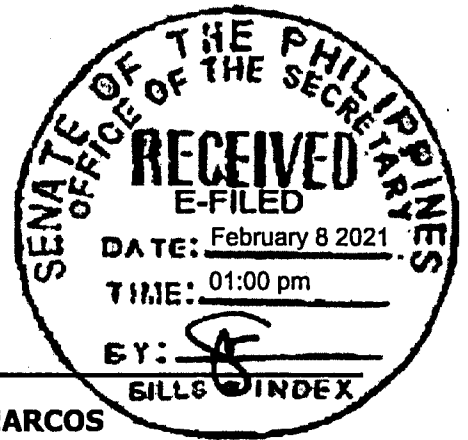


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

SENATE
S.B. No. 2040



Introduced by **SENATOR IMEE R. MARCOS**

**AN ACT CONVERTING THE MUNICIPALITY OF TALAVERA,
PROVINCE OF NUEVA ECIIJA INTO A COMPONENT CITY
TO BE KNOWN AS THE CITY OF TALAVERA**

EXPLANATORY NOTE

The Municipality of Talavera is a first class urban municipality in the Province of Nueva Ecija with a population of 124, 829 as of the 2015 Philippine census. It is the third largest among the cities and municipalities in the Province of Nueva Ecija and is considered to be largest non-city Local Government Unit in the said province.

It is composed of fifty-three (53) barangays with a total land area of 14,255.54 hectares or about 2.49% of the land area of the Province of Nueva Ecija. It is located in the heart of the Province of Nueva Ecija bordered by Cabanatuan City. At present, The economy of Talavera is highly focused on agriculture, with the main crops of palay, onion, and calamansi. In addition to agriculture, Talavera has also demonstrated its robust economic viability, its effective administration and its capacity to provide its residents with sufficient public services.

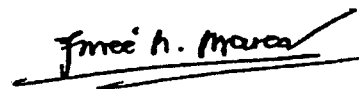
The economic viability and potential of the Municipality of Talavera to become one of the fastest-growing local government units in the province of Nueva Ecija is seen in the excellent economic transformations that have taken place. The sudden influx of big business establishments in the municipality clearly attests to the continuing economic growth of the Municipality of Talavera.

The Municipality of Talaverra has been awarded the Seal of Good Housekeeping for three (3) consecutive years, the commencement of which was in 2015. This award reflects the outstanding commitment of its leaders to uphold the ideals enshrined in the Constitution of the republic an effective partner of the State in sharing and carrying out the national burden of achieving the national goals and interests.

It is for the foregoing reasons, this representation seeks to convert the Municipality of Talavera into a component city of the Province of Nueva Ecija to be known as the City of Talavera.

The conversion of the Municipality of Talavera into a component city of the Province of Nueva Ecija will essentially enhance its potential and capability to attract, not only agro-industrial interests but also better economic investments in the locality, which will further propel economic growth and development.

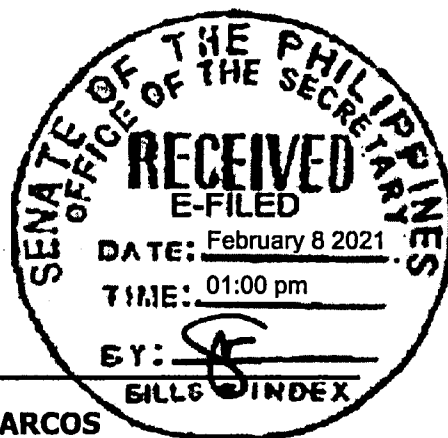
In view of the foregoing, approval of this bill is earnestly sought.

A handwritten signature in black ink, reading "Imee R. Marcos", is written over a horizontal line.

IMEE R. MARCOS

EIGHTEENTH CONGRESS OF THE)
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SENATE
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Introduced by **SENATOR IMEE R. MARCOS**

**AN ACT CONVERTING THE MUNICIPALITY OF TALAVERA,
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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

CHAPTER I

GENERAL PROVISIONS

SECTION 1. Short Title. – This Act shall be known as the "*Charter of the City of Talavera.*"

SEC. 2. City of Talavera. – The Municipality of Talavera is hereby converted into a component city to be known as the City of Talavera, hereinafter referred to as the City, which shall comprise of the present territory of the Municipality of Talavera in the Province of Nueva Ecija.

The territorial jurisdiction of the City shall be within the present metes and bounds of the Municipality of Talavera containing an area of 14,255.54 hectares or about 2.49% of land area of the Province of Nueva Ecija as approved by the cadastral survey. The Municipality of Talavera is located in center of the Province of Nueva Ecija bordered by Cabanatuan City and the Science City of Munoz and the Municipalities of Llanera, Aliaga, Gen. Mamerto Natividad and Sto. Domingo at geographical coordinates between 15°35'02'N latitude and 120°55'08'E longitude.

The foregoing provision shall be without prejudice to the resolution of appropriate agency or forum of existing boundary disputes or cases involving questions of territorial jurisdiction between the Municipality of Talavera and the adjoining local government units. *Provided,* That the territorial jurisdiction of the disputed area or areas shall remain with the local government unit which has existing administrative supervision over the said area until the final resolution of the case.

SEC. 3. Corporate Powers of the City. – The City constitutes a political body that is corporate in nature and as such is endowed with the attributes of perpetual succession and possessed the powers which pertain to a municipal corporation to be

1 exercised in conformity with the provision of this Charter. The City shall have the
2 following corporate powers:

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

10 **SEC. 4. *General Powers of the City.*** – The City shall have a common seal and
11 may alter the same at pleasure. *Provided,* That any change of corporate seal shall be
12 registered with the Department of Interior and Local Government (DILG). It shall
13 exercise the power to levy taxes; to close and open roads, streets, alleys, parks or
14 squares; to take, purchase, receive, hold, lease, convey and dispose of real and
15 personal property for the general interest of the City; to expropriate or condemn
16 private property for public use; to contract and be contracted with; to sue and be
17 sued; to prosecute and defend to final judgment and execution suits wherein the City
18 is involved or interested in and to exercise all powers as are granted to corporations
19 or as hereinafter conferred.

20 **SEC. 5. *Liability for Damages.*** – The City and its officials shall not be exempt
21 from liability for death or injury to persons or damage to property.

22 **SEC. 6. *Jurisdiction of the City.*** – The jurisdiction of the City of Talavera for
23 police purposes only, shall be coextensive with its territorial jurisdiction and, for
24 purposes of protecting and ensuring the purity of water supply of the City, such police
25 jurisdiction shall also extend over all the territory within the drainage area of such
26 water supply, or within one hundred meters (100 m.) of any reservoir, conduit, canal,
27 aqueduct or pumping station used in connection with the city water service.

