for the use of the province and, upon the
5 majority vote of all the members of the *sangguniang panlalawigan*,
6 authorize the provincial governor to lease to private parties such
7 public buildings held in a proprietary capacity, subject to existing
8 laws, rules and regulations;

9 (vi) Prescribe reasonable limits and restraints on the use of
10 property within the jurisdiction of the province;

11 (vii) Review the comprehensive land use plans and zoning
12 ordinances of component cities and municipalities and adopt
13 a comprehensive provincial land use plan, subject to existing
14 laws; and

15 (viii) Adopt measures to enhance the full implementation
16 of the national agrarian reform program in coordination with the
17 Department of Agrarian Reform (DAR).

18 (3) Subject to the provisions of Book II of the Local
19 Government Code of 1991, as amended, grant franchises, approve
20 the issuance of permits or licenses, or enact ordinances levying
21 taxes, fees and charges upon such conditions and for such
22 purposes intended to promote the general welfare of the
23 inhabitants of the province and, pursuant to its legislative
24 authority, shall:

25 (i) Fix and impose reasonable fees and charges for all
26 services rendered by the provincial government to private persons
27 or entities; and

1 (ii) Regulate and fix the license fees for such activities as
2 provided for under the Local Government Code of 1991, as amended.

3 (4) Approve ordinances which shall ensure the efficient
4 and effective delivery of the basic services and facilities as
5 provided under Section 17 of the Local Government Code of 1991,
6 as amended, and, in addition to said services and facilities, shall:

7 (i) Adopt measures and safeguards against pollution and
8 for the preservation of the natural ecosystem in the province,
9 including the proper collection and disposal of waste, in consonance
10 with approved standards on human settlements and environmental
11 sanitation;

12 (ii) Subject to applicable laws, facilitate or provide for the
13 establishment and maintenance of a waterworks system or district
14 waterworks for supplying water to inhabitants of component cities
15 and municipalities;

16 (iii) Subject to the availability of funds and to existing
17 laws, rules and regulations, provide for the establishment and
18 operation of vocational and technical schools and similar
19 post-secondary institutions and, with the approval of the DepEd
20 and subject to existing laws on tuition fees, fix reasonable
21 tuition fees and other school charges in educational institutions
22 supported by the provincial government;

23 (iv) Establish a scholarship fund for the poor but deserving
24 students in schools located within its jurisdiction or of students
25 residing within the province;

1 (v) Approve measures and adopt quarantine regulations to
2 prevent the introduction and spread of diseases within its territorial
3 jurisdiction;

4 (vi) Provide for the care of paupers, the aged, the sick,
5 persons of unsound mind, abandoned minors, abused children,
6 disabled persons, juvenile delinquents, drug dependents,
7 and other needy and disadvantaged persons, particularly children
8 and youth below eighteen (18) years of age; subject to the
9 availability of funds, establish and support the operation of
10 centers and facilities for said needy and disadvantaged persons;
11 and facilitate the efforts to promote the welfare of families below
12 the poverty threshold, the disadvantaged and the exploited;

13 (vii) Establish and provide for the maintenance and
14 improvement of jails and detention centers, institute a sound
15 jail management program and appropriate funds for the subsistence
16 of detainees and convicted prisoners in the province;

17 (viii) Establish a provincial council whose purpose is the
18 promotion of culture and the arts, coordinate with government
19 agencies and nongovernmental organizations and, subject to the
20 availability of funds, appropriate funds for the support and
21 development of the same; and,

22 (ix) Establish a provincial council for the elderly which
23 shall formulate policies and adopt measures mutually beneficial
24 to the elderly and to the province; subject to the availability of
25 funds, appropriate funds to support programs and projects for
26 the elderly; and provide incentives for nongovernmental agencies

1 and entities that shall implement programs and projects for the
2 elderly; and

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

7 ARTICLE V

8 PROCESS OF LEGISLATION

9 SEC. 16. *Internal Rules of Procedure.* – (a) On the first
10 regular session following the election of its members and within
11 ninety (90) days thereafter, the *sangguniang panlalawigan* shall
12 adopt or update its existing rules of procedure.

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

14 (1) The organization of the *sanggunian* and the election of
15 its officers as well as the creation of standing committees which
16 shall include the committees on appropriations, women and
17 family, human rights, youth and sports development, environmental
18 protection, peace and order, and cooperatives; the general
19 jurisdiction of each committee; and the election of the chairman and
20 members of each committee;

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

22 (3) The legislative process;

23 (4) The parliamentary procedures which include the conduct
24 of members during sessions;

25 (5) The discipline of members on account of disorderly
26 behavior and absences without justifiable cause for four (4)
27 consecutive sessions for which they may be censured, reprimanded

1 or excluded from the session, or suspended for not more than
2 sixty (60) days, or expelled: *Provided*, That the penalty of
3 suspension or expulsion shall require the concurrence of at least
4 two-thirds (2/3) of all the *sanggunian* members: *Provided, further*,
5 That a member convicted by final judgment to imprisonment
6 of at least one (1) year for any crime involving moral turpitude
7 shall be automatically expelled from the *sanggunian*; and

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

9 SEC. 17. *Full Disclosure of Financial and Business Interests*
10 *of Sangguniang Panlalawigan Members.* – (a) Every *sangguniang*
11 *panlalawigan* member shall, upon assumption to office, make a
12 full disclosure of business and financial interests. The member
13 shall also disclose any business, financial, professional
14 relationship or any relation by affinity or consanguinity within
15 the fourth civil degree, with any person, firm or entity affected
16 by any ordinance or resolution under consideration by the
17 *sanggunian* of which one is a member, which relationship may
18 result in conflict of interest. Such relationship shall include:

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

21 (2) Contracts or agreement with any person or entity which
22 the ordinance or resolution under consideration may affect.

23 In the absence of a specific constitutional or statutory
24 provision applicable to this situation, “conflict of interest” refers
25 in general to a situation where it may be reasonably deduced
26 that a member of a *sangguniang panlalawigan* may not be able
27 to act in the public interest due to some private, pecuniary or

1 other personal considerations that tend to affect the member's
2 judgment to the prejudice of the service or the public.

3 (b) The above disclosure required under this Act shall be
4 made in writing and submitted to the secretary of the
5 *sanggunian* or the secretary of the committee of membership
6 of the *sanggunian* member. The disclosure shall, in all cases,
7 form part of the record of the proceedings of the meetings and
8 shall be made in the following manner:

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

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

19 SEC. 18. *Sessions.* – (a) On the first day of session
20 immediately following the election of its members, the *sangguniang*
21 *panlalawigan* shall, by resolution, fix the day, time and place
22 of its regular sessions. The minimum number of regular sessions
23 of the *sangguniang panlalawigan* shall be once a week.

