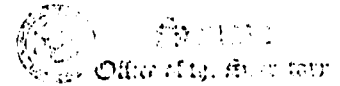


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )



**SENATE**

20 JUL 22 P2:41

S. No. 1714

REC.

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Introduced by **SENATOR CYNTHIA A. VILLAR**

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**AN ACT**  
**DIVIDING THE PROVINCE OF MAGUINDANAO INTO TWO (2) PROVINCES,**  
**NAMELY: NORTHERN MAGUINDANAO AND SOUTHERN MAGUINDANAO**

**EXPLANATORY NOTE**

This bill seeks to divide the Province of Maguindanao into two (2) provinces, namely: The Province of Maguindanao and the Province of Southern Maguindanao. This is in response to the call and will of the people of Maguindanao, attuned to the changing times and reflective of the aspirations of the people of Maguindanao.

In 2006, the constituents of Maguindanao ratified in a plebiscite by an affirmative vote of 285,372 the creation of the Province of Shariff Kabunsuan by ARMM Regional Assembly through Muslim Mindanao Act (MMA) No. 201 pursuant to Republic Act (RA) No. 9054 or the Act Amending RA No. 6734 entitled "An Act Providing for the Autonomous Region in Muslim Mindanao). However, in 2008, in the case of *Sema v. Comelec*<sup>1</sup>, the Supreme Court declared as unconstitutional Section 19, Article VI of RA 9054 which grants to the ARMM Regional Assembly the power to create provinces and thus, MMA No. 201 creating the Province of Shariff Kabunsuan was likewise declared void.

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<sup>1</sup> G. R. No.177597 July 16, 2008

Despite the presence of such SC decision, the clamor of the people of Maguindanao to create another separate province remains as shown by the resolutions of the 13 Municipalities seeking to create a separate province. The said resolutions were further endorsed by the Sangguniang Panlalawigan, and unanimously supported by the Municipal Mayors of the Second District of Maguindanao.

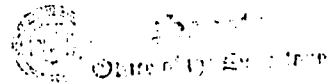
The proposed Province of Northern Maguindanao shall be composed of the following twelve (12) municipalities, namely: Barira, Buldon, Datu Blah Sinsuat, Datu Odin Sinsuat, Kabuntalan, Matanog, Northern Kabuntalan, Parang, North Upi, Sultan Kudarat, Sultan Mastura, and Talitay. On the other hand, the proposed Province of Southern Maguindanao shall be composed of the following twenty-four (24) municipalities, namely: Ampatuan, Buluan, Datu Abdulla Sangki; Datu Anggal Midtimbang; Datu Hoffer Ampatuan; Datu Montawal; Datu Paglas; Datu Piang; Datu Salibo; Datu Saudi Ampatuan; Datu Unsay; Gen. Salipada K. Pendatum; Guindulungan; Mamasapano; Mangudadatu; Pagalungan; Paglat; Pandag; Rajah Buayan; Sharif Aguak; Shariff Saydona Mustafa; Sultan sa Barongis; Talayan; and South Upi.

The undersigned filed this bill upon the request of Maguindanao Governor Bai Mariam Sangki-Mangudadatu. The bill is a counterpart measure of HB No. 6413, the consolidated version of the bills in the House of Representatives principally authored by Representative Datu Roonie Q. Sinsuat Sr of the First District of Maguindanao and by Representative Esmael "Toto" G. Mangudadatu of the Second District of Maguindanao.

I recommend the approval of the bill.



**CYNTHIA A. VILLAR**



**SENATE**

20 JUL 22 P2:41

S. No. 1714

REL

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Introduced by **SENATOR CYNTHIA A. VILLAR**

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**AN ACT**

**DIVIDING THE PROVINCE OF MAGUINDANAO INTO TWO (2) PROVINCES,  
NAMESLY: NORTHERN MAGUINDANAO AND SOUTHERN MAGUINDANAO**

*Be it enacted by the Senate and House of Representatives of the Philippine in  
Congress Assembled:*

**ARTICLE I  
GENERAL PROVISIONS**

1 Section 1. *Title.* - This Act shall be known as the "Charter of the Provinces of  
2 Northern Maguindanao and Southern Maguindanao".

3 Sec. 2. *Division of the Province of Maguindanao.* - The Province of  
4 Maguindanao is hereby divided into two (2) distinct and independent provinces to be  
5 known as Northern Maguindanao and Southern Maguindanao.

6 Sec. 3. *Composition.* - The provinces of Northern Maguindanao and Southern  
7 Maguindanao shall be composed of the following municipalities:

8 a. Province of Northern Maguindanao

- 9 1. Barira;  
10 2. Buldon;  
11 3. Datu Blah Sinsuat;

- 1 4. Datu Odin Sinsuat;
- 2 5. Kabuntalan;
- 3 6. Matanog;
- 4 7. Northern Kabuntalan;
- 5 8. Parang;
- 6 9. North Upi;
- 7 10. Sultan Kudarat;
- 8 11. Sultan Mastura, and
- 9 12. Talitay

10 a. Province of Southern Maguindanao

- 11 1. Ampatuan;
- 12 2. Buluan;
- 13 3. Datu Abdulla Sangki;
- 14 4. Datu Anggal Midtimbang;
- 15 5. Datu Hoffer Ampatuan;
- 16 6. Datu Montawal;
- 17 7. Datu Paglas;
- 18 8. Datu Piang;
- 19 9. Datu Salibo;
- 20 10. Datu Saudi Ampatuan;
- 21 11. Datu Unsay;
- 22 12. Gen. Salipada K. Pendatun;
- 23 13. Guindulungan;
- 24 14. Mamasapano;
- 25 15. Mangudadatu;
- 26 16. Pagalungan;
- 27 17. Paglat;
- 28 18. Pandag;
- 29 19. Rajah Buayan;
- 30 20. Sharif Aguak;
- 31 21. Sharif Saydona Mustafa;

- 1           22. Sultan sa Barongis;
- 2           23. Talayan; and
- 3           24. South Upi

4           **Sec. 4. Territorial Jurisdiction.** - The territorial jurisdiction of the provinces of  
5 the provinces of Northern Maguindanao and Southern Maguindanao shall be within  
6 the present metes and bounds of all the municipalities that comprise the respective  
7 provinces.

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

14           **Sec. 5. Capital Towns and Seats of Government.** - The capital towns and  
15 seats of government of the provinces of Northern Maguindanao and Southern  
16 Maguindanao shall be the municipalities of Datu Odin Sinsuat and Buluan,  
17 respectively.

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

- 24           a. To exercise continuous succession in its corporate name;
- 25           b. To sue and be sued;
- 26           c. To use a corporate seal;
- 27           d. To acquire and convey real or personal property;
- 28           e. To enter into contracts; and
- 29           f. To exercise such other powers granted to corporations, subject to the

1 limitations provided under the Local Government Code of 1991, as  
2 amended, and other laws.

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

15 *Sec. 8. Liability for Damages.* – Each province and its officials shall not be  
16 exempt from liability for death or injury to persons or damage to property.

17 *Sec. 9. Legislative District.* – Each province shall have its own legislative  
18 district comprising of the municipalities enumerated under Section 3 of this Charter,  
19 which shall take effect upon the election and qualification of its representative to be  
20 held on the Second Monday of May 2022.

21 For the purpose of this section, the City of Cotabato shall be a part of the  
22 Lone Legislative District of the Province of Northern Maguindanao.

23 The incumbent Representatives of the present Province of Maguindanao shall  
24 continue to represent their respective legislative districts until the expiration of their  
25 terms of office.

## **ARTICLE II PROVINCIAL OFFICIALS IN GENERAL**

26 *Sec. 10. Officials of the Provincial Government.* –

- 1 a. In each of the provinces of Northern Maguindanao and Southern  
2 Maguindanao, there shall be a provincial governor, a provincial vice  
3 governor, the regular members of the *sangguniang panlalawigan*, a  
4 secretary to the *sangguniang panlalawigan*, a provincial treasurer, a  
5 provincial assessor, a provincial accountant, a provincial budget officer, a  
6 provincial planning and development coordinator, a provincial engineer,  
7 a provincial health officer, a provincial administrator, a provincial legal  
8 officer, a provincial agriculturist, a provincial social welfare and  
9 development officer, a provincial veterinarian and a provincial general  
10 services officer.
- 11 b. In addition thereto, the provincial governor may appoint a provincial  
12 architect, a provincial population officer, a provincial environment and  
13 natural resources officer, a provincial cooperatives officer and a  
14 provincial information officer.
- 15 c. The *sangguniang panlalawigan* may:
- 16 1. Maintain existing offices mentioned in subsections (a) and (b)  
17 hereof;
  - 18 2. Create such other offices as may be necessary to carry out the  
19 purposes of the provincial government; or
  - 20 3. Consolidate the functions of any office with those of another in the  
21 interest of efficiency, economy, and public welfare;

22 Unless otherwise provided herein or under the Local Government Code of  
23 1991, as amended, the heads of departments and offices shall be appointed by the  
24 provincial governor with the concurrence of a majority of all the *sangguniang*  
25 *panlalawigan* members, subject to civil service law, rules and regulations. The  
26 *sangguniang panlalawigan* shall act on the appointments within fifteen (15) days  
27 from the day of submission; otherwise, the same shall be deemed confirmed.

28 Sec. 11. *Residence and Office.* – The official residence and office of the  
29 provincial governor, during the latter's incumbency, shall be in the capital of the

1 province. All elective and appointive provincial officials shall hold office in the  
2 provincial capital: *Provided, That,* upon the resolution of the *sangguniang*  
3 *panlalawigan,* elective and appointive provincial officials may hold office in any  
4 component city or municipality within the province for a period of not more than  
5 seven (7) days for any given month.

6 Elective and appointive provincial officials shall receive such compensation,  
7 allowances and other emoluments as may be determined by law or ordinance,  
8 subject to the budgetary limitations on personal services prescribed under Section  
9 325 of the Local Government Code of 1991, as amended: *Provided, That,* no  
10 increase in compensation shall take effect until after the expiration of the full term of  
11 all the elective officials approving such increase.