28 The city court of the City of Talavera and the city or municipal courts of the
29 adjoining cities and municipalities shall have concurrent jurisdiction to try crimes and
30 misdemeanor committed within the said drainage area, or within said spaces of One
31 Hundred Meters (100 m.) of any reservoir, conduit, canal, aqueduct or pumping
32 station used in connection with the city water service delivery.

33 The court first taking cognizance of such an offense shall have jurisdiction to try
34 cases to the exclusion of others. The police forces of the municipalities and cities
35 concerned shall have concurrent jurisdiction with the police forces of the City for the
36 maintenance of good order and enforcement of ordinances throughout the said zone,
37 area or space. Any license that may be issued within the said zone, area or space shall
38 be granted by the proper authorities of the city or municipality concerned, and the

1 fees arising therefrom shall accrue to the treasury of the said city or municipality
2 concerned and not the City.

3 CHAPTER II

4 CITY OFFICIALS IN GENERAL

5 **SEC. 7. *The Officials of the City of Talavera.*** – (a) There shall be in the City: A
6 City Mayor, City Vice Mayor, Sangguniang Panglungsod Members, Secretary to the
7 Sangguniang Panlungsod, a City Treasurer and an Assistant City Treasurer, a City
8 Assessor, a City Accountant, a City Budget Officer, a City Planning and Development
9 Coordinator, a City Engineer, a City Health Officer, a City Civil Registrar, a City
10 Administrator, a City Legal Officer, a City Veterinarian, a City Social Welfare and
11 Development Officer and a City General Services Officer;

12 (b) In addition thereto, the City Mayor may appoint a City Architect, a City
13 Population Officer, a City Information Officer, a City Environment and Natural
14 Resources Officer, a City Agriculturist and a City Cooperatives Officer;

15 (c) There shall established in the City a City Fire Station to be headed by a
16 City Fire Marshall, a City Jail to be headed by a City Jail Warden, a City Schools Division
17 to be headed by a City Schools Division Superintendent and a City Prosecution Service
18 to be headed by a City Prosecutor; and

19 (d) The Sangguniang Panlungsod may:

- 20 1) Maintain existing offices which are not included in Subsections
- 21 (a) and (b) hereof;
- 22 2) Create such other offices as maybe necessary to carry-out the
- 23 purposes of the City; or
- 24 3) Consolidate the functions of any office with those of another
- 25 in the interest of efficiency and economy.

26 (e) Unless otherwise provided herein, the heads of departments and offices
27 shall be appointed by the City Mayor with the concurrence of the majority of the
28 Sangguniang Panlungsod, subject to civil service laws, rules and regulations. The
29 Sangguniang Panlungsod shall act on the appointment within fifteen (15) days from
30 the day of its submission, otherwise the same shall be deemed confirmed.

31 (f) Elective and appointive city officials shall receive compensation,
32 allowances and other emoluments as may be determined by law or ordinance, subject
33 to the budgetary limitations on personal services prescribed under Title Five, Book II
34 of the Local Government Code of 1991, as amended: *Provided,* That no increase in
35 the compensation of the City Mayor, City Vice Mayor and Sangguniang Panlungsod
36 member shall take effect until after the expiration of the full term of the local officials
37 approving the increase.

1 **ARTICLE III**

2 **THE CITY MAYOR AND VICE MAYOR**

3 **SEC. 8. *The City Mayor.*** – (a) The City Mayor shall be the Chief Executive of the
4 City and shall be elected at large by qualified voters of the City. No person shall be
5 eligible for the position of City Mayor unless at the time of election, that the person is
6 a citizen of the Philippines, at least Twenty-one (21) years of age, a resident of the
7 City for at least one (1) year prior to the elections and qualified voter therein and is
8 able to read and write Filipino or any other language or dialect. The City Mayor shall
9 hold office for three (3) years, unless sooner removed, but shall serve for not more
10 than three (3) consecutive terms in the same position. The City Mayor shall receive a
11 minimum monthly compensation corresponding to Salary Grade 30 as prescribed
12 under Republic Act No. 6758, as amended, otherwise known as the "Compensation
13 and Position Classification Act of 1989", and the Implementing Guidelines issued
14 pursuant thereto.

15 The City Mayor as the Chief Executive of the City government, shall exercise such
16 powers and perform such duties and functions as provided herein

17 (b) For efficient, effective and economical governance, the purpose of which
18 is the general welfare of the City and its inhabitants, the City Mayor shall:

19 (1) Exercise general supervision and control over all programs, projects,
20 services and activities of the city government and, in this connection shall:

21 (i) Determine the guidelines of city policies and be responsible to the
22 Sangguniang Panlungsod for the program of government;

23 (ii) Direct the formulation of City Development Plan, with the assistance of
24 the city development council and upon approval thereof by the
25 Sangguniang Panlungsod, implement the same;

26 (iii) Present the Program of Government and propose policies and projects
27 for the consideration of the Sangguniang Panlungsod at the opening of
28 the regular session of the Sangguniang Panlungsod every calendar year
29 and as often as may be deemed necessary as the general welfare of the
30 inhabitants and the needs of the City government may require;

31 (iv) Initiate and propose legislative measures to the Sangguniang
32 Panlungsod and as often as may be deemed necessary provide such
33 information and data needed or requested by the said Sangguniang
34 Panlungsod in the performance of its legislative functions;

35 (v) Appoint all officials and employees whose salaries and wages are wholly
36 or mainly paid out of City funds and whose appointments are not

- 1 otherwise provided for in the Act, and those whose appointment may be
2 under other laws;
- 3 (vi) Represent the City in all its business transactions and sign on its behalf
4 bonds, contracts, obligations and such other documents with authority
5 from the Sangguniang Panlungsod or pursuant to law or ordinance;
- 6 (vii) Carry-out such emergency measures as may be necessary during and in
7 the aftermath of man-made and natural disasters and calamities;
- 8 (viii) Determine the time, manner and place of payment of salaries and wages
9 of officials and employees, in accordance with law or ordinance;
- 10 (ix) Allocate and assign office space to City officials and employees who, by
11 law or ordinance, are entitled to such space in the City Hall, and other
12 buildings owned or leased by the city government;
- 13 (x) Ensure that all executive officials and employees of the City faithfully
14 discharge their duties and functions as provided for the law and the Local
15 Government Code of 1991, as amended, and cause to be instituted
16 administrative or judicial proceedings against any official or employee of
17 the City who may have committed an offense in the performance of his
18 official duties;
- 19 (xi) Examine the books, records and other documents of all offices, officials,
20 agents or employees of the City and, in aid of executive powers and
21 authority, require all national officials and employees stationed in or
22 assigned to the City to available books, records and other documents in
23 their custody except those classified by law as confidential;
- 24 (xii) Furnish copies of Executive Orders issued by him to the Office of the
25 Governor of the Province of Nueva Ecija within seventy-two (72) hours
26 upon issuance;
- 27 (xiii) Visit component barangays of the City at least once every six (6) months
28 to deepen understanding of the problems and conditions, listen and give
29 appropriate counsel to local officials and inhabitants, inform the
30 component barangay officials and inhabitants of general laws and
31 ordinances which especially concern them, and otherwise conduct visits
32 and inspections to ensure that the governance of the City will improve
33 the quality of life of the inhabitants;
- 34 (xiv) Act on leave applications of officials and employees appointed and on
35 the commutation of monetary value of their leave credits in accordance
36 with law;

1 (xv) Authorize official trips of officials and employees outside of the City for
2 a period not exceeding thirty (30) days. *Provided*, That trips abroad for
3 a longer period may be authorized in accordance with the Local
4 Government Code of 1991, as amended.