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

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

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

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

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

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

24 (b) Where there is no quorum, the presiding officer may
25 declare a recess until such time a quorum is constituted, or a
26 majority of the members present may adjourn from day to day
27 and may compel the immediate attendance of any member

1 absent without justifiable cause by designating a member of
2 the *sanggunian*, to be assisted by a member or members of
3 the police force assigned in the territorial jurisdiction of the
4 province, to arrest the absent member and present the same at
5 the session.

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

11 SEC. 20. *Approval of Ordinances.* – (a) Every ordinance
12 enacted by the *sangguniang panlalawigan* shall be presented
13 to the provincial governor. The provincial governor shall sign
14 each and every page of the ordinance to signify approval of
15 the same; otherwise, the provincial governor shall veto it and
16 return the same stating therein the reasons for such objection.
17 Thereafter, the *sanggunian* may proceed to reconsider the same.
18 The *sanggunian* may override the veto of the provincial governor
19 by two-thirds (2/3) vote of all its members, thereby making the
20 ordinance or resolution effective for all legal intents and purposes.

21 (b) The veto shall be communicated by the provincial
22 governor to the *sangguniang panlalawigan* within fifteen (15)
23 days from receipt of the ordinance; otherwise, the ordinance
24 shall be deemed approved as if the provincial governor had
25 signed it.

26 SEC. 21. *Veto Power of the Provincial Governor.* – (a) The
27 provincial governor may veto any ordinance of the *sangguniang*

1 *panlalawigan* on the ground that it is prejudicial to the public
2 welfare, and return the same stating therein the reasons for the
3 disapproval.

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

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

20 ARTICLE VI

21 SUCCESSION FOR ELECTIVE PROVINCIAL OFFICIALS

22 SEC. 22. *Permanent Vacancy in the Office of the Provincial*
23 *Governor.* – (a) If a permanent vacancy occurs in the office
24 of the provincial governor, the provincial vice governor shall
25 become the provincial governor or, in case of permanent incapacity,
26 the highest ranking *sanggunian* member shall become the
27 provincial governor. If a permanent vacancy occurs in the

1 office of the provincial vice governor, the highest ranking
2 *sangguniang panlalawigan* member shall become the provincial
3 vice governor or, in case of permanent incapacity, the highest
4 ranking *sangguniang panlalawigan* member shall become the
5 provincial vice governor. Subsequent vacancies shall be filled
6 automatically by other *sanggunian* members according to their
7 ranking as defined herein:

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

13 [(2)] (1) For purposes of this Act, a permanent vacancy
14 arises when an elective official fills a higher vacant office, refuses to
15 assume office, fails to qualify, dies, is removed from office,
16 voluntarily resigns or is otherwise permanently incapacitated to
17 discharge the functions of the office;

18 [(3)] (2) A tie between or among the highest ranking
19 *sangguniang panlalawigan* members shall be resolved by drawing of
20 lots; and

21 [(4)] (3) The successors as defined herein shall serve only the
22 unexpired terms of the predecessors;

23 [(5)] (4) For purposes of succession as provided for in this
24 Act, ranking in the *sangguniang panlalawigan* shall be determined
25 on the basis of the proportion of votes obtained by each winning
26 candidate to the total number of registered voters in the province
27 in the immediately preceding local elections.

1 SEC. 23. *Permanent Vacancies in the Sangguniang*
2 *Panlalawigan.* – (a) Permanent vacancies in the *sangguniang*
3 *panlalawigan* where automatic succession as provided for in
4 this Act does not apply shall be filled by appointment by the
5 President, through the Executive Secretary.

6 (b) Only the nominee of the political party under which the
7 *sanggunian* member concerned had been elected and whose
8 elevation to the position next higher in rank created the last
9 vacancy in the *sanggunian* shall be appointed in the manner
10 herein provided. The appointee shall come from the same
11 political party as that of the *sanggunian* member who caused the
12 vacancy and shall serve the unexpired term of the vacant office.

13 In the appointment herein mentioned, a nomination and a
14 certificate of membership of the appointee from the highest
15 official of the political party concerned are conditions
16 *sine qua non*, and any appointment without such nomination
17 and certification shall be null and void *ab initio* and shall be a
18 ground for administrative action against the official responsible
19 therefor.

20 (c) In case the permanent vacancy is caused by a
21 *sanggunian* member who does not belong to any political party,
22 the provincial governor shall, upon recommendation of the
23 *sangguniang panlalawigan*, appoint a qualified person to fill in
24 the vacancy.

25 (d) In case of vacancy in the representation of the
26 *sangguniang kabataan*, the *sangguniang barangay* and the
27 provincial league of councilors in the *sangguniang panlalawigan*,

1 said vacancy shall be filled in automatically by the
2 next-in-rank official of the organization concerned.

3 SEC. 24. *Temporary Vacancy in the Office of the Provincial*
4 *Governor.* – (a) When the provincial governor is temporarily
5 incapacitated to perform the duties for physical or legal
6 reasons such as leave of absence, travel abroad and suspension
7 from office, the provincial vice governor shall automatically
8 exercise the powers and perform the duties and functions of
9 the provincial governor, except the power to appoint, suspend
10 or dismiss employees which can only be exercised if the period
11 of temporary incapacity exceeds thirty (30) working days.

12 (b) Said temporary incapacity shall terminate upon
13 submission to the *sangguniang panlalawigan* of a written
14 declaration by the provincial governor of having reported back
15 to office. In case where the temporary incapacity is due to
16 legal cause, the provincial governor shall also submit the
17 necessary documents showing that the legal cause no longer
18 exists.

19 (c) When the provincial governor is traveling within the
20 country but outside the territorial jurisdiction for a period not
21 exceeding three (3) consecutive days, the same may designate
22 in writing the officer-in-charge of the office. Such authorization
23 shall specify the powers and functions that the local official
24 concerned shall exercise in the absence of the provincial
25 governor, except the power to appoint, suspend or dismiss
26 employees.

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

7 (e) Except as provided for in subsection (c) hereof, the
8 provincial governor shall, in no case, authorize any local official to
9 assume the powers, duties and functions of the office other than the
10 provincial vice governor.

11 ARTICLE VII

12 APPOINTIVE PROVINCIAL OFFICIALS:

13 THEIR QUALIFICATIONS, POWERS, AND DUTIES

14 SEC. 25. *The Secretary to the Sangguniang Panlalawigan.* –

15 (a) There shall be a secretary to the *sangguniang panlalawigan* who
16 shall be a career official with the rank and salary equal to a head of
17 a department or office.

18 (b) The secretary to the *sanggunian* must be a citizen of
19 the Philippines, a resident of the province, of good moral character,
20 a holder of a college degree preferably in law, commerce or
21 public administration from a recognized college or university,
22 and a first grade civil service eligible or its equivalent.