### **ARTICLE III ELECTIVE PROVINCIAL OFFICIALS**

12 Sec. 12. *The Provincial Governor. –*

13 a. The provincial governor, as the chief executive of the provincial  
14 government, shall exercise such powers and perform such duties and  
15 functions as provided under the Local Government Code of 1991, as  
16 amended, and other laws.

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

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

24 i. Determine the guidelines of provincial policies and be responsible  
25 to the *sangguniang panlalawigan* for the program of government;

26 ii. Direct the formulation of the provincial development plan, with  
27 the assistance of the provincial development council, and upon



- 1 approval thereof by the *sangguniang panlalawigan*, implement the  
2 same;
- 3 iii. Present the program of government and propose policies and  
4 projects for the consideration of the *sangguniang panlalawigan* at  
5 the opening of the regular session of the *sangguniang*  
6 *panlalawigan* every calendar year and as often as may be deemed  
7 necessary as the general welfare of the inhabitants and the needs  
8 of the provincial government may require;
- 9 iv. Initiate and propose legislative measures to the *sangguniang*  
10 *panlalawigan* and, as often as may be deemed necessary, provide  
11 such information and data needed or requested in the  
12 performance of its legislative functions;
- 13 v. Appoint all officials and employees whose salaries and wages are  
14 wholly or mainly paid out of provincial funds and whose  
15 appointments are not otherwise provided for in this Act, as well as  
16 those that the provincial governor may be authorized by law to  
17 appoint;
- 18 vi. Represent the province in all its business transactions and sign in  
19 its behalf all bonds, contracts and obligations, and such other  
20 documents upon the authority of the *sangguniang panlalawigan*  
21 or pursuant to law or ordinance;
- 22 vii. Carry out such emergency measures as may be necessary during  
23 and in the aftermath of man-made and natural disasters and  
24 calamities;
- 25 viii. Determine the time, manner and place of payment of salaries or  
26 wages of the provincial officials and employees, in accordance  
27 with law or ordinance;
- 28 ix. Allocate and assign office space to the provincial and other  
29 officials and employees who, by law or ordinance, are entitled to

1 such space in the provincial capital and other buildings owned or  
2 leased by the provincial government;

3 x. Ensure that all executive officials and employees of the province  
4 faithfully discharge their duties and functions as provided for by  
5 law and the Local Government Code of 1991, as amended, and  
6 cause to be instituted administrative or judicial proceedings  
7 against any official or employee of the province who may have  
8 committed an offense in the performance of official duties;

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

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

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

27 xiv. Act on leave applications of officials and employees and the  
28 commutation of the monetary value of their leave credits in  
29 accordance with law;

- 1           xv. Authorize official trips of provincial officials and employees outside  
2           of the province for a period not exceeding thirty (30) days;
- 3           xvi. Call upon any national official or employee stationed in or  
4           assigned to the province to advise on matters affecting the  
5           province and to make recommendations thereon; coordinate with  
6           the official or employee in the formulation and implementation of  
7           plans, programs and projects; and, when appropriate, initiate an  
8           administrative or judicial action against a national government  
9           official or employee who may have committed an offense in the  
10          performance of official duties while stationed in or assigned to the  
11          province;
- 12          xvii. Authorize payment for medical care, necessary transportation,  
13          subsistence, hospital or medical fees of provincial officials and  
14          employees who are injured while in the performance of their  
15          official duties and functions, subject to the availability of funds;
- 16          xviii. Represent the province in inter-provincial or regional sports  
17          councils or committees, and coordinate the efforts of component  
18          cities or municipalities in the regional or national *palaro* or sports  
19          development activities;
- 20          xix. Conduct an annual *palarong panlalawigan*, which shall feature  
21          traditional sports and disciplines included in national and  
22          international games in coordination with the Department of  
23          Education (DepED); and
- 24          xx. Submit to the Office of the President the following reports: an  
25          annual report containing a summary of all matters pertinent to  
26          the management, administration and development of the province  
27          and all information and data relative to its political, social and  
28          economic conditions; and supplemental reports when unexpected  
29          events and situations arise at any time during the year,  
30          particularly when man-made or natural disasters or calamities

1 affect the general welfare of the province, the region or the  
2 country in general;

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

9 i. Ensure that the acts of the component cities and municipalities of  
10 the province and of its officials and employees are within the  
11 scope of their prescribed powers, duties and functions;

12 ii. Call conventions, conferences, seminars or meetings of elective  
13 and appointive officials of the province and its component cities  
14 and municipalities, including national officials and employees  
15 stationed in or assigned to the province, at such time and place  
16 and on such subject as may deemed important for the promotion  
17 of the general welfare of the province and its inhabitants;

18 iii. Issue such executive orders for the faithful and appropriate  
19 enforcement and execution of laws and ordinances;

20 iv. Be entitled to carry the necessary firearm within the territorial  
21 jurisdiction of the province;

22 v. In coordination with the mayors of component cities and  
23 municipalities and the National Police Commission, formulate the  
24 peace and order plan of the province and upon its approval,  
25 implement the same in accordance with Republic Act No. 6975, as  
26 amended, otherwise known as the "Department of the Interior  
27 and Local Government Act of 1990"; and,

28 vi. Call upon the appropriate national law enforcement agencies to  
29 suppress disorder, riot, lawless violence, rebellion or sedition or to  
30 apprehend violators of the law when public interest so requires

1 and when the police forces of the component city or municipality  
2 where the disorder or violation is happening are inadequate to  
3 cope with the situation or the violators;

4 3. Initiate and maximize the generation of resources and revenues, and  
5 apply the same to the implementation of development plans,  
6 program objectives and priorities as provided under Section 18 of  
7 the Local Government Code of 1991, as amended, particularly those  
8 resources and revenues programmed for agro-industrial  
9 development and countrywide growth and progress and, relative  
10 thereto, shall;

11 i. Require each head of an office or department to prepare and  
12 submit an estimate of appropriations for the ensuing calendar  
13 year, in accordance with the budget preparation process Title V,  
14 Book II of the Local Government Code of 1991, as amended;

15 ii. Prepare and submit to the *sangguniang panlalawigan* for approval  
16 the executive and supplemental budgets of the province for the  
17 ensuing calendar year in the manner provided under Title V, Book  
18 II of the Local Government Code of 1991, as amended;

19 iii. Ensure that all taxes and other revenues of the province are  
20 collected, and provincial funds are applied to the payment of  
21 expenses, and obligations of the province are settled, in  
22 accordance with law or ordinance;

23 iv. Issue licenses and permits and suspend or revoke the same for  
24 any violation of the conditions upon which said licenses or permits  
25 had been issued, pursuant to law or ordinance;

26 v. Adopt adequate measures to safeguard and conserve land,  
27 mineral, marine, forest and other resources of the province, in  
28 coordination with the mayors of component cities or  
29 municipalities;

- 1           vi. Provide efficient and effective property and supply management
- 2           in the province; and safeguard the funds, accounts receivables,
- 3           rights and other properties of the province; and,
- 4           vii. Institute or cause to be instituted administrative or judicial
- 5           proceedings for violations of ordinances in the collection of taxes,
- 6           fees or charges, and for the recovery of funds and property, and
- 7           cause the province to be defended against all suits to ensure that
- 8           its interests, resources and rights shall be adequately protected;
- 9           4. Ensure the delivery of basic services and the provision of adequate
- 10          facilities as provided under Section 17 of the Local Government Code
- 11          of 1991, as amended and, in addition thereto, shall:
  - 12          i. Ensure that the construction and repair of roads and highways
  - 13          funded by the national government shall be, as far as practicable,
  - 14          carried out in a spatially contiguous manner and in coordination
  - 15          with the construction and repair of the roads and bridges of the
  - 16          province and of its component cities and municipalities; and
  - 17          ii. Coordinate the implementation of technical services by national
  - 18          offices for the province and its component cities and
  - 19          municipalities, including public works and infrastructure programs
  - 20          of the provincial government and its component cities and
  - 21          municipalities; and
- 22          5. Exercise such other powers and perform such other duties and
- 23          functions as may be prescribed by law or ordinance.

24           The provincial governor shall receive a minimum monthly compensation as  
25           prescribed under Republic Act No. 6758, as amended, otherwise known as the  
26           *"Compensation and Position Classification Act of 1989"* and the implementing  
27           guidelines issued pursuant thereto.



1 officer, the regular *sangguniang panlalawigan* members, the president of  
2 the provincial chapter of the liga ng mga barangay, the president of the  
3 *panlalawigang pederasyon* ng mga *sangguniang kabataan*, the president  
4 of the provincial federation of *sanggunian members* of municipalities and  
5 component cities, and the sectoral representatives, as members.

6 b. In addition thereto, there shall be three (3) sectoral representatives: one  
7 (1) from the women's sector; one (1) from the agricultural or industrial  
8 worker sector; and one (1) from other sectors, including the urban poor,  
9 indigenous cultural communities, or persons with disability.

10 c. The regular members of the *sangguniang panlalawigan* and the sectoral  
11 representatives shall be elected in the manner as provided by law, and  
12 shall receive a monthly compensation as prescribed under the  
13 "*Compensation and Position Classification Act of 1989*", as amended,  
14 and the implementing guidelines issued pursuant thereto.