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

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

17 (xviii) Solemnize marriages, any provision of law to the contrary
18 notwithstanding;

19 (xix) Conduct an annual *palarong panlungsod* which shall feature traditional
20 sports and disciplines included in national and international games in
21 coordination with the Department of Education; and

22 (xx) Submit to the provincial governor the following reports: an Annual
23 Report containing a summary of all matters pertinent to the
24 management, administration and development of the City and all
25 information and data relative to its political, social and economic
26 conditions; supplemental reports when unexpected events or situations
27 arise at any time during the year, particularly when man-made or natural
28 disasters or calamities affect the general welfare of the City.

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

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

35 (ii) Call conventions, conferences, seminars or meetings of elective or
36 appointive officials of the City, at such time and place and on such
37 subject he may deem important for the promotion of general welfare of
38 the local government unit and its inhabitants;

- 1 (iii) Issue such Executive Orders for the faithful and appropriate enforcement
2 and execution of laws and ordinances;
- 3 (iv) Be entitled to carry the necessary firearms within his territorial
4 jurisdiction;
- 5 (v) Act as the deputized representative of the National Police Commission,
6 formulate the peace and order plan of the City; upon its approval,
7 implement the same; and as such exercise general and operational
8 control over police forces in the City in accordance with Republic Act No.
9 6975, otherwise known as the "Department of Interior and Local
10 Government Act of 1990"; and
- 11 (vi) Call upon the appropriate law enforcement agencies to suppress
12 disorder, riot, lawless violence, rebellion or sedition or apprehend
13 violators of the law when public interest so requires and the city police
14 forces are inadequate to cope with the situation or the violators;
- 15 (3) Maximize the generation of resources and revenues, the implementation
16 of the development plans, program objectives and priorities, particularly the resources
17 and revenues programed for agro-industrial development and countryside growth and
18 progress, and relative thereto, shall:
 - 19 (i) Require each head of an office or department to prepare and submit and
20 estimate of appropriations for the calendar year in accordance with the
21 budget preparation process enshrined under Republic Act No. 7160, as
22 amended, otherwise known as the "Local Government Code of 1991";
 - 23 (ii) Prepare and submit to the Sanggunian for approval the executive and
24 supplemental budgets of the City for the ensuing calendar year in the
25 manner provided for under the Local Government Code of 1991, as
26 amended;
 - 27 (iii) Ensure that all taxes and revenues of the City are collected and the City
28 funds are applied to the payment of expenses and the settlement of
29 obligations of the City, in accordance with law or ordinance;
 - 30 (iv) Issue licenses and permits and suspend or revoke the same for any
31 violation of the conditions upon which said licenses or permits had been
32 issued pursuant to law or ordinance;
 - 33 (v) Issue permits without need of approval from any national agency, for
34 the holding of activities for any charitable or welfare purpose, excluding
35 prohibited games or shows contrary to law, public policy or public
36 morals;

- 1 (vi) Require owners of illegally constructed houses, buildings or structures to
2 obtain the necessary permit, subject to such fines and penalties as ay
3 be imposed by law or ordinance, or to make the necessary changes in
4 the construction of the same when the said construction violates any law
5 or ordinance, or to order the demolition or removal of said house,
6 building or structure within the period prescribed by law or ordinance;
- 7 (vii) Adopt adequate measures to safeguard and conserve land, mineral,
8 forest, marine and other resources of the City;
- 9 (viii) Provide efficient and effective property and supply management in the
10 City and protect the funds, credits, rights and other properties of the
11 City; and
- 12 (ix) Institute or cause to be instituted administrative or judicial proceedings
13 for the violation of ordinances in the collection of taxes, fees or charges,
14 and for the recovery of funds and property; and cause the City to be
15 defended against all suits to ensure that its interests, resources and
16 rights shall be adequately protected.

17 (4) Ensure the delivery of basic services and the provision of adequate
18 facilities and in addition thereto, shall:

- 19 (i) Ensure that the construction of roads and highways funded by the
20 national government shall be, as far as practicable, carried out in a
21 spatially contiguous manner and in coordination with the construction
22 and repair of roads and bridges of the City; and
- 23 (ii) Coordinate the implementation of technical services including public
24 works and infrastructure programs, rendered by national offices.

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

29 (c) During the incumbency of the City Mayor, he shall hold office in the city hall.

30 **SEC. 9. *The City Vice Mayor.*** – (a) There shall be a City Vice Mayor who shall be
31 elected in the same manner as the City Mayor and at the time of his election shall
32 possess the same qualifications as the City Mayor. The City Vice Mayor shall hold office
33 for a term of three (3) years, unless sooner removed, and shall receive a monthly
34 compensation corresponding to Salary Grade Twenty-six (26) as prescribed under
35 Republic Act No. 6758, otherwise known as the "Compensation and Position
36 Classification Act of 1989", as amended, and the implementing guidelines issued
37 pursuant thereto.

1 (b) The City Vice Mayor shall:

- 2 (1) Act as the presiding officer of the Sangguniang Panlungsod and sign all
3 warrants drawn on the City Treasury for all expenditures appropriated
4 for the operations of the Sangguniang Panlungsod;
5 (2) Subject to civil service law, rules and regulations, appoint all officials
6 and employees of the Sangguniang Panlungsod, except those whose
7 manner of appointment is specifically provided under the Local
8 Government Code of 1991, as amended;
9 (3) Assume the office of the City Mayor for the unexpired term of the latter
10 in the event of permanent vacancy;
11 (4) Exercise the powers and perform the duties and functions of the City
12 Mayor in case of temporary vacancy; and
13 (5) Perform other duties and functions and exercise such other powers as
14 provided for under Republic Act No. 7160, otherwise known as the
15 Local Government Code of 1991, as amended.

16 **ARTICLE IV**

17 **THE SANGGUNIANG PANLUNGSOD**

18 **SEC. 10. Composition.** – The Sangguniang Panlungsod, the legislative body of
19 the City, shall be composed of the City Vice Mayor as presiding officer, the ten (10)
20 Sanggunian members, the President of the City Chapter of the Liga ng mga Barangay,
21 the President of the Panlungsod na Pederasyon ng mga Sangguniang Kabataan and
22 the three (3) sectoral representatives, who shall come from the following sectors, as
23 members; one (1) from the women sector; and, as shall be determined by the
24 Sangguniang Panlungsod within ninety (90) days prior to the holding of local elections;
25 one (1) from the agricultural or industrial workers sector; and one (1) from the other
26 sectors, including urban poor, indigenous cultural communities or persons with
27 disabilities (PWDs).