23 The appointment of the secretary to the *sanggunian* is
24 mandatory.

25 (c) The secretary to the *sanggunian* shall take charge of the
26 office of the *sangguniang panlalawigan* and pursuant thereto
27 perform the following:

1 (1) Attend meetings of the *sanggunian* and keep a journal of
2 its proceedings;

3 (2) Keep the seal of the province and affix the same on all
4 ordinances, resolutions and other official papers of the
5 *sanggunian*, duly signing them before presenting the same to the
6 presiding officer for the latter's signature;

7 (3) Forward to the provincial governor, for approval, copies of
8 ordinances enacted by the *sanggunian* and duly certified by the
9 presiding officer, in the manner provided under Section 54 of the
10 Local Government Code of 1991, as amended;

11 (4) Forward to the *sangguniang bayan* or *sangguniang*
12 *panlungsod*, as the case may be, copies of duly approved ordinances
13 in the manner provided under Sections 56 and 57 of the Local
14 Government Code of 1991, as amended;

15 (5) Furnish, upon the request of any interested party,
16 certified copies of records of public character in the secretary's
17 custody, upon payment to the treasurer of such fees as may be
18 prescribed by ordinance;

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

22 (7) Keep the office and all nonconfidential records therein
23 open to the public during usual business hours;

24 (8) Translate into the dialect used by the majority of the
25 inhabitants, all ordinances and resolutions immediately after
26 their approval, and cause the publication of the same together
27 with the original version in the manner provided under the Local

1 Government Code of 1991, as amended; and

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

4 (d) Exercise such powers and perform other duties and
5 functions as may be prescribed by law or ordinance relative to
6 his or her position.

7 SEC. 26. *The Provincial Treasurer.* – (a) The provincial
8 treasurer shall be appointed by the Secretary of Finance from
9 a list of at least three (3) ranking eligible recommendees of
10 the provincial governor, subject to civil service law, rules and
11 regulations.

12 The appointment of the provincial treasurer is mandatory.

13 (b) The provincial treasurer must be a citizen of the
14 Philippines, a resident of the province, of good moral character,
15 a holder of a college degree preferably in commerce, public
16 administration or law from a recognized college or university,
17 a first grade civil service eligible or its equivalent and must
18 have acquired at least five (5) years experience in treasury or
19 accounting service.

20 (c) The provincial treasurer shall be under the administrative
21 supervision of the provincial governor and shall regularly report
22 to the provincial governor on the tax collection efforts in the
23 province.

24 (d) The provincial treasurer shall take charge of the
25 treasury office, and perform the duties as provided for under Book II
26 of the Local Government Code of 1991, as amended, and shall:

27 (1) Advise the provincial governor or the *sanggunian*,

1 as the case may be, and other local government and national officials
2 concerned regarding disposition of local government funds and on
3 such other matters relative to public finance;

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

6 (3) Take charge of the disbursement of all local government
7 funds and such other funds, the custody of which may be
8 entrusted to by law or other competent authority;

9 (4) Inspect private commercial and industrial establishments
10 within the jurisdiction of the province in relation to the
11 implementation of tax ordinances, pursuant to the provisions
12 under Book II of the Local Government Code of 1991, as amended;

13 (5) Maintain and update the tax information system of the
14 local government unit; and

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

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

19 SEC. 27. *The Provincial Assessor.* – (a) The provincial assessor
20 must be a citizen of the Philippines, a resident of the province,
21 of good moral character, a holder of a college degree preferably
22 in civil or mechanical engineering, commerce or any other
23 related course from a recognized college or university, a duly
24 registered and licensed real estate service practitioner as
25 provided for under Section 30 of Republic Act No. 9646,
26 otherwise known as the “Real Estate Service Act of the Philippines”,
27 a first grade civil service eligible or its equivalent and must have

1 acquired at least five (5) years experience in real property
2 assessment work or in any related field.

3 The appointment of the provincial assessor is mandatory.

4 (b) The provincial assessor shall take charge of the
5 assessor's office and perform the duties as provided under Book II
6 of the Local Government Code of 1991, as amended, and shall:

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

10 (2) Initiate, review and recommend changes in policies and
11 objectives, plans and programs, techniques, procedures and practices
12 in the valuation and assessment of real properties for taxation
13 purposes;

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

15 (4) Install and maintain a real property identification and
16 accounting system;

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

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

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

25 (8) Prepare a schedule of the fair market value for the
26 different classes of real properties in accordance with Title II,
27 Book II of the Local Government Code of 1991, as amended;

1 (9) Issue, upon request of any interested party, certified
2 copies of assessment records of real properties and all other
3 records relative to its assessment, upon payment of a service
4 charge or fee to the provincial treasurer;

5 (10) Submit every semester a report of all assessments, as
6 well as cancellations and modifications of assessments to the
7 provincial governor and the *sangguniang panlalawigan*; and

8 (11) Exercise technical supervision and visitorial functions
9 over all component city and municipal assessors, coordinate with
10 component city or municipal assessors in the conduct of tax
11 mapping operations and all other assessment activities,
12 and provide all forms of assistance therefor: *Provided, however,*
13 *That,* upon full provision by the component city or municipality
14 concerned to its assessor's office of the minimum personnel,
15 equipment and funding requirements as may be prescribed by
16 the Secretary of Finance, such functions shall be delegated to the
17 said municipal assessor.

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

20 SEC. 28. *The Provincial Accountant.* – (a) The provincial
21 accountant must be a citizen of the Philippines, a resident of
22 the province, of good moral character, a certified public accountant
23 and must have acquired at least five (5) years experience in
24 the treasury or accounting service.

25 The appointment of a provincial accountant is mandatory.

26 (b) The provincial accountant shall take charge of both
27 the accounting and internal audit services of the province, and shall:

1 (1) Install and maintain an internal audit system in the
2 province;

3 (2) Prepare and submit financial statements to the provincial
4 governor and to the *sangguniang panlalawigan*;

5 (3) Apprise the *sanggunian* and other local government
6 officials on the financial condition and operations of the provincial
7 government;

8 (4) Certify to the availability of budgetary allotment from
9 which expenditures and obligations may be properly charged;

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

12 (6) Prepare statements of cash advances, liquidations,
13 salaries, allowances, reimbursements and remittances pertaining to
14 the provincial government;

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

17 (8) Post individual disbursements to subsidiary ledgers and
18 index cards;

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

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

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

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

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

3 SEC. 29. *The Provincial Budget Officer.* – (a) The provincial
4 budget officer must be a citizen of the Philippines, a resident
5 of the province, of good moral character, a holder of a college
6 degree preferably in accounting, economics, public administration
7 or any related course from a recognized college or university,
8 a first grade civil service eligible or its equivalent and must
9 have acquired at least five (5) years experience in government
10 budgeting or in any related field.