15 **Sec. 15. Powers, Duties, Functions and Compensation. –**

16 a. The *sangguniang panlalawigan*, as the legislative body of the province,  
17 shall enact ordinances, approve resolutions and appropriate funds for  
18 the general welfare of the province and its inhabitants pursuant to  
19 Section 16 of the Local Government Code of 1991, as amended, and in  
20 the proper exercise of the corporate powers of the province as provided  
21 under Section 22 of the Local Government Code of 1991, as amended,  
22 and shall:

23 1. Approve all ordinances and pass resolutions necessary for an  
24 efficient and effective provincial government and, in this connection,  
25 shall:

26 i. Review all ordinances approved by the *sanggunians* of component  
27 cities and municipalities and executive orders issued by the  
28 mayors of said component units to determine whether these are  
29 within the scope of the prescribed powers of the *sanggunian* and  
30 of the mayor;



- 1                   ii. Maintain peace and order by enacting measures to prevent and  
2                   suppress lawlessness, disorder, riot, violence, rebellion or sedition  
3                   and impose penalties for the violation of said ordinances;
- 4                   iii. Approve ordinances imposing a fine not exceeding Five thousand  
5                   pesos (P5,000.00) or an imprisonment not exceeding one (1)  
6                   year, or both, in the discretion of the court, for the violation of a  
7                   provincial ordinance;
- 8                   iv. Adopt measures to protect the inhabitants of the province from  
9                   the harmful effects of man-made or natural disasters and  
10                  calamities, and provide relief services and assistance to victims  
11                  during and in the aftermath of said disasters and calamities, and  
12                  to facilitate their return to productive livelihood following said  
13                  events;
- 14                  v. Enact ordinances intended to prevent, suppress and impose  
15                  appropriate penalties for habitual drunkenness in public places,  
16                  vagrancy, mendicancy, prostitution, the establishment and  
17                  maintenance of houses of ill repute, gambling and other  
18                  prohibited games of chance, fraudulent devices and ways to  
19                  obtain money or property, drug addiction, maintenance of drug  
20                  dens, drug pushing, juvenile delinquency, the printing, distribution  
21                  or exhibition of obscene or pornographic materials or publication,  
22                  and such other activities inimical to the welfare and morals of the  
23                  inhabitants of the province;
- 24                  vi. Protect the environment, and impose appropriate penalties for  
25                  acts which endanger the environment, such as dynamite fishing  
26                  and other forms of destructive fishing, illegal logging and  
27                  smuggling of logs, smuggling of natural resources products and of  
28                  endangered species of flora and fauna, slash-and-burn farming,  
29                  irresponsible disposal of waste, and such other activities which  
30                  result in pollution, acceleration of eutrophication of rivers and  
31                  lakes, or of ecological imbalance;

- 1           vii. Subject to the provisions of the Local Government Code of 1991,  
2           as amended, and other pertinent laws, determine the powers and  
3           duties of officials and employees of the province;
- 4           viii. Determine the positions and salaries, wages, allowances and  
5           other emoluments and benefits of officials and employees paid  
6           wholly or mainly from provincial funds and provide for  
7           expenditures necessary for the proper conduct of programs,  
8           projects, services and activities of the provincial government;
- 9           ix. Authorize the payment of compensation to a qualified person not  
10          in the government service who fills in a temporary vacancy or  
11          grant honorarium to any qualified official or employee designated  
12          to fill a temporary vacancy in a concurrent capacity at the rate  
13          authorized by law;
- 14          x. Provide a mechanism and the appropriate funds therefore to  
15          ensure the safety and protection of all provincial government  
16          property, public documents or records such as those relating to  
17          property inventory, land ownership, records of births, marriages,  
18          deaths, assessments, taxation, accounts, business permits, and  
19          such other records and documents of public interest in the offices  
20          and departments of the provincial government; and
- 21          xi. When the finances of the provincial government allow, provide for  
22          additional allowances and other benefits to judges, prosecutors,  
23          public elementary and high school teachers, and other national  
24          government officials stationed or assigned to the province;
- 25          2. Generate and maximize the use of resources and revenues for the  
26          development plans, program objectives and priorities of the province  
27          as provided under Section 18 of the Local Government Code of  
28          1991, as amended, with particular attention to agro-industrial  
29          development and countrywide growth and progress and, relative  
30          thereto, shall:

- 1 i. Enact the annual and supplemental appropriations of the  
2 provincial government and appropriate funds for specific  
3 programs, projects, services and activities of the province, or for  
4 other purposes not contrary to law, in order to promote the  
5 general welfare of the province and its inhabitants;
- 6 ii. Subject to the provisions of Book II of the Local Government  
7 Code of 1991, as amended, applicable laws and upon the majority  
8 vote of all the members of the *sangguniang panlalawigan*, enact  
9 ordinances levying taxes, fees and charges, prescribing the rates  
10 thereof for general and specific purposes and granting tax  
11 exemptions, incentives or reliefs;
- 12 iii. Subject to the provisions of Book II of the Local Government  
13 Code of 1991, as amended, applicable laws and upon the majority  
14 vote of all the members of the *sangguniang panlalawigan*,  
15 authorize the provincial governor to negotiate and contract loans  
16 and other forms of indebtedness;
- 17 iv. Subject to the provisions of Book II of the Local Government  
18 Code of 1991, as amended, and applicable laws and, upon the  
19 majority vote of all the members of the *sangguniang*  
20 *panlalawigan*, enact ordinances authorizing the floating of bonds  
21 or other instruments of indebtedness, for the purpose of raising  
22 funds to finance development projects;
- 23 v. Appropriate funds for the construction and maintenance or the  
24 rental of buildings for the use of the province and, upon the  
25 majority vote of all the members of the *sangguniang*  
26 *panlalawigan*, authorize the provincial governor to lease to private  
27 parties such public buildings held in a proprietary capacity,  
28 subject to existing laws, rules and regulations;
- 29 vi. Prescribe reasonable limits and restraints on the use of property  
30 within the jurisdiction of the province;

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

5           viii. Adopt measures to enhance the full implementation of the  
6           national agrarian reform program in coordination with the  
7           Department of Agrarian Reform (DAR).

8           3. Subject to the provisions of Book II of the Local Government Code  
9           of 1991, as amended, grant franchises, approve the issuance of  
10           permits or licenses, or enact ordinances levying taxes, fees and  
11           charges upon such conditions and for such purposes intended to  
12           promote the general welfare of the inhabitants of the province and,  
13           pursuant to its legislative authority, shall:

14           i. Fix and impose reasonable fees and charges for all services  
15           rendered by the provincial government to private persons or  
16           entities; and,

17           ii. Regulate and fix the license fees for such activities as provided for  
18           under the Local Government Code of 1991, as amended.

19           4. Approve ordinances which shall ensure the efficient and effective  
20           delivery of the basic services and facilities as provided under Section  
21           17 of the Local Government Code of 1991, as amended, and, in  
22           addition to said services and facilities, shall:

23           i. Adopt measures and safeguards against pollution and for the  
24           preservation of the natural ecosystem in the province, including  
25           the proper collection and disposal of waste, in consonance with  
26           approved standards on human settlements and environmental  
27           sanitation;

28           ii. Subject to applicable laws, facilitate or provide for the  
29           establishment and maintenance of a waterworks system or

- 1 district waterworks for supplying water to inhabitants of  
2 component cities and municipalities;
- 3 iii. Subject to the availability of funds and to existing laws, rules  
4 and regulations, provide for the establishment and operation of  
5 vocational and technical schools and similar post-secondary  
6 institutions and, with the approval of the DepED and subject to  
7 existing laws on tuition fees, fix reasonable tuition fees and  
8 other school charges in educational institutions supported by the  
9 provincial government;
- 10 iv. Establish a scholarship fund for the poor but deserving students  
11 in schools located within its jurisdiction or of students residing  
12 within the province;
- 13 v. Approve measures and adopt quarantine regulations to prevent  
14 the introduction and spread of diseases within its territorial  
15 jurisdiction;
- 16 vi. Provide for the care of paupers, the aged, the sick, persons of  
17 unsound mind, abandoned minors, abused children, disabled  
18 persons, juvenile delinquents, drug dependents, and other  
19 needy and disadvantaged persons, particularly children and  
20 youth below eighteen (18) years of age; subject to the  
21 availability of funds, establish and support the operation of  
22 centers and facilities for said needy and disadvantaged persons;  
23 and facilitate the efforts to promote the welfare of families  
24 below the poverty threshold, the disadvantaged and the  
25 exploited;
- 26 vii. Establish and provide for the maintenance and improvement of  
27 jails and detention centers, institute a sound jail management  
28 program and appropriate funds for the subsistence of detainees  
29 and convicted prisoners in the province;



- 1           3. The legislative process;
- 2           4. The parliamentary procedures which include the conduct of
- 3           members during sessions;
- 4           5. The discipline of members on account of disorderly behavior and
- 5           absences without justifiable cause for four (4) consecutive sessions
- 6           for which they may be censured, reprimanded or excluded from the
- 7           session, or suspended for not more than sixty (60) days, or
- 8           expelled: *Provided*, That the penalty of suspension or expulsion shall
- 9           require the concurrence of at least two-thirds (2/3) of all the
- 10          *sanggunian* members: *Provided, further*, That a member convicted
- 11          by final judgment to imprisonment of at least one (1) year for any
- 12          crime involving moral turpitude shall be automatically expelled from
- 13          the *sanggunian*; and,
- 14          6. Such other rules as *the sanggunian* may adopt.

15           **Sec. 17. Full Disclosure of Financial and Business Interests of Sangguniang**  
16 ***Panlalawigan Members. –***

- 17          a. Every *sangguniang panlalawigan* member shall, upon assumption to
- 18          office, make a full disclosure of business and financial interests. The
- 19          member shall also disclose any business, financial, professional
- 20          relationship or any relation by affinity or consanguinity within the fourth
- 21          civil degree, with any person, firm or entity affected by any ordinance or
- 22          resolution under consideration by the *sanggunian* of which one is a
- 23          member, which relationship may result in conflict of interest. Such
- 24          relationship shall include:
  - 25               1. Ownership of stocks or capital, or investment in the entity or firm to
  - 26               which the ordinance or resolution may apply; and,
  - 27               2. Contracts or agreement with any person or entity which the
  - 28               ordinance or resolution under consideration may affect.

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

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

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

20 **Sec. 18. Sessions. –**

21 a. On the first day of session immediately following the election of its  
22 members, the *sangguniang panlalawigan* shall, by resolution, fix the day,  
23 time and place of its regular sessions. The minimum number of regular  
24 sessions of the *sangguniang panlalawigan* shall be once a week.