- 28 a) The regular members of the Sangguniang Panlungsod and the Sectoral
29 Representatives shall be elected in the manner as may be provided for by
30 law.
31 b) The members of the Sangguniang Panlungsod shall receive a minimum
32 monthly compensation corresponding to Salary Grade Twenty-five (25) as
33 prescribed under the "Compensation and Position Classification Act of
34 1989", as amended, and the implementing guidelines issued pursuant
35 thereto.

36 **SEC. 11. Powers, Duties, Functions and Compensation.** – The Sangguniang
37 Panlungsod, as a legislative body of the City, shall enact ordinances, approve
38 resolutions and appropriate funds for the general welfare of the City and its inhabitants
39 pursuant to Section 16 of the Local Government Code of 1991, as amended, and in

1 the proper exercise of the corporate powers of the City as provided under Section 23
2 of the Local Government Code of 1991, as amended and shall:

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

5 (i) Review all ordinances approved by the Sangguniang Barangay and
6 Executive Orders issued by the Punong Barangay to determine whether
7 these are within the scope of the prescribed powers of the Sangguniang
8 Barangay and of the Punong Barangay;

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

12 (iii) Approve ordinances imposing a fine not exceeding five thousand pesos
13 (P5,000.00) or an imprisonment for a period not exceeding one (1) year,
14 or both at the discretion of the court, for violation of a city ordinance;

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

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

29 (vi) Protect the environment and impose appropriate penalties for acts which
30 endanger the environment, such as dynamite fishing and other forms of
31 destructive fishing, illegal logging, smuggling of logs, smuggling of natural
32 resources products and of endangered species of flora and fauna, slash-
33 and-bum farming and such other activities which result in pollution,
34 acceleration of eutrophication of rivers and lakes or of ecological
35 imbalance;

36 (vii) Subject to the provisions of the Local Government Code of 1991, as
37 amended, and the pertinent laws, determine the powers and duties of
38 officials and employees of the City;

- 1 (viii) Determine the positions and the salaries, wages, allowances and other
2 emoluments and benefits of officials and employees paid wholly or mainly
3 from city funds and provide expenditures necessary for the proper
4 conduct of programs, projects, services and activities of the city
5 government;
- 6 (ix) Authorize the payment of compensation to a qualified person not in the
7 government service who fills up a temporary vacancy or grant honorarium
8 to any qualified official or employee designated to fill a temporary vacancy
9 in a concurrent capacity at the rate authorized by law;
- 10 (x) Provide a mechanism and appropriate funds therefor, to ensure the safety
11 and protection of all city government property, public documents, or
12 records such as those relating to property inventory, land ownership,
13 record of births, marriages, deaths, assessments, taxation, accounts,
14 business permits and such other records and documents of public interest
15 in the offices and departments of the city government;
- 16 (xi) When the finances of the city government allow, provide for additional
17 allowances and other benefits to judges, prosecutors, public elementary
18 and high school teachers, and other national government officials
19 stationed in or assigned to the City;
- 20 (xii) Provide legal assistance to barangay officials, who, in the performance of
21 their official duties or on the occasion thereof, have to initiate judicial
22 proceedings or defend themselves against legal actions; and
- 23 (xiii) Provide for a group insurance or additional insurance coverage for all
24 officials, including members of barangay tanod brigades and other service
25 units, with public or private insurance companies, when the finances of
26 the city government allows said coverage.
- 27 (2) Generate and maximize the use of resources and revenues for the
28 development plans, program objectives and priorities of the City, with particular
29 attention to agro-industrial development and city-wide growth and progress, and
30 relative thereto, shall:
- 31 (i) Approve the annual and supplemental budgets of the city government and
32 appropriate funds for specific programs, projects, services and activities
33 of the City, or for other purposes not contrary to law in order to promote
34 the general welfare of the City and its inhabitants;
- 35 (ii) Subject to the provisions of Book II of the Local Government Code of
36 1991, as amended, and other applicable laws and upon majority vote of
37 all the members of the Sangguniang Panlungsod, enact ordinances levying

1 taxes, fees and charges, prescribing the rates thereof for general and
2 specific purposes and granting tax exemption, incentive or reliefs;

3 (iii) Subject to the provisions of Book II of the Local Government Code of
4 1991, as amended, and upon the majority vote of all the members of the
5 Sangguniang Panlungsod, authorize the City Mayor to negotiate and
6 contract loans and other forms of indebtedness;

7 (iv) Subject to the provisions of Book II of the Local Government Code of
8 1991, as amended, and applicable laws and upon the majority vote of all
9 the members of the Sangguniang Panlungsod, enact ordinances authoring
10 the floating of bonds and other instruments of indebtedness, for the
11 purpose of raising funds to finance development projects;

12 (v) Appropriate funds for the construction and maintenance or rental of
13 buildings for the use of the City; and upon the majority vote of all the
14 members of the Sangguniang Panlungsod, authorize the City Mayor to
15 lease to private parties such as buildings held in a propriety capacity,
16 subject to existing laws, rules and regulations;

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

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

22 (viii) Reclassify land within the jurisdiction of the City subject to pertinent
23 provisions of the Local Government Code of 1991, as amended;

24 (ix) Enact integrated zoning ordinances in consonance with the approved
25 comprehensive land-use plan, subject to existing laws, rules and
26 regulations, establish fire limits or zones, particularly in populous centers,
27 and regulate the construction, repair or modification of buildings within
28 said fire limits or zones in accordance with the provisions of the Fire Code
29 of the Philippines;

30 (x) Subject to national law, process and approve subdivision plans for
31 residential, commercial or industrial purposes and other development
32 purposes, and to collect processing fees and other charges, the proceeds
33 of which shall accrue entirely to the City; Provided, however, That where
34 the approval of a national agency or office is required, said approval shall
35 not be withheld for more than thirty (30) days from receipt of application.
36 Failure to act on the application within the period stated shall be deemed
37 as approved thereof;

1 (xi) Subject to the provision of Book II of the "Local Government Code of
2 1991", as amended, grant exclusive privilege of constructing fish corrals
3 or fish pens, or taking or catching of bangus fry, prawn fry or kawag-
4 kawag, or fry of any species or fish within city waters;

5 (xii) With the concurrence of at least two thirds (2/3) of all the members of
6 the Sangguniang Panlungsod, grant tax exemptions, incentives or relief
7 to entities engaged in community growth-inducing industries, subject the
8 provisions of the "Local Government Code of 1991", as amended;

9 (xii) Grant loans or provide grants to other local government units or to
10 national, provincial and city charitable, benevolent or educational
11 institutions; Provided, That said institutions are operated and maintained
12 within the City;

13 (xiii) Regulate the numbering of residential, commercial and other buildings;
14 and

15 (xiv) Regulate the inspection, weighing and measuring of articles of
16 commerce.