11 The appointment of the provincial budget officer is mandatory.

12 (b) The provincial budget officer shall take charge of the
13 budget office, and pursuant thereto, perform the following:

14 (1) Prepare forms, orders and circulars embodying
15 instructions on budgetary and appropriation matters for the
16 signature of the provincial governor;

17 (2) Review and consolidate the budget proposals of different
18 departments and offices of the province;

19 (3) Assist the provincial governor in the preparation of the
20 budget and during the budget hearings;

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

23 (5) Submit periodic budgetary reports to the Department of
24 Budget and Management (DBM);

25 (6) Coordinate with the provincial treasurer, the provincial
26 accountant and the provincial planning and development
27 coordinator for the purpose of budgeting;

1 (7) Assist the *sangguniang panlalawigan* in reviewing the
2 approved budgets of the component cities and municipalities; and

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

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

7 (d) The appropriations for personal services of the
8 provincial budget officer provided under the DBM shall, upon the
9 effectivity of this Charter, be transferred to the new province.
10 Thereafter, the appropriations for personal services of the budget
11 officer shall be provided in full in the budget of the local government
12 unit.

13 SEC. 30. *The Provincial Planning and Development*
14 *Coordinator*. – (a) The provincial planning and development
15 coordinator must be a citizen of the Philippines, a resident of
16 the province, of good moral character, a holder of a college
17 degree preferably in urban planning, development studies,
18 economics, public administration or in any related course from
19 a recognized college or university, a duly registered and licensed
20 environmental planner, as provided for under Section 34 of
21 Republic Act No. 10587 or the “Environmental Planning Act of
22 2013”, a first grade civil service eligible or its equivalent and must
23 have acquired at least five (5) years experience in development
24 planning or in any related field.

25 The appointment of a provincial planning and development
26 coordinator is mandatory.

27 (b) The provincial planning and development coordinator shall

1 take charge of the planning and development office, and pursuant
2 thereto, perform the following:

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

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

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

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

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

17 (6) Analyze the income and expenditure patterns, and
18 formulate and recommend fiscal plans and policies for the
19 consideration of the finance committee of the province as provided
20 for under Title V, Book II of the Local Government Code of 1991, as
21 amended;

22 (7) Promote people's participation in development planning
23 within the province; and

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

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

1 SEC. 31. *The Provincial Engineer.* – (a) The provincial
2 engineer must be a citizen of the Philippines, a resident of the
3 province, of good moral character, a licensed civil engineer and must
4 have acquired at least five (5) years experience in the
5 practice of the civil engineering profession.

6 The appointment of the provincial engineer is mandatory.

7 (b) The provincial engineer shall take charge of the
8 engineering office, and pursuant thereto, perform the following:

9 (1) Initiate, review and recommend changes in policies and
10 objectives, plans and programs, techniques, procedures and practices
11 in infrastructure development and public works in general, of the
12 province;

13 (2) Advise the provincial governor on infrastructure, public
14 works and other engineering matters;

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

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

22 (5) Exercise technical supervision over all engineering offices
23 of the component cities and municipalities.

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

26 SEC. 32. *The Provincial Health Officer.* – (a) The provincial
27 health officer must be a citizen of the Philippines, a resident of

1 the province, of good moral character, a licensed medical practitioner
2 and must have acquired at least five (5) years experience in the
3 practice of the medical profession.

4 The appointment of a provincial health officer is mandatory.

5 (b) The provincial health officer shall perform the following
6 duties and functions:

7 (1) Formulate and implement policies, plans, programs and
8 projects to promote the health of the people of the province;

9 (2) Advise the provincial governor and the *sanggunian* on
10 matters pertaining to health;

11 (3) Execute and enforce all laws, ordinances and regulations
12 relating to public health;

13 (4) Recommend to the *sanggunian*, through the provincial
14 health board, the passage of such ordinances as he or she may deem
15 necessary for the preservation of public health;

16 (5) Recommend the prosecution of any violation of sanitary
17 laws, ordinances and regulations;

18 (6) Direct the sanitary inspection of all business
19 establishments selling food items or providing accommodations,
20 such as hotels, motels, lodging houses, pension houses and the
21 like, in accordance with the Sanitation Code of the Philippines;

22 (7) Conduct health information campaigns and render health
23 intelligence services;

24 (8) Coordinate with other government agencies and
25 nongovernmental organizations involved in the promotion and
26 delivery of health services;

27 (9) Exercise general supervision over health offices of

1 component cities and municipalities;

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

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

7 (i) Supervise the personnel and staff of the said office,
8 formulate program implementation guidelines and rules and
9 regulations for the operation of the said office for the approval
10 of the provincial governor in order to assist the latter in the
11 efficient, effective and economical implementation of health
12 services and programs geared to the implementation of health-
13 related projects and activities;

14 (ii) Formulate measures for the consideration of the
15 *sanggunian* and provide technical assistance and support to the
16 provincial governor in carrying out activities to ensure the delivery
17 of basic services and the provision of adequate facilities relative
18 to health services as provided for under Section 17 of the Local
19 Government Code of 1991, as amended; and

20 (iii) Develop plans and strategies and, upon approval thereof
21 by the provincial governor, implement the same, particularly those
22 which have to do with health programs and projects which the
23 provincial governor is empowered to implement and which the
24 *sanggunian* is empowered to provide under the Local Government
25 Code of 1991, as amended.

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

1 SEC. 33. *The Provincial Administrator.* – (a) The provincial
2 administrator must be a citizen of the Philippines, a resident of
3 the province, of good moral character, a holder of a college
4 degree preferably in public administration, law or any related course
5 from a recognized college or university, a first grade civil service
6 eligible or its equivalent and must have acquired at least
7 five (5) years experience in management and administration work.

8 The term of the provincial administrator is coterminous with
9 that of the appointing authority.

10 The appointment of the provincial administrator is
11 mandatory.

12 (b) The provincial administrator shall take charge of the office
13 of the administrator, and pursuant thereto, perform the following:

14 (1) Develop plans and strategies and, upon approval thereof
15 by the provincial governor, implement the same, particularly those
16 which have to do with the management and administration-related
17 programs and projects which the provincial governor is empowered
18 to implement and which the *sanggunian* is empowered to provide
19 under the Local Government Code of 1991, as amended;

20 (2) Assist in the coordination of work of all officials of the
21 province under the supervision, direction and control of the
22 provincial governor and, for this purpose, may convene the chiefs of
23 offices and other officials of the province;

24 (3) Establish and maintain a sound personnel program for the
25 province designed to promote career development and uphold the
26 merit system in the province;

27 (4) Conduct a continuing organizational development of the

1 province with the end in view of instituting effective administrative
2 reforms;

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

7 (6) Recommend to the *sanggunian* and advise the provincial
8 governor on all other matters relative to the management and
9 administration of the province; and

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

12 SEC. 34. *The Provincial Legal Officer.* – (a) The provincial
13 legal officer must be a citizen of the Philippines, a resident of
14 the province, of good moral character, a member of the Philippine
15 Bar and must have practiced the law profession for at least
16 five (5) years.