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

28 c. All *sanggunian* sessions shall be open to the public unless a closed-door  
29 session is ordered by an affirmative vote of a majority of the members



1 present, there being a quorum, in the public interest or for reasons of  
2 security, decency or morality. No two (2) sessions, regular or special,  
3 may be held in a single day.

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

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

- 11 e. The *sanggunian* shall keep a journal and a record of its proceedings  
12 which may be published upon resolution of the *sangguniang*  
13 *panlalawigan*.

14 Sec. 19. *Quorum*. –

- 15 a. A majority of all the members of the *sanggunian* who have been elected  
16 and qualified shall constitute a quorum to transact official business.  
17 Should a question of quorum be raised during the session, the presiding  
18 officer shall immediately proceed to call the roll of the members and  
19 thereafter announce the results.
- 20 b. Where there is no quorum, the presiding officer may declare a recess  
21 until such time a quorum is constituted, or a majority of the members  
22 present may adjourn from day to day and may compel the immediate  
23 attendance of any member absent without justifiable cause by  
24 designating a member of the *sanggunian*, to be assisted by a member or  
25 members of the police force assigned in the territorial jurisdiction of the  
26 province, to arrest the absent member and present the same at the  
27 session.
- 28 c. If there is still no quorum despite the enforcement of the immediately  
29 preceding subsection, no business shall be transacted. The presiding

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

3 **Sec. 20. *Approval of Ordinances.* –**

- 4 a. Every ordinance enacted by the *sangguniang panlalawigan* shall be  
5 presented to the provincial governor. The provincial governor shall sign  
6 each and every page of the ordinance to signify approval of the same;  
7 otherwise, the provincial governor shall veto it and return the same  
8 stating thereon the reasons for such objection. Thereafter the  
9 *sanggunian* may proceed to reconsider the same. The *sanggunian* may  
10 override the veto of the provincial governor by two-thirds (2/3) vote of  
11 all its members, thereby making the ordinance or resolution effective for  
12 all legal intents and purposes.
- 13 b. The veto shall be communicated by the provincial governor to the  
14 *sangguniang panlalawigan* within fifteen (15) days from receipt of the  
15 ordinance; otherwise, the ordinance shall be deemed approved as if the  
16 provincial governor had signed it.

17 **Sec. 21. *Veto Power of the Provincial Governor.* –**

- 18 a. The provincial governor may veto any ordinance of the *sangguniang*  
19 *panlalawigan* on the ground that it is prejudicial to the public welfare,  
20 and return the same stating therein the reasons for the disapproval.
- 21 b. The provincial governor shall have the power to veto any particular item  
22 or items of an appropriation ordinance, an ordinance or resolution  
23 adopting a local development plan and public investment program or an  
24 ordinance directing the payment of money or creating liability. In such  
25 case, the veto shall not affect the item or items which are not objected  
26 to. The vetoed item or items shall not take effect unless the  
27 *sangguniang panlalawigan* overrides the veto in the manner herein  
28 provided; otherwise, the item or items in the appropriations ordinance of  
29 the previous year corresponding to those vetoed, if any, shall be  
30 deemed re-enacted.

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

5 **ARTICLE VI**  
6 **SUCCESSION FOR ELECTIVE PROVINCIAL OFFICIALS**

7 **Sec. 22. *Permanent Vacancy in the Office of the Provincial Governor.* –**

- 8 a. If a permanent vacancy occurs in the office of the provincial governor,  
9 b. The provincial vice governor shall become the provincial governor or in  
10 case of permanent inability, the highest ranking *sanggunian* member  
11 shall become the provincial governor. If a permanent vacancy occurs in  
12 the office of the provincial vice governor, the highest ranking  
13 *sangguniang panlalawigan* member shall become the provincial vice  
14 governor or, in case of permanent incapacity, the highest ranking  
15 *sangguniang panlalawigan* member shall become the provincial vice  
16 governor. Subsequent vacancies shall be filled automatically by other  
17 *sanggunian* members according to their ranking as defined herein:
- 18 1. For purposes of this Act, a permanent vacancy arises when an  
19 elective official fills a higher vacant office, refuses to assume office,  
20 fails to qualify, dies, is removed from office, voluntarily resigns or is  
21 otherwise permanently incapacitated to discharge the functions of  
22 the office;
  - 23 2. For purposes of this Act, a permanent vacancy arises when an  
24 elective official fills a higher vacant office, refuses to assume office,  
25 fails to qualify, dies, is removed from office, voluntarily resigns or is  
26 otherwise permanently incapacitated to discharge the functions of  
27 the office;
  - 28 3. A tie between or among the highest ranking *sangguniang*  
29 *panlalawigan* members shall be resolved by drawing of lots; and

1 4. The successors as defined herein shall serve only the unexpired  
2 terms of the predecessors;

3 5. For purposes of succession as provided for in this Act, ranking in the  
4 *sangguniang panlalawigan* shall be determined on the basis of the  
5 proportion of votes obtained by each winning candidate to the total  
6 number of registered voters in the province in the immediately  
7 preceding local elections.

8 **Sec. 23. *Permanent Vacancies in the Sangguniang Panlalawigan.* –**

9 a. Permanent vacancies in the *sangguniang panlalawigan* where automatic  
10 succession as provided for in this Act does not apply shall be filled by  
11 appointment by the President, through the Executive Secretary.

12 b. Only the nominee of the political party under which the *sanggunian*  
13 member concerned had been elected and whose elevation to the  
14 position next higher in rank created the last vacancy in the *sanggunian*  
15 shall be appointed in the manner herein provided. The appointee shall  
16 come from the same political party as that of the *sanggunian* member  
17 who caused the vacancy and shall serve the unexpired term of the  
18 vacant office.

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

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

28 d. In case of vacancy in the representation of the *sangguniang kabataan*,  
29 the *sangguniang barangay* and the provincial league of councilors in the

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

3            **Sec. 24. *Temporary Vacancy in the Office of the Provincial Governor.* –**

- 4            a. When the provincial governor is temporarily incapacitated to perform the  
5            duties for physical or legal reasons such as leave of absence, travel  
6            abroad and suspension from office, the provincial vice governor shall  
7            automatically exercise the powers and perform the duties and functions  
8            of the provincial governor, except the power to appoint, suspend or  
9            dismiss employees which can only be exercised if the period of  
10           temporary incapacity exceeds thirty (30) working days.
- 11           b. Said temporary incapacity shall terminate upon submission to the  
12           *sangguniang panlalawigan* of a written declaration by the provincial  
13           governor of having reported back to office. In case where the temporary  
14           incapacity is due to legal cause, the provincial governor shall also submit  
15           the necessary documents showing that the legal cause no longer exists.
- 16           c. When the provincial governor is traveling within the country but outside  
17           territorial jurisdiction for a period not exceeding three (3) consecutive  
18           days, the same may designate in writing the officer-in-charge of the  
19           office. Such authorization shall specify the powers and functions that the  
20           local official concerned shall exercise in the absence of the provincial  
21           governor, except the power to appoint, suspend or dismiss employees.
- 22           d. In the event, however, that the provincial governor fails or refuses to  
23           issue such authorization, the provincial vice governor shall have the right  
24           to assume the powers, duties and functions of the said office on the  
25           fourth (4th) day of absence of the provincial governor, subject to the  
26           limitations provided for in subsection (c) hereof.
- 27           e. Except as provided in subsection (c) hereof, the provincial governor  
28           shall, in no case, authorize any local official to assume the powers,  
29           duties and functions of the office other than the provincial vice governor.

1 **ARTICLE VII**  
2 **APPOINTIVE PROVINCIAL OFFICIALS: THEIR QUALIFICATIONS, POWERS,**  
3 **AND DUTIES**

4 *Sec. 25. The Secretary to the Sangguniang Panlalawigan –*

- 5 a. There shall be a secretary to the *sangguniang panlalawigan* who shall be  
6 a career official with the rank and salary equal to a head of a  
7 department or office.
- 8 b. The secretary to the *sanggunian* must be a citizen of the Philippines, a  
9 resident of the province, of good moral character, a holder of a college  
10 degree preferably in law, commerce or public administration from a  
11 recognized college or university, and a first grade civil service eligible or  
12 its equivalent.

13 The appointment of the secretary to the *sanggunian* is mandatory.

- 14 c. The secretary to the *sanggunian* shall take charge of the office of the  
15 *sangguniang panlalawigan* and pursuant thereto perform the following:
- 16 1. Attend meetings of the *sanggunian* and keep a journal of its  
17 proceedings;
  - 18 2. Keep the seal of the province and affix the same on all ordinances,  
19 resolutions and other official papers of the *sanggunian*, duly signing  
20 them before presenting the same to the presiding officer for the  
21 latter's signature;
  - 22 3. Forward to the provincial governor, for approval, copies of  
23 ordinances enacted by the *sanggunian* and duly certified by the  
24 presiding officer, in the manner provided under Section 54 of the  
25 Local Government Code of 1991, as amended;
  - 26 4. Forward to the *sangguniang bayan* or *sangguniang panlungsod*, as  
27 the case may be, copies of duly approved ordinances in the manner  
28 provided under Sections 56 and 57 of the Local Government Code of  
29 1991, as amended;

- 1           5. Furnish, upon the request of any interested party, certified copies of  
2           records of public character in the secretary's custody, upon payment  
3           to the treasurer of such fees as may be prescribed by ordinance;
  - 4           6. Record in a book kept for the purpose, all ordinances and resolutions  
5           enacted or adopted by the *sanggunian*, with the dates of passage  
6           and publication thereof;
  - 7           7. Keep the office and all non-confidential records therein open to the  
8           public during usual business hours;
  - 9           8. Translate into the dialect used by the majority of the inhabitants, all  
10          ordinances and resolutions immediately after their approval, and  
11          cause the publication of the same together with the original version  
12          in the manner provided under the Local Government Code of 1991,  
13          as amended; and
  - 14          9. Take custody of the local archives and, where applicable, the local  
15          library and annually account for the same.
- 16          d. Exercise such powers and perform other duties and functions as may be  
17          prescribed by law or ordinance relative to his or her position.