17 (3) Subject to the provisions of Book II of the "Local Government Code of
18 1991", as amended, enact ordinances granting franchises and authorizing the issuance
19 of permits or licenses, upon such conditions and for purposes intended to promote
20 the general welfare of the inhabitants of the City and pursuant to this legislative
21 authority, shall:

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

24 (ii) Regulate or fix license fees for any business or practice of profession
25 within the City and the conditions under which the license for the said
26 business or practice of profession may be revoked and enact ordinances
27 levying taxes thereon;

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

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

35 (v) Any law to the contrary notwithstanding, authorize and license the
36 establishment, operation and maintenance of cockpits, and regulate

1 cockfighting and commercial breeding of gamecocks: Provided, That the
2 existing rights should not be prejudiced;

3 (vi) Subject to the guidelines prescribed by the Department of Transportation
4 (DOTr), regulate the operation of tricycles and grant franchises for the
5 operation thereof within the territorial jurisdiction of the City; and

6 (vii) Upon approval by a majority vote of all the members of the Sangguniang
7 Panlungsod, grant franchise to any person, partnership, corporation, or
8 cooperatives to do business within the City; establish, construct, operate
9 and maintain ferries, wharves, markets or slaughterhouses; or undertake
10 such other activities within the City as may be allowed by existing laws;
11 *Provided*, That cooperatives shall be given preference in the grant of
12 such franchise.

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

15 (i) Declare, prevent or abate any nuisances;

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

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

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

28 (v) Regulate the sale, giving away or dispensing of any intoxicating malt,
29 vino, mixed or fermented liquor at any retail outlet;

30 (vi) Regulate the establishment and provide for the inspection of steam
31 boilers or any heating devise in buildings and the storage of inflammable
32 and highly combustible materials within the City;

33 (vii) Regulate the establishment, operation and maintenance of any
34 entertainment or amusement facility, including the theatrical
35 performances, circuses, billiard pools, public dancing schools, public
36 dance halls, sauna baths, massage parlors and other places for
37 entertainment or amusement; regulate such other events for activities

1 for amusement or entertainment, particularly those which tend to disturb
2 the community or annoy the inhabitants, or require the suspension or
3 suppression of the same; or prohibit certain forms of amusement or
4 entertainment in order to protect the social and moral welfare of the
5 community;

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

9 (ix) Provide for the impounding of stray animals; regulate the keeping of
10 animals in homes or as part of business, and the slaughter, sale or
11 disposition of the same; and adopt measures to prevent or penalize
12 cruelty to animals;

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

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

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

24 (iii) Authorize the establishment, maintenance and operation by the city
25 government of ferries, wharves, and other structures intended to
26 accelerate productivity related to marine life in the preservation thereof;

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

29 (v) Regulate the use of streets, avenues, alleys, sidewalks, parks and other
30 public places and approve the construction, improvement, repair and
31 maintenance of the same; establish bus and vehicles stops and terminals
32 or regulate the use of the same by privately-owned vehicles which serve
33 the public; regulate garages and operation of conveyances for hire;
34 designate stands to be occupied by public vehicles when not in use;
35 regulate putting up of signs, signposts, awnings and awning posts in the
36 streets; and provide for the lighting, cleaning and sprinkling of streets and
37 public places;

1 (vi) Regulate traffic on all streets and bridges; prohibit encroachments or
2 obstacles thereon and, when necessary in the interest of public welfare,
3 authorize the removal of encroachments and illegal constructions in public
4 places;

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

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

24 (ix) Regulate the placing, stringing, attaching, installing, repair and
25 construction of all gas mains, electric telegraph and telephone wires,
26 conduits, meters and other apparatus; and provide for the correction,
27 condemnation or removal of the same when found to be dangerous to the
28 welfare of City's inhabitants;

29 (x) Subject to the availability of fund and the existing laws, rules and
30 regulations, establish and provide for the operation of vocational and
31 technical schools and similar post-secondary institutions and, with the
32 approval of the Technical Education and Skills Development Authority
33 (TESDA) and subject to existing laws on tuition fees, fix and collect
34 reasonable tuition fees and other school charges in educational
35 institutions supported by the city government;

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

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

1 (xiii) Provide for an efficient and effective system of solid waste and garbage
2 collection and disposal and prohibit littering and the placing or throwing
3 of garbage, refuse and other filth wastes;

4 (xiv) Provide for the care of PWDs, paupers, the elderly, the sick, persons of
5 unsound mind, abandoned minors, juvenile delinquents, drug
6 dependents, abused children and the youth below eighteen (18) years of
7 age and, subject to the availability of funds, establish and provide for the
8 operation of centers and facilities for the said needy and disadvantaged
9 persons;

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

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

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

23 (6) Perform other duties and functions and exercise such powers as
24 provided for under Republic Act No. 7160, as amended, and those that are prescribed
25 by law or ordinance.

26
27 **ARTICLE V**

28 **PROCESS OF LEGISLATION**

29 **SEC. 12. *Internal Rules of Procedure.*** – (a) On the First Regular Session
30 following the election of its members and within ninety (90) days thereafter, the
31 Sangguniang Panlungsod shall adopt or update its existing Rules of Procedure.

32 (b) The Rules of Procedure shall provide the following:

33 (1) The organization of the Sanggunian and the election of its officers as
34 well as the creation of standing committees which shall include, but shall not be limited
35 to, the committees on appropriations, revenues, engineering and public works,
36 education and health, women and family, human rights, youth and sports

1 development, environmental protection, peace and order and traffic, and
2 cooperatives; the general jurisdiction of each committee; and the election of the
3 chairperson and members of each committee;

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

5 (3) The legislative process;

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

8 (5) The discipline of members for disorderly behavior and absences without
9 justifiable cause for four (4) consecutive sessions for which they may be censured,
10 reprimanded, or excluded from the session, suspended for not more than sixty (60)
11 days, or expelled. *Provided*, That the penalty of suspension or expulsion shall require
12 the concurrence of at least two thirds (2/3) vote of all the Sanggunian members;
13 *Provided*, further. That the member convicted by final judgement to imprisonment of
14 at least one (1) year for any crime involving moral turpitude shall be automatically
15 expelled from the Sanggunian; and

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

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

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

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

28 In the absence of a specific constitutional or statutory provisions applicable to
29 this situation, "conflict of Interest" refers, in general, to one where it may be
30 reasonably deduced that a member of the Sanggunian may not act in the public
31 interest due to some private, pecuniary or other personal considerations that may
32 affect the exercise of judgment to the prejudice of the service or the public.