17 The term of the provincial legal officer shall be coterminous
18 with that of the appointing authority.

19 The appointment of the provincial legal officer is mandatory.

20 (b) The provincial legal officer, as the chief legal counsel of the
21 province, shall take charge of the office for legal services, and
22 pursuant thereto, perform the following:

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

1 (2) Develop plans and strategies and, upon approval thereof
2 by the provincial governor, implement the same, particularly
3 those which have to do with the programs and projects related
4 to legal services which the provincial governor is empowered to
5 implement and which the *sanggunian* is empowered to provide
6 under the Local Government Code of 1991, as amended;

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

14 (4) When required by the provincial governor or the
15 *sanggunian*, draft ordinances, contracts, bonds, leases and other
16 instruments, involving any interest of the province and provide
17 comments and recommendations on any instrument already drawn;

18 (5) Render an opinion in writing on any question of law
19 when requested to do so by the provincial governor or the
20 *sanggunian*;

21 (6) Investigate or cause to be investigated any provincial
22 official or employee for administrative neglect or misconduct in office
23 and recommend appropriate action to the provincial governor, or the
24 *sangguniang panlalawigan*;

25 (7) Investigate or cause to be investigated any person,
26 firm or corporation holding any franchise or exercising any
27 public privilege for failure to comply with any term or condition

1 in the grant of such franchise or privilege, and recommend
2 appropriate action to the provincial governor or the *sanggunian*;

3 (8) When directed by the provincial governor or the
4 *sanggunian*, initiate and prosecute, in the interest of the
5 province, any civil action on any bond, lease or other contract
6 upon any breach or violation thereof;

7 (9) Review and submit recommendations on approved
8 ordinances and executive orders issued by the component cities and
9 municipalities;

10 (10) Recommend measures to the *sangguniang panlalawigan*
11 and advise the provincial governor on all other matters related to
12 upholding the rule of law;

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

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

19 SEC. 35. *The Provincial Agriculturist.* – (a) The provincial
20 agriculturist must be a citizen of the Philippines, a resident
21 of the province, of good moral character, a holder of a college
22 degree in agriculture or in any related course from a recognized
23 college or university, a first grade civil service eligible or its
24 equivalent and must have practiced for at least five (5) years the
25 agriculturist profession or acquired experience in a related field.

26 The appointment of the provincial agriculturist is mandatory.

27 (b) The provincial agriculturist shall:

1 (1) Take charge of the office for agricultural services, and
2 pursuant thereto, perform the following:

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

9 (ii) Develop plans and strategies and, upon approval
10 thereof by the provincial governor, implement the same, particularly
11 those which have to do with the agricultural programs and
12 projects which the provincial governor is empowered to implement
13 and which the *sanggunian* is empowered to provide under the Local
14 Government Code of 1991, as amended;

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

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

25 (4) Assist the provincial governor in the establishment and
26 extension services of demonstration farms on aquaculture and
27 marine products;

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

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

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

11 (8) Recommend to the *sanggunian* and advise the provincial
12 governor on all matters related to agriculture and aquaculture
13 which will improve the livelihood and living conditions of the
14 inhabitants; and

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

17 SEC. 36. *The Provincial Social Welfare and Development*
18 *Officer.* – (a) The provincial social welfare and development
19 officer must be a citizen of the Philippines, a resident of the
20 province, of good moral character, a duly licensed social worker,
21 or a holder of a college degree preferably in sociology or in any
22 related course from a recognized college or university, a first grade
23 civil service eligible or its equivalent and must have acquired
24 experience for at least five (5) years in the practice of social work.

25 The appointment of a provincial social welfare and
26 development officer is mandatory.

27 (b) The provincial social welfare and development officer shall

1 take charge of the office for social welfare and development services,
2 and shall perform the following functions:

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

9 (2) Develop plans and strategies and, upon approval thereof
10 by the provincial governor, implement the same, particularly those
11 which have to do with the social welfare programs and projects
12 which the provincial governor is empowered to implement and
13 which the *sanggunian* is empowered to provide for under the
14 Local Government Code of 1991, as amended;

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

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

22 (5) Assist the provincial governor in implementing the
23 barangay level program for the total development and protection of
24 children up to six (6) years of age;

25 (6) Facilitate the implementation of welfare programs for
26 the disabled, the elderly and victims of drug addiction, the
27 rehabilitation of prisoners and parolees, the prevention of juvenile

1 delinquency and such other activities which would eliminate or
2 minimize the ill-effects of poverty;

3 (7) Initiate and support welfare programs that will enhance
4 the role of the youth in nation-building;

5 (8) Coordinate with government agencies and
6 nongovernmental organizations which have for the purpose the
7 promotion and the protection of all the needy, disadvantaged,
8 underprivileged or impoverished groups or individuals, particularly
9 those identified to be vulnerable and high-risk to exploitation, abuse,
10 and neglect;

11 (9) Be in the frontline of service delivery, particularly those
12 which have to do with the immediate relief and assistance during
13 and in the aftermath of man-made and natural disasters or
14 calamities;

15 (10) Recommend to the *sanggunian* and advise the provincial
16 governor on all other matters related to social welfare and
17 development service which will improve the livelihood and living
18 conditions of the inhabitants; and

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

21 SEC. 37. *The Provincial Veterinarian.* – (a) The provincial
22 veterinarian must be a citizen of the Philippines, a resident
23 of the province, of good moral character, a licensed doctor of
24 veterinary medicine and must have practiced for at least three (3)
25 years the veterinary profession.

26 The appointment of a provincial veterinarian is mandatory.

27 (b) The provincial veterinarian shall perform the following

1 duties and functions:

2 (1) Take charge of the office for veterinary services, and
3 pursuant thereto, and perform the following:

4 (2) Formulate measures for the consideration of the
5 *sanggunian* and provide technical assistance and support to the
6 provincial governor in carrying out measures to ensure the
7 delivery of basic services and the provision of adequate facilities
8 pursuant to Section 17 of the Local Government Code of 1991,
9 as amended;

10 (3) Develop plans and strategies and, upon approval thereof
11 by the provincial governor, implement the same, particularly those
12 which have to do with the veterinary-related activities which the
13 provincial governor is empowered to implement and which the
14 *sanggunian* is empowered to provide under the Local Government
15 Code of 1991, as amended;

16 (4) Advise the provincial governor on all matters pertaining
17 to the slaughter of animals for human consumption and the
18 regulation of slaughterhouses;

19 (5) Regulate the keeping of domestic animals;

20 (6) Regulate and inspect poultry, milk and dairy products for
21 public consumption;

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

24 (8) Take the necessary measures to eradicate, prevent or cure
25 all forms of animal diseases;

26 (9) Be in the frontline of veterinary-related activities, such as
27 in the outbreak of highly contagious and deadly diseases and in

1 situations resulting in the depletion of animals for work and for
2 human consumption, particularly those arising from and in the
3 aftermath of man-made and natural disasters or calamities;

4 (10) Recommend to the *sanggunian* and advise the provincial
5 governor on all other matters relative to veterinary services which
6 will increase the number and improve the quality of livestock,
7 poultry and other domestic animals used for work or for human
8 consumption; and

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

11 SEC. 38. *The Provincial General Services Officer.* – (a) The
12 provincial general services officer must be a citizen of the
13 Philippines, a resident of the province, of good moral character, a
14 holder of a college degree in public administration, business
15 administration or management from a recognized college or
16 university, a first grade civil service eligible or its equivalent and
17 must have acquired at least five (5) years experience in general
18 services, including the management of supply, property, solid waste
19 disposal and general sanitation.