18          **Sec. 26. *The Provincial Treasurer* –**

- 19          a. The provincial treasurer shall be appointed by the Secretary of Finance  
20          from a list of at least three (3) ranking eligible recommendees of the  
21          provincial governor, subject to civil service law, rules and regulations.

22          The appointment of the provincial treasurer is mandatory.

- 23          b. The provincial treasurer must be a citizen of the Philippines, a resident  
24          of the province, of good moral character, a holder of a college degree  
25          preferably in commerce, public administration or law from a recognized  
26          college or university, a first grade civil service eligible or its equivalent  
27          and must have acquired at least five (5) years experience in treasury or  
28          accounting service.

- 1 c. The provincial treasurer shall be under the administrative supervision of  
2 the provincial governor and shall regularly report to the provincial  
3 governor on the tax collection efforts in the province.
- 4 d. The provincial treasurer shall take charge of the treasury office, and  
5 perform the duties as provided under Book II of the Local Government  
6 Code of 1991, as amended, and shall:
- 7 1. Advise the provincial governor or the *sanggunian*, as the case may  
8 be, and other local government and national officials concerned  
9 regarding disposition of local government funds and on such other  
10 matters relative to public finance;
  - 11 2. Take custody of and exercise proper management of the funds of  
12 the local government unit concerned;
  - 13 3. Take charge of the disbursement of all local government funds and  
14 such other funds, the custody of which may be entrusted to by law  
15 or other competent authority;
  - 16 4. Inspect private commercial and industrial establishments within the  
17 jurisdiction of the province in relation to the implementation of tax  
18 ordinances, pursuant to the provisions under Book II of the Local  
19 Government Code of 1991, as amended;
  - 20 5. Maintain and update the tax information system of the local  
21 government unit; and
  - 22 6. Exercise technical supervision over all treasury offices of component  
23 cities and municipalities.
- 24 e. Exercise such other powers and perform other duties and functions as  
25 may be prescribed by law or ordinance.

26 **Sec. 27. *The Provincial Assessor* –**

- 27 a. The provincial assessor must be a citizen of the Philippines, a resident of  
28 the province, of good moral, character, a holder of a college degree  
29 preferably in civil or mechanical engineering, commerce or any other



1 related course from a recognized college or university, a duly registered  
2 and licensed real estate service practitioner as provided for under  
3 Section 30 of Republic Act No. 9646 otherwise known as the "*Real*  
4 *Estate Services Act of the Philippines*", a first grade civil service eligible  
5 or its equivalent and must have acquired at least five (5) years  
6 experience in real property assessment work or in any related field.

7 The appointment of the provincial assessor is mandatory.

8 b. The provincial assessor shall take charge of the assessor's office and  
9 perform the duties as provided under Book II of the Local Government  
10 Code of 1991, as amended, and shall:

- 11 1. Ensure that all laws and policies governing the appraisal and  
12 assessment of real properties for taxation purposes are properly  
13 executed;
- 14 2. Initiate, review and recommend changes in policies and objectives,  
15 plans and programs, techniques, procedures and practices in the  
16 valuation and assessment of real properties for taxation purposes;
- 17 3. Establish a systematic method of real property assessment;
- 18 4. Install and maintain a real property identification and accounting  
19 system;
- 20 5. Prepare, install and maintain a system of tax mapping, showing  
21 graphically all properties subject to assessment and gather all data  
22 concerning the same;
- 23 6. Conduct frequent physical surveys to verify and determine whether  
24 all real properties within the province are properly listed in the  
25 assessment rolls;
- 26 7. Exercise the functions of appraisal and assessment primarily for  
27 taxation purposes of all real properties in the province;
- 28 8. Prepare a schedule of the fair market value for the different classes  
29 of real properties in accordance with Title II, Book II of the Local

1 Government Code of 1991, as amended;

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

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

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

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

20 **Sec. 28. *The Provincial Accountant* –**

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

25 The appointment of a provincial accountant is mandatory.

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

28 1. Install and maintain an internal audit system in the province;

- 1           2. Prepare and submit financial statements to the provincial governor  
2           and to the *sangguniang panlalawigan*;
- 3           3. Apprise the *sanggunian* and other local government officials on the  
4           financial condition and operations of the provincial government;
- 5           4. Certify to the availability of budgetary allotment from which  
6           expenditures and obligations may be properly charged;
- 7           5. Review supporting documents before the preparation of vouchers to  
8           determine completeness of requirements;
- 9           6. Prepare statements of cash advances, liquidations, salaries,  
10          allowances, reimbursements and remittances pertaining to the  
11          provincial government;
- 12          7. Prepare statements of journal vouchers and liquidations of the same  
13          and other adjustments related thereto;
- 14          8. Post individual disbursements to subsidiary ledgers and index cards;
- 15          9. Maintain individual ledgers for officials and employees of the  
16          provincial government pertaining to payrolls and deductions;
- 17          10. Record and post in index cards details of purchased furniture,  
18          fixtures and equipment, including disposal thereof, if any;
- 19          11. Account for all issued requests for obligations and maintain and keep  
20          all records and reports related thereto; and
- 21          12. Prepare journals and the analysis of obligations and maintain and  
22          keep all records and reports related thereto.
- 23          c. Exercise such other powers and perform other duties and functions as  
24          may be provided by law or ordinance.

25          **Sec. 29. *The Provincial Budget Officer* –**

- 26          a. The provincial budget officer must be a citizen of the Philippines, a  
27          resident of the province, of good moral character, a holder of a college  
28          degree preferably in accounting, economics, public administration or any

1 related course from a recognized college or university, a first grade civil  
2 service eligible or its equivalent and must have acquired at least five (5)  
3 years experience in government budgeting or in any related field.

4 The appointment of the provincial budget officer is mandatory.

5 b. The provincial budget officer shall take charge of the budget office, and  
6 pursuant thereto perform the following:

7 1. Prepare forms, orders and circulars embodying instructions on  
8 budgetary and appropriation matters for the signature of the  
9 provincial governor;

10 2. Review and consolidate the budget proposals of different  
11 departments and offices of the province;

12 3. Assist the provincial governor in the preparation of the budget and  
13 during the budget hearings;

14 4. Study and evaluate budgetary implications of proposed legislation  
15 and submit comments and recommendations thereon;

16 5. Submit periodic budgetary reports to the Department of Budget and  
17 Management (DBM);

18 6. Coordinate with the provincial treasurer, the provincial accountant  
19 and the provincial planning and development coordinator for the p  
20 impose of budgeting;

21 7. Assist the *sangguniang panlalawigan* in reviewing the approved  
22 budgets of the component cities and municipalities; and

23 8. Coordinate with the provincial planning and development coordinator  
24 in the formulation of the provincial development plan.

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

27 d. The appropriations for personal services of the provincial budget officer  
28 provided under the DBM shall, upon the effectivity of this Charter, be

1 transferred to the new province. Thereafter, the appropriations for  
2 personal services of the budget officer shall be provided in full in the  
3 budget of the local government unit.

4 **Sec. 30. *The Provincial Planning and Development Coordinator –***

- 5 a. The provincial planning and development coordinator must be a citizen  
6 of the Philippines, a resident of the province, of good moral character, a  
7 holder of a college degree preferably in urban planning, development  
8 studies, economics, public administration or in any related course from a  
9 recognized college or university, a duly registered and licensed  
10 environmental planner, as provided for under Section 34 of Republic Act  
11 No. 10587 or the "*Environmental Planning Act of 2013*", a first grade  
12 civil service eligible or its equivalent and must have acquired at least five  
13 (5) years experience in development planning or in any related field.

14 The appointment of a provincial planning and development coordinator is  
15 mandatory.

- 16 b. The provincial planning and development coordinator shall take charge  
17 of the planning and development office, and pursuant thereto perform  
18 the following:
- 19 1. Formulate integrated economic, social, physical and other  
20 development plans and policies for consideration of the local  
21 government development council;
  - 22 2. Conduct continuing studies, researches and training programs  
23 necessary to evolve plans and programs for implementation;
  - 24 3. Integrate and coordinate all sectoral plans and studies undertaken  
25 by the different functional groups and agencies;
  - 26 4. Monitor and evaluate the implementation of the different  
27 development programs, projects and activities in the province in  
28 accordance with the approved development plan;
  - 29 5. Prepare comprehensive plans and other development planning

1 documents for the consideration of the provincial development  
2 council;

3 6. Analyze the income and expenditure patterns, and formulate and  
4 recommend fiscal plans and policies for the consideration of the  
5 finance committee of the province as provided under Title V, Book II  
6 of the Local Government Code of 1991, as amended;

7 7. Promote people's participation in development planning within the  
8 province; and

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

11 c. Exercise such other powers and perform other functions and duties as  
12 may be prescribed by law or ordinance.

13 **Sec. 31. *The Provincial Engineer* –**

14 a. The provincial engineer must be a citizen of the Philippines, a resident of  
15 the province, of good moral character, a licensed civil engineer and must  
16 have acquired at least five (5) years experience in the practice of the  
17 civil engineering profession.

18 The appointment of the provincial engineer is mandatory.

19 b. The provincial engineer shall take charge of the engineering office, and  
20 pursuant thereto perform the following:

21 1. Initiate, review and recommend changes in policies and objectives,  
22 plans and programs, techniques, procedures and practices in  
23 infrastructure development and public works in general of the  
24 province;

25 2. Advise the provincial governor on infrastructure, public works and  
26 other engineering matters;

27 3. Administer, coordinate, supervise and control the construction,  
28 maintenance, improvement and repair of roads, bridges and other

- 1                    engineering and public works projects of the province;
- 2                    4. Provide engineering services to the province, including investigations
- 3                    and surveys, engineering designs, feasibility studies and project
- 4                    management; and
- 5                    5. Exercise technical supervision over all engineering offices of the
- 6                    component cities and municipalities.
- 7                    c. Exercise such other powers and perform other duties and functions as
- 8                    may be prescribed by law or ordinance.