33 (b) The disclosure required under this Act shall be made in writing and shall be
34 submitted to the Secretary of the Sanggunian or them secretary of the committee of
35 membership. The disclosure shall, in all cases, form part of the record of the
36 proceedings and shall be made in the following manner:

- 1 (1) The disclosure shall be made before the member participates in the
2 deliberations on the ordinance or resolution under consideration:
3 *Provided*, That if the member did not participate during the deliberations,
4 the disclosure shall be made before the voting on the ordinance or
5 resolution on second and third readings; and
6 (2) Disclosure shall be made when a member takes a position or makes a
7 privilege speech on a matter that may affect the business interest,
8 financial connection, or professional relationship described herein.

9 **SEC. 14. Sessions.** – (a) On the first day of the session immediately following
10 the election of its members, the Sangguniang Panlungsod shall, by resolution, fix the
11 day, time and place of its sessions. The minimum number of regular sessions shall be
12 once a week for the Sangguniang Panlungsod and twice a month for the Sangguniang
13 Barangay.

14 (b) When the public interest so demands, special sessions may be called by the
15 City Mayor or by a majority of the members of the Sanggunian.

16 (c) All Sanggunian sessions shall be open to the public unless a closed-door
17 session is ordered by an affirmative vote of a majority of the members
18 present, there being a quorum, in the public interest or for reasons of
19 security, decency or morality. No two (2) sessions, regular or special may be
20 held in a single day.

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

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

27 (e) The Sanggunian Panlungsod shall keep a journal and record of its
28 proceedings, which may be published upon resolution of the majority of the
29 members.

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

34 (b) Where there is no quorum, the presiding officer may declare a recess until
35 such time as a quorum is constituted, or a majority of the members present may
36 adjourn from day to day and may compel the immediate attendance of any
37 member absent without justifiable cause by designating a member of the
38 Sanggunian to be assisted by a member or members of the police force assigned

1 in the territorial jurisdiction of the City of Talavera, to arrest the absent member
2 and present him at the session.

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

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

14 (b) The veto shall be communicated by the City Mayor to the Sanggunian within
15 ten (10) days, otherwise, the ordinance shall be deemed approved as if it had been.

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

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

27 (c) The City Mayor may veto an ordinance or resolution only once. The
28 Sanggunian may override the veto of the City Mayor by two-thirds (2/3) vote of all its
29 members, thereby making the ordinance effective without the approval of the City
30 Mayor.

31 **SEC. 18. Review of City Ordinance by the Sangguniang Panlalawigan.** – (a)
32 Within three (3) days after the approval, the Secretary to the Sangguniang Panlungsod
33 shall forward to the Sangguniang Panlalawigan for review, copies of the approved
34 ordinances and the resolutions approving the local development plans and public
35 investment programs formulated by the local development councils.

36 (b) Within thirty (30) days after receipt of copies of such ordinances and
37 resolutions, the Sangguniang Panlalawigan shall examine the documents or transmit
38 them to the provincial attorney or provincial prosecutor for prompt examination. The

1 provincial attorney or the provincial prosecutor shall, within a period of ten (10) days
2 from receipt of the documents, inform the Sangguniang Panlalawigan in writing of his
3 comments and recommendations., which may be considered by the Sangguniang
4 Panlalawigan in making its decision.

5 (c) If the Sangguniang Panlalawigan finds that such an ordinance or
6 resolution is beyond the power conferred upon the Sangguniang Panlungsod
7 concerned, it shall declare such ordinance or resolution invalid in whole or in part. The
8 Sangguniang Panlalawigan shall enter its action in the minutes and shall advise the
9 corresponding city authorities of the action it has taken.

10 (d) If no action has been taken by the Sangguniang Panlalawigan within
11 thirty (30) days after submission of such an ordinance or resolution, the same shall
12 be presumed consistent with law and therefor valid.

13 **SEC. 19. Review of Barangay Ordinances by the Sangguniang Panlungsod.** – (a)
14 Within ten (10) days after its enactment, the Sangguniang Barangay shall furnish
15 copies of all barangay ordinances to the Sangguniang Panlungsod for review as to
16 whether the ordinances are consistent with law or city ordinances.

17 (b) If the Sangguniang Panlungsod fails to take action on barangay
18 ordinances within thirty (30) days from receipt thereof, the same shall be deemed
19 approved.

20 (c) If the Sangguniang Panlungsod finds a barangay ordinance inconsistent
21 with law or city ordinances, the Sangguniang Panlungsod shall, within thirty (30) days
22 from receipt thereof, return he same with its comments and recommendations to the
23 Sangguniang Barangay concerned for adjustment, amendment or modification; in
24 which case, the effectivity of the barangay ordinance is suspended until such time as
25 the revision called for is effected.

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

30 **SEC. 21. Effectivity of Ordinances or Resolutions.** – (a) Unless otherwise stated
31 in the ordinance or the resolution approving the local development plan and public
32 investment program, the same shall take effect after ten (10) days from the date a
33 copy thereof is posted in a bulletin board at the entrance of the city hall of Talavera,
34 and in at least two (2) other conspicuous places in the City of Talavera not later than
35 five (5) days after approval thereof.

36 (b) The Secretary of the Sanggunian Panlungsod shall cause the posting of
37 an ordinance or resolution in the bulletin board at the entrance of the city hall and in
38 at least two (2) conspicuous places in the City not later than five (5) days after the

1 approval thereof. The text of the ordinance or resolution shall be disseminated and
2 posted in Filipino or English and the Secretary of the Sangguniang Panlungsod shall
3 record such fact in a book kept for the purpose, stating the dates of approval and
4 posting.

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

11 **ARTICLE VI**

12 **DISQUALIFICATION AND SUCCESSION**

13 **FOR ELECTIVE CITY OFFICIALS**

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

16 (a) Those sentenced by final judgement for an offense involving moral
17 turpitude or an offense punishable by one (1) year or more of imprisonment within
18 the two (2) years after serving the sentence;

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

20 (c) Those convicted by final judgement for violating the oath of allegiance
21 to the Republic of the Philippines;

22 (d) Those with dual citizenship;

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

24 (f) Permanent residents in a foreign country or those who have acquired
25 the right to reside abroad and continue to avail of the same right after the effectivity
26 of the Local Government Code of 1999, as amended; and

27 (g) The insane and feeble-minded.

28 **SEC. 23. *Permanent Vacancy in the Office of the City Mayor and City Vice Mayor.***
29 – (a) If a permanent vacancy occurs in the office of the City Mayor, the City Vice
30 Mayor concerned shall become the City Mayor. If a permanent vacancy occurs in the
31 office of the City Vice Mayor, the highest ranking Sangguniang Panlungsod member
32 or, in case of his or her permanent incapacity, the second highest ranking
33 Sangguniang Panlungsod member becomes the City Mayor or the City Vice Mayor, as
34 the case may be. Subsequent vacancies in the said offices shall be filled automatically
35 by the other Sanggunian members according to their ranking as defined herein.