20 The appointment of a provincial general services officer is
21 mandatory.

22 (b) The provincial general services officer shall perform the
23 following duties and functions:

24 (1) Take charge of the office of general services, and pursuant
25 thereto perform the following:

26 (i) Formulate measures for the consideration of the
27 *sanggunian* and provide technical assistance and support to

1 the provincial governor in carrying out measures to ensure the
2 delivery of basic services and the provision of adequate facilities
3 pursuant to Section 17 of the Local Government Code of 1991,
4 as amended, and which require general services expertise and
5 technical support services;

6 (ii) Develop plans and strategies and, upon approval thereof
7 by the provincial governor, implement the same, particularly those
8 which have to do with general services supportive to the welfare of
9 the inhabitants which the provincial governor is empowered to
10 implement and which the *sanggunian* is empowered to provide
11 under the Local Government Code of 1991, as amended;

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

16 (3) With the approval of the provincial governor, assign
17 building or land space to provincial officials or other public officials
18 who, by law, are entitled to such space;

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

23 (5) Recommend to the provincial governor, the reasonable
24 rental rates of private properties which may be leased for the official
25 use of the provincial government;

26 (6) Maintain and supervise janitorial, security, landscaping,
27 and other related services on all local government public buildings

1 and other real property, whether owned or leased by the provincial
2 government;

3 (7) Collate and disseminate information regarding prices,
4 shipping and other costs of supplies and other items commonly used
5 by the provincial government;

6 (8) Perform archival and record management with respect to
7 records of offices and departments of the province; and

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

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

17 (11) Recommend to the *sanggunian* and advise the provincial
18 governor on all matters relative to general services; and

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

21 SEC. 39. *The Provincial Architect.* – (a) The provincial
22 architect must be a citizen of the Philippines, a resident of the
23 province, of good moral character, a duly licensed architect and must
24 have practiced the architectural profession for at least five
25 (5) years.

26 The appointment of a provincial architect is optional.

27 (b) The provincial architect shall perform the following duties

1 and functions:

2 (1) Take charge of the office for architectural planning and
3 design, and pursuant thereto, perform the following:

4 (i) Formulate measures for the consideration of the
5 *sanggunian* and provide technical assistance and support to the
6 provincial governor in carrying out measures to ensure the delivery
7 of basic services and the provision of adequate facilities relative to
8 architectural planning and design as provided under Section 17 of
9 the Local Government Code of 1991, as amended;

10 (ii) Develop plans and strategies and, upon approval thereof
11 by the provincial governor, implement the same, particularly those
12 which have to do with architectural planning and design programs
13 and projects which the provincial governor is empowered to
14 implement and which the *sanggunian* is empowered to provide
15 under the Local Government Code of 1991, as amended.

16 (2) Prepare and recommend for consideration of the
17 *sanggunian* the architectural plan and design for the province or a
18 part thereof, including the renewal of slums and blighted areas, land
19 reclamation activities, the greening of land and the appropriate
20 planning of marine and foreshore areas;

21 (3) Review and recommend for appropriate action of the
22 *sanggunian* and the provincial governor, the architectural plan and
23 design submitted by governmental and nongovernmental entities or
24 individuals, particularly those for undeveloped, underdeveloped and
25 poorly-designed areas;

26 (4) Coordinate with government agencies and
27 nongovernmental entities and individuals involved in the aesthetics

1 and the maximum utilization of the land and water within the
2 jurisdiction of the province, compatible with environmental integrity
3 and ecological balance;

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

9 (6) Recommend to the *sanggunian* and advise the provincial
10 governor on all other matters related to the architectural
11 planning and design as it relates to the total socioeconomic
12 development of the province; and

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

15 SEC. 40. *The Provincial Population Officer.* – (a) The
16 provincial population officer must be a citizen of the Philippines,
17 a resident of the province, of good moral character, a holder of a
18 college degree with specialized training in population development
19 from a recognized college or university, a first grade civil service
20 eligible or its equivalent and must have acquired for at least
21 five (5) years experience in the implementation of programs on
22 population development or responsible parenthood.

23 The appointment of a provincial population officer is optional.

24 (b) The provincial population officer shall perform the
25 following duties and functions:

26 (1) Take charge of the office for population development, and
27 pursuant thereto, perform the following:

1 (i) Formulate measures for the consideration of the
2 *sanggunian* and provide technical assistance and support to the
3 provincial governor in carrying out measures to ensure the delivery
4 of basic services and the provision of adequate facilities relative
5 to the integration of the population development principles and in
6 providing access to said services and facilities; and

7 (ii) Develop plans and strategies and, upon approval thereof
8 by the provincial governor, implement the same, particularly those
9 which have to do with the integration of population development
10 principles and methods in programs and projects which the
11 provincial governor is empowered to implement and which the
12 *sanggunian* is empowered to provide under the Local Government
13 Code of 1991, as amended.

14 (2) Assist the provincial governor in the implementation of the
15 constitutional provisions relative to population development and the
16 promotion of responsible parenthood;

17 (3) Establish and maintain an updated data bank for program
18 operations, development planning and an educational program to
19 ensure the people's participation in and undertaking of population
20 development;

21 (4) Implement appropriate training programs responsive to
22 the cultural heritage of the inhabitants; and

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

25 SEC. 41. *The Provincial Environment and Natural Resources*
26 *Officer.* – (a) The provincial environment and natural resources
27 officer must be a citizen of the Philippines, a resident of the

1 province, of good moral character, a holder of a college degree
2 preferably in environment, forestry, agriculture or any related
3 course from a recognized college or university, a first grade civil
4 service eligible or its equivalent and must have acquired at least five
5 (5) years experience in environmental and natural resources
6 management, conservation and utilization.