9                    **Sec. 32. *The Provincial Health Officer* –**

- 10                    a. The provincial health officer must be a citizen of the Philippines, a
- 11                    resident of the province, of good moral character, a licensed medical
- 12                    practitioner and must have acquired at least five (5) years experience in
- 13                    the practice of the medical profession.

14                    The appointment of a provincial health officer is mandatory.

- 15                    b. The provincial health officer shall perform the following duties and
- 16                    functions:
- 17                    1. Formulate and implement policies, plans, programs and projects to
- 18                    promote the health of the people of the province;
- 19                    2. Advise the provincial governor and the *sanggunian* on matters
- 20                    pertaining to health;
- 21                    3. Execute and enforce all laws, ordinances and regulations relating to
- 22                    public health;
- 23                    4. Recommend to the *sanggunian*, through the provincial health board,
- 24                    the passage of such ordinances as he or she may deem necessary
- 25                    for the preservation of public health;
- 26                    5. Recommend the prosecution of any violation of sanitary laws,
- 27                    ordinances and regulations;

- 1           6. Direct the sanitary inspection of all business establishments selling  
2           food items or providing accommodations, such as hotels, motels,  
3           lodging houses, pension houses and the like, in accordance with the  
4           Sanitation Code of the Philippines;
- 5           7. Conduct health information campaigns and render health intelligence  
6           services;
- 7           8. Coordinate with other government agencies and nongovernmental  
8           organizations involved in the promotion and delivery of health  
9           services; and
- 10          9. Exercise general supervision over health offices of component cities  
11          and municipalities.
- 12          10. Be in the frontline of the delivery of health services, particularly  
13          during and in the aftermath of man-made and natural disasters or  
14          calamities.
- 15          11. The provincial health officer shall take charge of the office on health  
16          services, and shall:
  - 17           i. Supervise the personnel and staff of the said office, formulate  
18           program implementation guidelines and rules and regulations for  
19           the operation of the said office for the approval of the provincial  
20           governor in order to assist the latter in the efficient, effective and  
21           economical implementation of health services programs geared to  
22           the implementation of health-related projects and activities;
  - 23           ii. Formulate measures for the consideration of the *sanggunian* and  
24           provide technical assistance and support to the provincial  
25           governor in carrying out activities to ensure the delivery of basic  
26           services and the provision of adequate facilities relative to health  
27           services provided for under Section 17 of the Local Government  
28           Code of 1991, as amended;
  - 29           iii. Develop plans and strategies and, upon approval thereof by the  
30           provincial governor, implement the same, particularly those which



1           have to do with health programs and projects which the provincial  
2           governor is empowered to implement and which the *sanggunian*  
3           is empowered to provide under the Local Government Code of  
4           1991, as amended.

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

7           **Sec. 33. *The Provincial Administrator.* —**

8           a. The provincial administrator must be a citizen of the Philippines, a  
9           resident of the province, of good moral character, a holder of a college  
10          degree preferably in public administration, law or any related course  
11          from a recognized college or university, a first grade civil service eligible  
12          or its equivalent and must have acquired for at least five (5) years'  
13          experience in management and administration work.

14          The term of the provincial administrator is coterminous with that of the  
15          appointing authority.

16          The appointment of the provincial administrator is mandatory.

17          b. The provincial administrator shall take charge of the office of the  
18          administrator, and pursuant thereto perform the following:

19           1. Develop plans and strategies and, upon approval thereof by the  
20           provincial governor, implement the same, particularly those which  
21           have to do with the management and administration-related  
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. Assist in the coordination of the work of all the officials of the  
26           province under the supervision, direction and control of the  
27           provincial governor and, for this purpose, may convene the chiefs of  
28           offices and other officials of the province;

29           3. Establish and maintain a sound personnel program for the province

1 designed to promote career development and uphold the merit  
2 system in the province; and

3 4. Conduct a continuing organizational development of the province  
4 with the end in view of instituting effective administrative reforms.

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

8 6. Recommend to the *sanggunian* and advise the provincial governor  
9 on all other matters relative to the management and administration  
10 of the province.

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

13 **Sec. 34. *The Provincial Legal Officer* –**

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

17 The term of the provincial legal officer shall be coterminous with that of the  
18 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 province,  
21 shall take charge of the office for legal services, and pursuant thereto  
22 perform the following:

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

28 2. Develop plans and strategies and, upon approval thereof by the

1 provincial governor, implement the same, particularly those which  
2 have to do with the programs and projects related to legal services  
3 which the provincial governor is empowered to implement and which  
4 the *sanggunian* is empowered to provide under the Local  
5 Government Code of 1991, as amended;

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

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

16 5. Render an opinion in writing on any question of law when requested  
17 to do so by the provincial governor or the *sanggunian*;

18 6. Investigate or cause to be investigated any provincial official or  
19 employee for administrative neglect or misconduct in office and  
20 recommend appropriate action to the provincial governor, or the  
21 *sangguniang panlalawigan*;

22 7. Investigate or cause to be investigated any person, firm or  
23 corporation holding any franchise or exercising any public privilege  
24 for failure to comply with any term or condition in the grant of such  
25 franchise or privilege, and recommend appropriate action to the  
26 provincial governor or the *sanggunian*;

27 8. When directed by the provincial governor or the *sanggunian*, initiate  
28 and prosecute, in the interest of the province, any civil action on any  
29 bond, lease or other contract upon any breach or violation thereof;

30 9. Review and submit recommendations on ordinances approved and

1 executive orders issued by the component cities and municipalities;

2 10. Recommend measures to the *sangguniang panlalawigan* and advise  
3 the provincial governor on all other matters related to upholding the  
4 rule of law;

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

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

10 **Sec. 35. *The Provincial Agriculturist* –**

11 a. The provincial agriculturist must be a citizen of the Philippines, a  
12 resident of the province, of good moral character, a holder of a college  
13 degree in agriculture or in any related course from a recognized college  
14 or university, a first grade civil service eligible or its equivalent and must  
15 have practiced for at least five (5) years the agriculturist profession or  
16 acquired experience in a related field.

17 The appointment of the provincial agriculturist is mandatory.

18 b. The provincial agriculturist shall:

19 1. Take charge of the office for agricultural services, and pursuant  
20 thereto, perform the following:

21 i. Formulate measures for the approval of the *sanggunian* and  
22 provide technical assistance and support to the provincial  
23 governor in carrying out said measures to ensure the delivery of  
24 basic services and the provision of adequate facilities relative to  
25 agricultural services as provided under Section 17 of the Local  
26 Government Code of 1991, as amended;

27 ii. Develop plans and strategies and, upon approval thereof by the  
28 provincial governor, implement the same, particularly those which

1            have to do with the agricultural programs and projects which the  
2            provincial governor is empowered to implement and which the  
3            *sanggunian* is empowered to provide under the Local Government  
4            Code of 1991, as amended;

- 5            2. Ensure that maximum assistance and access to resources in the  
6            production, processing and marketing of agricultural and  
7            aquacultural and marine products are extended to farmers,  
8            fishermen and local entrepreneurs;
- 9            3. Conduct or cause to be conducted location-specific agricultural  
10            researches and assist in making available the appropriate technology  
11            arising out of and disseminating information on basic research on  
12            crops, preventive control of plant diseases and pests, and other  
13            agricultural matters which will maximize productivity;
- 14            4. Assist the provincial governor in the establishment and extension  
15            services of demonstration farms on aquaculture and marine  
16            products;
- 17            5. Enforce rules and regulations relating to agriculture and aquaculture;
- 18            6. Coordinate with government agencies and nongovernmental  
19            organizations which promote agricultural productivity through  
20            appropriate technology compatible with environmental integrity;
- 21            7. Be in the frontline of the delivery of basic agricultural services,  
22            particularly those needed for the survival of the inhabitants during  
23            and in the aftermath of man-made and natural disasters or  
24            calamities;
- 25            8. Recommend to the *sanggunian* and advise the provincial governor  
26            on all matters related to agriculture and aquaculture which will  
27            improve the livelihood and living conditions of the inhabitants; and
- 28            9. Exercise such other powers and perform other duties and functions  
29            as may be prescribed by law or ordinance.

1           **Sec. 36. The Provincial Social Welfare and Development Officer –**

- 2           a. The provincial social welfare and development officer must be a citizen  
3           of the Philippines, a resident of the province, of good moral character, a  
4           duly licensed social worker, or a holder of a college degree preferably in  
5           sociology or in any related course from a recognized college or  
6           university, a first grade civil service eligible or its equivalent and must  
7           have acquired experience for at least five (5) years in the practice of  
8           social work.

9           The appointment of a provincial social welfare and development officer is  
10          mandatory.

- 11          b. The provincial social welfare and development officer shall take charge  
12          of the office for social welfare and development services, and shall  
13          perform the following functions:

- 14           1. Formulate measures for the approval of the *sanggunian* and provide  
15           technical assistance and support to the provincial governor in  
16           carrying out measures to ensure the delivery of basic services and  
17           the provision of adequate facilities relative to social welfare and  
18           development services as provided under Section 17 of the Local  
19           Government Code of 1991, as amended;
- 20           2. Develop plans and strategies and, upon approval thereof by the  
21           provincial governor, implement the same, particularly those which  
22           have to do with the social welfare programs and projects which the  
23           provincial governor is empowered to implement and which the  
24           *sanggunian* is empowered to provide for under the Local  
25           Government Code of 1991, as amended;
- 26           3. Identify the basic needs of the needy, the disadvantaged and the  
27           impoverished and develop and implement appropriate measures to  
28           alleviate their problems and improve their living conditions;
- 29           4. Provide relief and appropriate crisis intervention for victims of abuse

1 and exploitation and recommend appropriate measures to deter  
2 further abuse and exploitation;

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

6 6. Facilitate the implementation of welfare programs for the disabled,  
7 the elderly and victims of drug addiction, the rehabilitation of  
8 prisoners and parolees, the prevention of juvenile delinquency and  
9 such other activities which would eliminate or minimize the ill-effects  
10 of poverty;

11 7. Initiate and support welfare programs that will enhance the role of  
12 the youth in nation-building;

13 8. Coordinate with government agencies and nongovernmental  
14 organizations which have for the purpose the promotion and the  
15 protection of all the needy, disadvantaged, underprivileged or  
16 impoverished groups or individuals, particularly those identified to be  
17 vulnerable and high-risk to exploitation, abuse, and neglect;

18 9. Be in the frontline of service delivery, particularly those which have  
19 to do with the immediate relief and assistance during and in the  
20 aftermath of man-made and natural disasters or calamities;

21 10. Recommend to the *sanggunian* and advise the provincial governor  
22 on all other matters related to social welfare and development  
23 service which will improve the livelihood and living conditions of the  
24 inhabitants; and

25 11. Exercise such other powers and perform, other duties and functions  
26 as may be prescribed by law or ordinance.