1 (b) If a permanent vacancy occurs in the office of the Punong Barangay, the
2 highest ranking Sangguniang Barangay member or, in case of his or her permanent
3 incapacity, the second highest ranking Sanggunian member shall become the Punong
4 Barangay.

5 (c) A tie between or among the highest ranking Sangguniang Panlungsod
6 members shall be resolved by drawing of lots.

7 (d) The successor as defined herein shall serve only the unexpired terms of
8 their predecessors.

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

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

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

20 (a) The Provincial Governor shall make the aforesaid appointments;

21 (b) Only the nominee of the political party under which the Sanggunian
22 member concerned had been elected shall be appointed in the manner herein
23 provided. The appointee shall come from the same political party as that of the
24 Sanggunian member who caused the vacancy and shall serve the unexpired term of
25 the vacant office.

26 In the appointment herein mentioned, a nomination and a certificate of
27 membership of the appointee from the highest official of the political party concerned
28 are conditions sine qua non, and in any appointment without such nomination and
29 certification shall be null and void ab initio and shall be a ground for administrative
30 action against the official responsible therefor;

31 (c) In case the permanent vacancy is caused by a Sangguniang member
32 who does not belong to any political party, the City Mayor shall, upon recommendation
33 of the Sangguniang Panlungsod, appoint a qualified person to fill the vacancy; and

34 (d) In case of vacancy in the representation of the youth and the barangay
35 in the Sangguniang Panlungsod, said vacancy shall be filled automatically by the
36 official next-in-rank of the Sangguniang Kabataan or barangay concerned.

1 **SEC. 25. *Temporary Vacancy in the Office of the City Mayor.*** – (a) When the
2 City Mayor is temporarily incapacitated to perform his duties for physical or legal
3 reasons, including leave of absence, travel abroad and suspension from office, the
4 City Vice Mayor of the highest ranking Sangguniang Panlungsod member shall
5 automatically exercise the powers and perform the duties and functions of the City
6 Mayor, except the power to appoint, suspend, or dismiss employees which only be
7 exercised if the period of temporary incapacity exceeds thirty (30) working days.

8 (b) Said temporary incapacity shall terminate upon submission the
9 Sangguniang Panlungsod of a written declaration by the City Mayor of having reported
10 back to office. In case where the temporary incapacity is due to legal cause, the City
11 Mayor shall also submit necessary documents showing the said legal cause no longer
12 exist.

13 (c) When the City Mayor is travelling within the country but outside
14 territorial jurisdiction for a period not exceeding three (3) consecutive days, the City
15 Mayor may designate in writing the officer-in-charge of the office. The authorization
16 shall specify the powers and functions that the local official concerned shall exercise
17 in the absence of the City Mayor, except the power to appoint, suspend or dismiss
18 employees.

19 (d) In the event, however, that the City Mayor fails or refuses to issue such
20 authorization, the City Vice Mayor or the highest ranking Sangguniang Panlungsod
21 member shall have the right to assume the powers, duties and functions of the office
22 on the fourth (4th) day of absence of the City Mayor, subject to the limitations
23 provided in subsection (c) hereof.

24 (e) Except as provided above, the City Mayor shall, in no case, authorize
25 any local official to assume the powers, duties and functions of the office, other than
26 the City Vice Mayor or the highest ranking Sangguniang Panlungsod member, as the
27 case may be.

28 **ARTICLE VII**

29 **THE APPOINTIVE OFFICIALS OF THE CITY**

30 **SEC. 26. *The Secretary of the Sangguniang Panlungsod.*** – (a) There shall be a
31 secretary of the Sangguniang Panlungsod who shall be a career official with the rank
32 and salary equal to a head of a department or office.

33 (b) No person shall be appointed secretary to the Sangguniang Panlungsod
34 unless one is a citizen of the Philippines, a resident of the City of Talavera, of good
35 moral character, a holder of a college degree preferably in law, commerce or public
36 administration from a recognized college or university, and a first grade civil service
37 eligible or its equivalent.

1 (c) The secretary to the Sangguniang Panlungsod shall receive
2 compensation, emoluments and allowances as may be determined by law.

3 (d) The secretary to the Sangguniang Panlungsod shall take charge of the
4 office of the Sangguniang Panlungsod, and shall:

- 5 1) Attend meetings of the Sangguniang Panlungsod and keep a journal of its
6 proceedings;
- 7 2) Keep the seal of the City and affix it with one's signature to all ordinances,
8 resolutions, and other official acts of the Sangguniang Panlungsod and
9 present these for signature to the presiding officer;
- 10 3) Forward to the City Mayor for approval, copies of ordinances enacted by
11 the Sangguniang Panlungsod and duly certified by the presiding officer in
12 a manner provided in Section 54 of the Local Government Code of 1991,
13 as amended;
- 14 4) Forward to the Department of Budget and Management (DBM) copies of
15 the appropriations ordinance passed by the
16 Sangguniang Panlungsod as provided under Section 326, Book II of the
17 Local Government Code of 1991, as amended;
- 18 6) Forward to the Sangguniang Panlalawigan copies of duly approved
19 ordinances in the manner provided in Sections 56 and 57 of the Local
20 Government Code of 1991, as amended;
- 21 7) Furnish, upon requests of any interested party, certified copies of records
22 of public character in one's custody, upon payment to the City Treasurer
23 of such fees as may be prescribed by ordinance;
- 24 8) Record in a book kept for the purpose, all ordinances and resolutions
25 enacted or adopted by the Sangguniang Panlungsod, with the dates of
26 passage and publication thereof;
- 27 9) Keep in the office all nonconfidential records therein open to the public
28 during usual business hours;
- 29 10) Translate into the dialect used by the majority of the inhabitants all
30 ordinances and resolutions immediately after their approval and cause
31 their publication together with the original version in the manner provided
32 under the Local Government Code of 1991, as amended;
- 33 11) Take custody of the local archives and where applicable, the local library
34 and annually account for the same; and
- 35 12) 11) Perform other duties and function and exercise such other powers as
36 provided under the Local Government Code of 1991, as amended, and
37 those that are prescribed by law or ordinance.

38
39 **SEC. 27. The City Treasurer.** – (a) The City Treasurer shall be appointed by the
40 Secretary of the Department of Finance (DOF) from a list of at least three (3) ranking

1 eligible recommendees of the City Mayor, subject to the civil service law, rules and
2 regulations.

3 (b) The City Treasurer shall be under the administrative supervision of the
4 City Mayor whom one shall report regularly on the tax collection effort of the City.

5 (c) No person shall be appointed Treasurer unless he is a citizen of the
6 Philippines, a resident of the City of Talavera, of good moral character, a holder of a
7 college degree in commerce, public administration or law obtained from a recognized
8 college or university and a first grade civil service eligible or its equivalent and must
9 have acquired experience in treasury or accounting service for at least five (5) years.

10 (d) The City Treasurer shall receive compensation, emoluments and
11 allowances as may be determined by law.