7 The appointment of a provincial environment and natural
8 resources officer is optional.

9 (b) The provincial environment and natural resources officer
10 shall perform the following duties and functions:

11 (1) Take charge of the office for environment and natural
12 resources, and pursuant thereto, perform the following:

13 (i) Formulate measures for the consideration of the
14 *sanggunian* and provide technical assistance and support to the
15 provincial governor in carrying out measures to ensure the delivery
16 of basic services and the provision of adequate facilities relative to
17 environment and natural resources services as provided under
18 Section 17 of the Local Government Code of 1991, as amended; and

19 (ii) Develop plans and strategies and, upon approval thereof
20 by the provincial governor, implement the same, particularly those
21 which have to do with the environment and natural resources
22 programs and projects which the provincial governor is empowered
23 to implement and which the *sanggunian* is empowered to provide
24 under the Local Government Code of 1991, as amended;

25 (2) Establish, maintain, protect and preserve communal
26 forests, watersheds, tree parks, mangroves, greenbelts, commercial
27 forests and similar forest projects like industrial tree farms and

1 agro-forestry projects;

2 (3) Provide extension services to beneficiaries of forest
3 development projects and technical, financial mid infrastructure
4 assistance;

5 (4) Manage and maintain seed banks and produce seedlings
6 for forests and tree parks;

7 (5) Provide extension services to beneficiaries of forest
8 development projects and render assistance for natural resources-
9 related conservation and utilization activities consistent with
10 ecological balance;

11 (6) Promote small-scale mining and utilization of mineral
12 resources, particularly the mining of gold;

13 (7) Coordinate with government agencies and
14 nongovernmental organizations in the implementation of measures
15 to prevent and control land, air and water pollution with the
16 assistance of the Department of Environment and Natural
17 Resources (DENR);

18 (8) Be in the frontline of the delivery of services concerning
19 the environment and natural resources, particularly in the renewal
20 and rehabilitation of the environment during and in the aftermath of
21 man-made and natural disasters or calamities;

22 (9) Recommend to the *sanggunian* and advise the provincial
23 governor on all matters relative to the protection, conservation,
24 maximum utilization, application of appropriate technology and
25 other matters related to the environment and natural resources; and

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

1 SEC. 42. *The Provincial Cooperatives Officer.* – (a) The
2 provincial cooperatives officer must be a citizen of the Philippines,
3 a resident of the province, of good moral character, a holder of
4 a college degree preferably in business administration with special
5 training in cooperatives or any related course from a recognized
6 college or university, a first grade civil service eligible or its
7 equivalent and must have acquired at least five (5) years experience
8 in cooperatives organization and management.

9 The appointment of a provincial cooperatives officer is
10 optional.

11 (b) The provincial cooperatives officer shall perform the
12 following duties and functions:

13 (1) Take charge of the office for the development of
14 cooperatives, and pursuant thereto, perform the following:

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

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

27 (2) Assist in the organization of cooperatives;

1 (3) Provide technical and other forms of assistance to existing
2 cooperatives to enhance their viability as an economic enterprise
3 and social organization;

4 (4) Assist cooperatives in establishing linkages with
5 government agencies and nongovernmental organizations involved
6 in the promotion and integration of the concept of cooperatives in the
7 livelihood of the people and other community activities;

8 (5) Be in the frontline of cooperatives organization,
9 rehabilitation or viability enhancement, particularly during and in
10 the aftermath of man-made and natural disasters or calamities, to
11 aid in their survival and, if necessary, subsequent rehabilitation;

12 (6) Recommend to the *sanggunian* and advise the provincial
13 governor on all other matters relative to cooperatives development
14 and viability enhancement which will improve the livelihood and the
15 quality of life of the inhabitants; and

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

18 SEC. 43. *The Provincial Information Officer.* – (a) The
19 provincial information officer must be a citizen of the Philippines,
20 a resident of the province, of good moral character, a holder of a
21 college degree preferably in journalism, mass communication or any
22 related course from a recognized college or university, a first grade
23 civil service eligible or its equivalent and must have acquired at
24 least three (3) years experience in writing articles and research
25 papers, or in writing for print, television or broadcast media.

26 The term of the provincial information officer is coterminous
27 with that of the appointing authority.

1 The appointment of a provincial information officer is optional.

2 (b) The provincial information officer shall perform the
3 following duties and functions:

4 (1) Take charge of the office for public information, and
5 pursuant thereto, perform the following:

6 (i) Formulate measures for the consideration of the
7 *sanggunian* and provide technical assistance and support to the
8 provincial governor in providing the information and research data
9 required for the delivery of basic services and the provision of
10 adequate facilities so that the public becomes aware of the said
11 service and may fully avail of the same; and

12 (ii) Develop plans and strategies and, upon approval thereof
13 by the provincial governor, implement the same, particularly those
14 which have to do with public information and research data to
15 support the programs and projects which the provincial governor is
16 empowered to implement and which the *sanggunian* is empowered
17 to provide under the Local Government Code of 1991, as amended;

18 (2) Provide relevant, adequate and timely information to the
19 provincial government and its inhabitants;

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

24 (4) Furnish information and data on the province to
25 government agencies or offices as may be required by law or
26 ordinance and nongovernmental organizations to be furnished to
27 said agencies and organizations;

1 (c) The provincial fire stations shall provide various
2 emergency services such as the rescue and evacuation of injured
3 people at fire-related incidents and, in general, fire prevention and
4 suppression measures to secure the safety of life and property of the
5 citizenry.

6 SEC. 45. *The Provincial Jail Service.* – (a) The DILG shall,
7 at least five (5) months from the commencement of the corporate
8 existence of the new province, establish and maintain a secured,
9 clean, adequately equipped and sanitary jail facility for the
10 custody and safekeeping of prisoners, any fugitive from justice,
11 or person detained awaiting investigation or trial and/or transfer
12 to the national penitentiary, or a violent mentally ill person who
13 may endanger oneself or the safety of others, as duly certified by
14 the proper medical health officer, prior to the transfer of such
15 person to a mental institution.

16 (b) The provincial jail service shall be headed by a provincial
17 jail warden whose qualifications shall be as those provided for
18 under Republic Act No. 9263, as amended, otherwise known as
19 the “Bureau of Fire Protection and Bureau of Jail Management
20 and Penology Professionalization Act of 2004”. The provincial jail
21 warden shall assist in the immediate rehabilitation of individuals
22 or detention of prisoners. Great care must be exercised so that
23 human rights of these prisoners are respected and protected, and
24 their spiritual and physical well-being are properly and promptly
25 attended to.

26 SEC. 46. *The Provincial Schools Division.* – (a) The DepED
27 shall, within two (2) months from the commencement of the

1 corporate existence of the province herein created, establish and
2 maintain a separate schools division in the province whose
3 jurisdiction shall cover all the municipalities of the new province.