27 **Sec. 37. The Provincial Veterinarian –**

28 a. The provincial veterinarian must be a citizen of the Philippines, a  
29 resident of the province, of good moral character, a licensed doctor of

1 veterinary medicine and must have practiced for at least three (3) years  
2 the veterinary profession.

3 The appointment of a provincial veterinarian is mandatory.

4 b. The provincial veterinarian shall perform the following duties and  
5 functions:

- 6 1. Take charge of the office for veterinary services, and pursuant  
7 thereto, and perform the following:
- 8 2. Formulate measures for the consideration of the *sanggunian* and  
9 provide technical assistance and support to the provincial governor  
10 in carrying out measures to ensure the delivery of basic services and  
11 the provision of adequate facilities pursuant to Section 17 of the  
12 Local Government Code of 1991, as amended;
- 13 3. Develop plans and strategies and, upon approval thereof by the  
14 provincial governor, implement the same, particularly those which  
15 have to do with the veterinary-related activities which the provincial  
16 governor is empowered to implement and which the *sanggunian* is  
17 empowered to provide under the Local Government Code of 1991,  
18 as amended;
- 19 4. Advise the provincial governor on all matters pertaining to the  
20 slaughter of animals for human consumption and the regulation of  
21 slaughterhouses;
- 22 5. Regulate the keeping of domestic animals;
- 23 6. Regulate and inspect poultry, milk and dairy products for public  
24 consumption;
- 25 7. Enforce all laws and regulations for the prevention of cruelty to  
26 animals;
- 27 8. Take the necessary measures to eradicate, prevent or cure all forms  
28 of animal diseases;



- 1           9. Be in the frontline of veterinary-related activities, such as in the  
2           outbreak of highly contagious and deadly diseases and in situations  
3           resulting in the depletion of animals for work and for human  
4           consumption, particularly those arising from and in the aftermath of  
5           man-made and natural disasters or calamities;
- 6           10. Recommend to the *sanggunian* and advise the provincial governor  
7           on all other matters relative to veterinary services which will increase  
8           the number and improve the quality of livestock, poultry and other  
9           domestic animals used for work or for human consumption; and
- 10          11. Exercise such other powers and perform other duties and functions  
11          as may be prescribed by law or ordinance.

12          **Sec. 38. *The Provincial General Services Officer –***

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

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

- 21          b. The provincial general services officer shall perform the following duties  
22          and functions:
  - 23                  1. Take charge of the office of general services, and pursuant thereto  
24                  perform the following:
    - 25                          i. Formulate measures for the consideration of the *sanggunian and*  
26                          provide technical assistance and support to the provincial  
27                          governor in carrying out measures to ensure the delivery of basic  
28                          services and the provision of adequate facilities pursuant to  
29                          Section 17 of the Local Government Code of 1991, as amended,

1 and which require general services expertise and technical  
2 support services;

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

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

13 3. With the approval of the provincial governor, assign building or land  
14 space to provincial officials or other public officials who, by law, are  
15 entitled to such space;

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

19 5. Recommend to the provincial governor, the reasonable rental rates  
20 of private properties which may be leased for the official use of the  
21 provincial government;

22 6. Maintain and supervise janitorial, security, landscaping, and other  
23 related services on all local government public buildings and other  
24 real property, whether owned or leased by the provincial  
25 government;

26 7. Collate and disseminate information regarding prices, shipping and  
27 other costs of supplies and other items commonly used by the  
28 provincial government;

29 8. Perform archival and record management with respect to records of

1 offices and departments of the province; and

2 9. Perform all other functions pertaining to supply and property  
3 management heretofore performed by the local government  
4 treasurer and to enforce policies on records creation, maintenance  
5 and disposal.

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

11 11. Recommend to the *sanggunian* and advise the provincial governor  
12 on all matters relative to general services; and

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

15 **Sec. 39. *The Provincial Architect* –**

16 a. The provincial architect must be a citizen of the Philippines, a resident of  
17 the province, of good moral character, a duly licensed architect and  
18 must have practiced the architectural profession for at least five (5)  
19 years.

20 The appointment of a provincial architect is optional.

21 b. The provincial architect shall perform the following duties and functions:

22 1. Take charge of the office for architectural planning and design, and  
23 pursuant thereto, perform the following:

24 i. Formulate measures for the consideration of the *sanggunian* and  
25 provide technical assistance and support to the provincial  
26 governor in carrying out measures to ensure the delivery of basic  
27 services and the provision of adequate facilities relative to  
28 architectural planning and design as provided under Section 17 of

- 1 the Local Government Code of 1991, as amended;
- 2 ii. Develop plans and strategies and, upon approval thereof by the  
3 provincial governor, implement the same, particularly those which  
4 have to do with architectural planning and design programs and  
5 projects which the provincial governor is empowered to  
6 implement and which the *sanggunian* is empowered to provide  
7 under the Local Government Code of 1991, as amended.
- 8 2. Prepare and recommend for consideration of the *sanggunian* the  
9 architectural plan and design for the province or a part thereof,  
10 including the renewal of slums and blighted areas, land reclamation  
11 activities, the greening of land and the appropriate planning of  
12 marine and foreshore areas;
- 13 3. Review and recommend for appropriate action of the *sanggunian*  
14 and the provincial governor, the architectural plan and design  
15 submitted by governmental and nongovernmental entities or  
16 individuals, particularly those for undeveloped, underdeveloped and  
17 poorly-designed areas;
- 18 4. Coordinate with government agencies and nongovernmental entities  
19 and individuals involved in the aesthetics and the maximum  
20 utilization of the land and water within the jurisdiction of the  
21 province, compatible with environmental integrity and ecological  
22 balance;
- 23 5. Be in the frontline of the delivery of basic services involving  
24 architectural planning and design, particularly those related to the  
25 redesigning of spatial distribution of basic facilities and physical  
26 structures during and in the aftermath of man-made and natural  
27 disasters and calamities;
- 28 6. Recommend to the *sanggunian* and advise the provincial governor  
29 on all other matters related to the architectural planning and design  
30 as it relates to the total socioeconomic development of the province;

1 and

2 7. Exercise such other powers and perform other duties and functions  
3 as may be prescribed by law or ordinance.

4 **Sec. 40. *The Provincial Population Officer* –**

5 a. The provincial population officer must be a citizen of the Philippines, a  
6 resident of the province, of good moral character, a holder of a college  
7 degree with specialized training in population development from a  
8 recognized college or university, a first grade civil service eligible or its  
9 equivalent and must have acquired for at least five (5) years' experience  
10 in the implementation of programs on population development or  
11 responsible parenthood.

12 The appointment of a provincial population officer is optional.

13 b. The provincial population officer shall perform the following duties and  
14 functions:

15 1. Take charge of the office for population development, and pursuant  
16 thereto, perform the following:

17 i. Formulate measures for the consideration of the *sanggunian* and  
18 provide technical assistance and support to the provincial  
19 governor in carrying out measures to ensure the delivery of basic  
20 services and the provision of adequate facilities relative to the  
21 integration of the population development principles and in  
22 providing access to said services and facilities; and

23 ii. Develop plans and strategies and, upon approval thereof by the  
24 provincial governor, implement the same, particularly those which  
25 have to do with the integration of population development  
26 principles and methods in programs and projects which the  
27 provincial governor is empowered to implement and which the  
28 *sanggunian* is empowered to provide under the Local Government  
29 Code of 1991, as amended.

- 1           2. Assist the provincial governor in the implementation of the
- 2           constitutional provisions relative to population development and the
- 3           promotion of responsible parenthood;
- 4           3. Establish and maintain an updated data bank for program
- 5           operations, development planning and an educational program to
- 6           ensure the people's participation in and undertaking of population
- 7           development;
- 8           4. Implement appropriate training programs responsive to the cultural
- 9           heritage of the inhabitants; and
- 10          5. Exercise such other powers and perform other duties and functions
- 11          as may be prescribed by law or ordinance.

12          **Sec. 41. *The Provincial Environment and Natural Resources Officer –***

- 13          a. The provincial environment and natural resources officer must be a
- 14          citizen of the Philippines, a resident of the province, of good moral
- 15          character, a holder of a college degree preferably in environment,
- 16          forestry, agriculture or any related course from a recognized college or
- 17          university, a first grade civil service eligible or its equivalent and must
- 18          have acquired at least five (5) years' experience in environmental and
- 19          natural resources management, conservation and utilization.

20          The appointment of a provincial environment and natural resources officer is

21          optional.

- 22          b. The provincial environment and natural resources officer shall perform
- 23          the following duties and functions:
  - 24               1. Take charge of the office for environment and natural resources,
  - 25               and pursuant thereto, perform the following:
    - 26                   i. Formulate measures for the consideration of the *sanggunian* and
    - 27                   provide technical assistance and support to the provincial
    - 28                   governor in carrying out measures to ensure the delivery of basic
    - 29                   services and the provision of adequate facilities relative to

- 1 environment and natural resources services as provided under  
2 Section 17 of the Local Government Code of 1991, as amended;  
3 and
- 4 ii. Develop plans and strategies and, upon approval thereof by the  
5 provincial governor, implement the same, particularly those which  
6 have to do with the environment and natural resources programs  
7 and projects which the provincial governor is empowered to  
8 implement and which the *sanggunian* is empowered to provide  
9 under the Local Government Code of 1991, as amended;
- 10 2. Establish, maintain, protect and preserve communal forests,  
11 watersheds, tree parks, mangroves, greenbelts, commercial forests  
12 and similar forest projects like industrial tree farms and agro-forestry  
13 projects;
- 14 3. Provide extension services to beneficiaries of forest development  
15 projects and technical, financial mid infrastructure assistance;
- 16 4. Manage and maintain seed banks and produce seedlings for forests  
17 and tree parks;
- 18 5. Provide extension services to beneficiaries of forest development  
19 projects and render assistance for natural resources-related  
20 conservation and utilization activities consistent with ecological  
21 balance;
- 22 6. Promote small-scale mining and utilization of mineral resources,  
23 particularly the mining of gold;
- 24 7. Coordinate with government agencies and nongovernmental  
25 organizations in the implementation of measures to prevent and  
26 control land, air and water pollution with the assistance of the  
27 Department of Environment and Natural Resources (DENR);
- 28 8. Be in the frontline of the delivery of services concerning the  
29 environment and natural resources, particularly in the renewal and  
30 rehabilitation of the environment during and in the aftermath of

1 man-made and natural disasters or calamities;

2 9. Recommend to the *sanggunian* and advise the provincial governor  
3 on all matters relative to the protection, conservation, maximum  
4 utilization, application of appropriate technology and other matters  
5 related to the environment and natural resources; and

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

8 **Sec. 42. *The Provincial Cooperatives Officer* –**

9 a. The provincial cooperatives officer must be a citizen of the Philippines, a  
10 resident of the province, of good moral character, a holder of a college  
11 degree preferably in business administration with special training in  
12 cooperatives or any related course from a recognized college or  
13 university, a first grade civil service eligible or its equivalent and must  
14 have acquired at least five (5) years' experience in cooperatives  
15 organization and management.

16 The appointment of a provincial cooperatives officer is optional.

17 b. The provincial cooperatives officer shall perform the following duties and  
18 functions:

19 1. Take charge of the office for the development of cooperatives, and  
20 pursuant thereto, perform the following:

21 a. Formulate measures for the consideration of the *sanggunian* and  
22 provide technical assistance and support to the provincial  
23 governor in carrying out measures to ensure the delivery of basic  
24 services and the provision of adequate facilities through the  
25 development of cooperatives, and in providing access to such  
26 services and facilities; and

27 b. Develop plans and strategies and, upon approval thereof by the  
28 provincial governor, implement the same, particularly those which  
29 have to do with the integration of cooperatives principles and



1 methods in programs which the provincial governor is empowered  
2 to implement and which the *sanggunian* is empowered to provide  
3 under the Local Government Code of 1991, as amended;

- 4 2. Assist in the organization of cooperatives;
- 5 3. Provide technical and other forms of assistance to existing  
6 cooperatives to enhance their viability as an economic enterprise  
7 and social organization;
- 8 4. Assist cooperatives in establishing linkages with government  
9 agencies and nongovernmental organizations involved in the  
10 promotion and integration of the concept of cooperatives in the  
11 livelihood of the people and other community activities;
- 12 5. Be in the frontline of cooperatives organization, rehabilitation or  
13 viability enhancement, particularly during and in the aftermath of  
14 man-made and natural disasters or calamities, to aid in their survival  
15 and, if necessary, subsequent rehabilitation;
- 16 6. Recommend to the *sanggunian* and advise the provincial governor  
17 on all other matters relative to cooperatives development and  
18 viability enhancement which will improve the livelihood and the  
19 quality of life of the inhabitants; and
- 20 7. Exercise such other powers and perform other duties and functions  
21 as may be prescribed by law or ordinance.

22 **Sec. 43. *The Provincial Information Officer* –**

- 23 a. The provincial information officer must be a citizen of the Philippines, a  
24 resident of the province, of good moral character, a holder of a college  
25 degree preferably in journalism, mass communication or any related  
26 course from a recognized college or university, a first grade civil service  
27 eligible or its equivalent and must have acquired at least three (3) years'  
28 experience in writing articles and research papers, or in writing for print,  
29 television or broadcast media.

1           The term of the provincial information officer is coterminous with that of the  
2 appointing authority.

3           The appointment of a provincial information officer is optional.

4           b. The provincial information officer shall perform the following duties and  
5 functions:

6           1. Take charge of the office for public information, and pursuant  
7 thereto, perform the following:

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

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

21           2. Provide relevant, adequate and timely information to the provincial  
22 government and its inhabitants;

23           3. Maintain effective liaison with the various sectors of the community  
24 on matters and issues that affect the livelihood and the quality of life  
25 of the inhabitants and encourage support for programs of the local  
26 and national government; and

27           4. Furnish information and data on the province to government  
28 agencies or offices as may be required by law or ordinance and  
29 nongovernmental organizations to be furnished to said agencies and

1 organizations;

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

7 6. Recommend to the *sanggunian* and advise the provincial governor  
8 on all other matters relative to public information and research data  
9 as it relates to the total socioeconomic development of the province;  
10 and

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

13 **ARTICLE VIII**

14 **THE PROVINCIAL FIRE STATION, THE PROVINCIAL JAIL, THE**  
15 **PROVINCIAL SCHOOLS DIVISION AND THE PROVINCIAL PROSECUTION**  
16 **SERVICE**

17 **Sec. 44. *The Provincial Fire Station Service.* –**

18 a. There shall be established in the province at least five (5) fire stations  
19 with adequate personnel, fire fighting facilities and equipment by the  
20 Department of the Interior and Local Government (DILG), at least five  
21 (5) months upon the commencement of the corporate existence of the  
22 new province. The provincial government shall provide the site where  
23 the provincial fire stations shall be located.

24 b. The provincial fire station service shall be headed by a provincial fire  
25 marshal whose qualifications shall be as those provided for under  
26 Republic Act No. 9263, as amended, otherwise known as the "*Bureau of*  
27 *Fire Protection and Bureau of Jail Management and Penology*  
28 *Professionalization Act of 2004*".

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

5 **Sec. 45. *The Provincial Jail Service.* –**

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

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

23 **Sec. 46. *The Provincial Schools Division.* –**

- 24 a. The DepED shall, within two (2) months from the commencement of the  
25 corporate existence of the province herein created, establish and  
26 maintain a separate schools division in the province whose jurisdiction  
27 shall cover all the municipalities of the new province.



1 upon the composition, qualification and assumption of the provincial governor,  
2 provincial vice governor and majority of the members of the *sangguniang*  
3 *panlalawigan*.

4 **Sec. 50. Officials of the Newly Created Provinces. –**

- 5 a. The elective officials of the newly created provinces shall be elected on  
6 the Second Monday of May 2022 national and local elections: *Provided,*  
7 *however,* That, if this Act is approved and ratified within one year or  
8 more prior to the 2022 national and local elections, the vice governor  
9 and the next ranking elective member of the *sangguniang panlalawigan*  
10 of the present Province of Maguindanao, who are residents of the new  
11 province of Northern Maguindanao shall assume as its acting governor  
12 and acting vice governor respectively, and both shall continue to serve  
13 in office until their successors shall have been elected and qualified in  
14 the 2022 national and local elections;
- 15 b. The other members of the *sangguniang panlalawigan* shall be appointed  
16 by the President of the Republic of the Philippines from among the  
17 qualified residents of the new province of Northern Maguindanao upon  
18 the recommendation of the Acting Provincial Governor and the  
19 incumbent Representative of the First Legislative District of the present  
20 Province of Maguindanao, in consultation with, and with the consensus  
21 of the local elders, and political leaders: *Provided,* That the incumbent  
22 elected members of the *sangguniang panlalawigan* from the First  
23 Legislative District of the Province Maguindanao shall have the right to  
24 retain their respective positions and finish their term of office in the new  
25 province of Northern Maguindanao without need of appointment;
- 26 c. The rule of succession under Title II, Chapter 2, Sec. 44 of the Local  
27 Government Code of 1991 as amended by Republic Act No. 11054,  
28 otherwise known as the "*Organic Law for the Bangsamoro Autonomous*  
29 *Region in Muslim Mindanao*" shall be applied in filling up vacant elective  
30 provincial positions in the Province of Southern Maguindanao arising as a

1 consequence of the approval of this Act: *Provided, That* additional and  
2 new members of the *sangguniang panlalawigan* shall be appointed by  
3 the President of the Republic of the Philippines, from among the  
4 qualified residents of the province upon the recommendation of the  
5 Provincial Governor, and the incumbent Representative of the Second  
6 Legislative District of the Province of Maguindanao, in consultation with,  
7 and with the consensus of the local elders and political leaders, and,  
8 they shall continue to serve in office until their successors shall have  
9 been elected and qualified in the 2022 national and local elections;

10 d. The incumbent governor of the present Province of Maguindanao shall  
11 remain as governor of the Province of Southern Maguindanao.

12 **Sec. 51. *Organization of the Provincial Government.*** – All provincial appointive  
13 positions in the newly created provinces shall be filled within sixty (60) days upon  
14 commencement of its corporate existence.

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

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

22 **Sec. 54. *Provincial Obligations, Debts and Assets*** - Following the plebiscite  
23 and creation of the provinces, obligations, debts and assets of all kinds of the  
24 present Province of Maguindanao shall be shared or paid equally by the provinces of  
25 Northern Maguindanao and Southern Maguindanao.

26 Transitory projects and activities, such as land acquisition, office building  
27 construction, furnishing of offices; purchase of furniture, fixture and equipment;  
28 assignment of present properties; assignment of employees, hiring of new  
29 personnel, education and training of officials, employees and personnel; and all

1 other projects and activities that will ensure the full and complete management,  
2 operations and service delivery of the provinces of the provinces upon the  
3 commencement of their corporate existence, shall be financed by the present  
4 Province of Maguindanao.

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

10         **Sec. 56. *Separability Clause.*** – If any part of this Act is declared invalid or  
11 unconstitutional, the other parts or provisions not affected thereby shall remain valid  
12 and effective.

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

15         *Approved,*