4 (b) The provincial schools division shall be headed by a
5 division superintendent who must possess the necessary
6 qualifications required by the DepED.

7 SEC. 47. *The Provincial Prosecution Service.* – (a) The
8 Department of Justice (DOJ) shall, within two (2) months from
9 the commencement of the corporate existence of the province
10 herein created, establish and maintain a prosecution service.
11 It shall be headed by a provincial prosecutor, who shall be
12 assisted by such number of assistant prosecutors as may be
13 necessary, and whose qualifications, manner of appointment,
14 rank, salary and benefits shall be governed by existing laws covering
15 prosecutors in the DOJ. The Provincial Prosecution Service shall be
16 organizationally part of the DOJ, and under the supervision and
17 control of the Secretary of the DOJ.

18 (b) The provincial prosecutor shall handle the criminal
19 prosecution of criminal cases in the municipal trial courts in the
20 province as well as in the regional trial courts for criminal cases
21 originating in the territory of the new province and shall render to
22 and for the province such other services as are required by law or
23 regulation of the DOJ.

24 ARTICLE IX

25 TRANSITORY AND FINAL PROVISIONS

26 SEC. 48. *Plebiscite.* – The provinces of Northern Maguindanao
27 and Southern Maguindanao shall be created as provided for in

1 this Charter upon approval by the majority of the votes cast by
2 the voters of the affected areas in a plebiscite to be conducted and
3 supervised by the Commission on Elections (COMELEC) within
4 [~~sixty (60)~~] NINETY (90) days from the date of the effectivity of this
5 Act.

6 The expenses for the conduct of the plebiscite shall be borne by
7 the present Province of Maguindanao.

8 SEC. 49. *Commencement of Corporate Existence.* – The
9 corporate existence of the provinces of Northern Maguindanao
10 and Southern Maguindanao shall commence upon the composition,
11 qualification and assumption of the provincial governor, provincial
12 vice governor and majority of the members of the *sangguniang*
13 *panlalawigan*.

14 SEC. 50. *Officials of the Newly Created Provinces.* – (a) The
15 elective officials of the newly created provinces shall be elected
16 on the Second Monday of May 2022 national and local elections:
17 *Provided, however, That, if this Act is approved and ratified*
18 *within [~~one (1) year~~] SIX (6) MONTHS or more prior to the 2022*
19 *national and local elections, the vice governor and the next ranking*
20 *elective member of the sangguniang panlalawigan of the present*
21 *Province of Maguindanao, who are residents of the new province of*
22 [~~Northern Maguindanao~~] **MAGUINDANAO DEL NORTE** shall
23 assume as its acting governor and acting vice governor respectively,
24 and both shall continue to serve in office until their successors shall
25 have been elected and qualified in the 2022 national and local
26 elections;

1 (b) The other members of the *sangguniang panlalawigan*
2 shall be appointed by the President of the Republic of the
3 Philippines from among the qualified residents of the new province
4 of [~~Northern Maguindanao~~] MAGUINDANAO DEL NORTE upon
5 the recommendation of the Acting Provincial Governor and the
6 incumbent Representative of the First Legislative District of the
7 present Province of Maguindanao, in consultation with, and with the
8 consensus of the local elders, and political leaders: *Provided, That*
9 the incumbent elected members of the *sangguniang panlalawigan*
10 from the First Legislative District of the Province Maguindanao
11 shall have the right to retain their respective positions and finish
12 their term of office in the new province of [~~Northern Maguindanao~~]
13 MAGUINDANAO DEL NORTE without need of appointment;

14 (c) The rule of succession under Title II, Chapter 2, Sec. 44
15 of the Local Government Code of 1991 as amended by Republic
16 Act No. 11054, otherwise known as the “Organic Law for the
17 Bangsamoro Autonomous Region in Muslim Mindanao” shall be
18 applied in filling up vacant elective provincial positions in the
19 Province of [~~Southern Maguindanao~~] MAGUINDANAO DEL SUR
20 arising as a consequence of the approval of this Act: *Provided, That*
21 additional and new members of the *sangguniang panlalawigan*
22 shall be appointed by the President of the Republic of the
23 Philippines, from among the qualified residents of the province
24 upon the recommendation of the Provincial Governor, and the
25 incumbent Representative of the Second Legislative District of the
26 Province of Maguindanao, in consultation with, and with the
27 consensus of the local elders and political leaders, and, they shall

1 continue to serve in office until their successors shall have been
2 elected and qualified in the 2022 national and local elections;

3 (d) The incumbent governor of the present Province of
4 Maguindanao shall remain as governor of the Province of [~~Southern~~
5 ~~Maguindanao~~] MAGUINDANAO DEL SUR.

6 SEC. 51. *Organization of the Provincial Government.* – All
7 provincial appointive positions in the newly created provinces shall
8 be filled within sixty (60) days upon commencement of its corporate
9 existence.

10 SEC. 52. *Suspension of Increase in the Rates of Local Taxes.* –
11 No increase in the rates of local taxes shall be imposed by the
12 new province within a period of five (5) years from its acquisition
13 of corporate existence.

14 SEC. 53. *Present Provincial Assets and Properties.* – Upon
15 the effectivity of this Act, the ownership of real properties and
16 infrastructure projects of each local government unit situated in
17 the present Province of Maguindanao shall belong to the province
18 where it is situated.

19 SEC. 54. *Provincial Obligations, Debts and Assets.* –
20 Following the plebiscite and creation of the provinces, obligations,
21 debts and assets of all kinds of the present Province of
22 Maguindanao shall be shared or paid equally by the provinces of
23 [~~Northern Maguindanao and Southern Maguindanao~~]
24 MAGUINDANAO DEL NORTE AND MAGUINDANAO DEL SUR.

25 Transitory projects and activities, such as land acquisition,
26 office building construction, furnishing of offices; purchase of
27 furniture, fixture and equipment; assignment of present properties;

1 assignment of employees, hiring of new personnel, education and
2 training of officials, employees and personnel; and all other projects
3 and activities that will ensure the full and complete management,
4 operations and service delivery of the provinces of the provinces
5 upon the commencement of their corporate existence, shall be
6 financed by the present Province of Maguindanao.

7 SEC. 55. *Applicability of Laws.* – The provisions of the Local
8 Government Code of 1991, as amended, the Organic Law for the
9 Bangsamoro Autonomous Region in Muslim Mindanao, and other
10 laws as are applicable to provinces shall govern the herein created
11 province insofar as they are not inconsistent with the provisions of
12 this Act.

13 SEC. 56. *Separability Clause.* – If any part of this Act is
14 declared invalid or unconstitutional, the other parts or provisions
15 not affected thereby shall remain valid and effective.

16 SEC. 57. *Effectivity.* – This Act shall take effect fifteen (15)
17 days after its publication in the *Official Gazette* or in a newspaper
18 of general circulation.

Approved,

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