12 (e) The City Treasurer shall take charge of the City Finance Department,
13 and shall:

- 14 (1) Advise the City Mayor, the Sangguniang Panlungsod, and other local
15 government and national officials concerned regarding disposition of
16 local government funds on such other matters relative to public finance;
- 17 (2) Take custody of and exercise proper management of the funds of the
18 City;
- 19 (3) Take charge of the disbursement of all funds of the City and other funds,
20 the custody of which has been entrusted by law or other competent
21 authority;
- 22 (4) Inspect private commercial and industrial establishments within the
23 jurisdiction of the City in relation to the implementation of tax ordinances
24 pursuant to the provisions of the Local Government Code of 1991, as
25 amended;
- 26 (5) Maintain and update the tax information system of the City; and
- 27 (6) Perform such other duties and functions and exercise such other powers
28 as provided for under the Local Government Code of 1991, as amended,
29 and those that are prescribed by law or ordinance.

30 **SEC. 28. The City Assessor.** – (a) The City Assessor must be a citizen of the
31 Philippines, a resident of the City of Talavera, of good moral character, a holder of a
32 college degree preferably in civil or mechanical engineering, commerce, or any other
33 related course from a recognized college or university, and a first grade eligible or its
34 equivalent and must have acquired experience in real property assessment work or in
35 any related field for at least five (5) years immediately preceding the date of
36 appointment.

37 (b) The City Assessor shall receive such compensation, emoluments and
38 allowances as may be determined by law.

1 (c) The City Assessor shall take charge of the City Assessor's Department,
2 and shall:

- 3 (1) Ensure that all laws and policies governing the appraisal and assessment
4 of real properties for taxation purposes are properly executed;
- 5 (2) Initiate, review and recommend changes in policies and objectives, plans
6 and programs, techniques, procedures and practices in the evaluation
7 and assessment of real properties for taxation purposes;
- 8 (3) Establish a systematic method of real property assessment;
- 9 (4) Install and maintain a real property identification and accounting
10 systems;
- 11 (5) Prepare, install and maintain a system of tax mapping, showing
12 graphically all properties subject to assessment and gather all data
13 concerning the same;
- 14 (6) Conduct frequent physical surveys to verify and determine whether all
15 real properties within the City are properly listed in the assessment of
16 rolls;
- 17 (7) Exercise the functions of appraisal and assessment primarily for taxation
18 purposes of all real properties in the City;
- 19 (8) Prepare a schedule of the fair market value of the different classes of
20 real properties in accordance with the provisions of the Local
21 Government Code of 1991, as amended;
- 22 (9) Issue, upon request of any interested party, certified copies of
23 assessment records of real properties on all other records relative to its
24 assessment, upon payment of as service charge or fee to the City
25 Treasurer;
- 26 (10) Submit every semester a report of all assessments, as well as
27 cancellations and modifications of assessments to the City Mayor and
28 the Sangguniang Panlungsod; and
- 29 (11) Perform such other duties and functions and exercise such other powers
30 as provided for under Republic Act No.7160, otherwise known as the
31 "Local Government Code of 1991", as amended, and those that are
32 prescribed by law or ordinance.

33 **SEC. 29. *The City Accountant.*** – (a) The City Accountant must be a citizen of
34 the Philippines, a resident of the City of Talavera, of good moral character, a Certified
35 Public Accountant and must have acquired experience in the treasury or accounting
36 service for at least five (5) years immediately preceding the date of appointment.

37 (b) The City Accountant shall receive compensation, emoluments and
38 allowances as may be determined by law.

39 (c) The City Accountant shall take charge of both the Accounting and
40 Internal Audit Services, and shall:

- 1 (1) Install and maintain an internal audit system in the City;
- 2 (2) Prepare and submit financial statements to the City Mayor and to the
3 Sangguniang Panlungsod;
- 4 (3) Apprise the Sangguniang Panlungsod and other officials on the financial
5 condition and operations of the City;
- 6 (4) Certify the availability of budgetary allotment to which expenditures and
7 obligations may be properly charged;
- 8 (5) Review supporting documents before the preparation of vouchers to
9 determine completeness of requirements;
- 10 (6) Prepare statements of cash advances, liquidations, salaries, allowances,
11 reimbursement and remittances pertaining to the City;
- 12 (7) Prepare statements of journal vouchers and their liquidations and other
13 adjustments related thereto;
- 14 (8) Post individual disbursements to the subsidiary ledger and index cards;
- 15 (9) Maintain individual ledgers for officials and employees of the City
16 pertaining to payrolls and deductions;
- 17 (10) Record and post in index cards details of purchased furniture, fixtures
18 and equipment, including disposal thereof, if any;
- 19 (11) Account for all issued requests for obligations and maintain and keep all
20 records and reports related thereto;
- 21 (12) Prepare journals and the analysis of obligations and maintain and keep
22 all records and reports related thereto; and
- 23 (13) Perform such other duties and functions and exercise such other powers
24 as provided for under the Local Government Code of 1991, as amended, and those
25 that are prescribed by law or ordinance.

26 **SEC. 30. *The City Budget Officer.*** – (a) The City Budget Officer must be a
27 citizen of the Philippines, a resident of the City of Talavera, of good moral character,
28 a holder of a college degree preferably in accounting, economics, public
29 administration, or any related course obtained from a recognized college or university,
30 a first grade civil service eligible or its equivalent and must have acquired experience
31 in government budgeting or in any related field for at least five (5) years immediately
32 preceding the date of appointment.

33 (b) The City Budget Officer shall receive compensation, emoluments and
34 allowances as may be determined by law.

1 (c) The City Budget Officer shall take charge of the City Budget Department,
2 and shall:

- 3 (1) Prepare forms, orders and circulars embodying instructions on
4 budgetary and appropriation matters for signature of the City Mayor;
- 5 (2) Review and consolidate the budget proposals of different departments
6 and offices of the City;
- 7 (3) Assist the City Mayor in the preparation of the budget and during budget
8 hearings;
- 9 (4) Study and evaluate budgetary implications of proposed legislation and
10 submit comments and recommendations thereon;
- 11 (5) Submit periodic budgetary reports to the Department of Budget and
12 Management (DBM);
- 13 (6) Coordinate with the City Treasurer, the City Accountant and the City
14 Planning and Development Coordinator for the purpose of budgeting;
- 15 (7) Assist the Sangguniang Panlungsod in reviewing the approved budgets
16 of the component barangays;
- 17 (8) Coordinate with the City Planning and Development Coordinator in the
18 formulation of the development plan of the City; and
- 19 (9) Perform such other duties and functions and exercise such other powers
20 as provided under the "Local Government Code of 1991", as amended,
21 and those that are prescribed by law or ordinance.

22 **SEC. 31. *The City Planning and Development Officer.*** – (a) The City Planning
23 and Development Officer must be a citizen of the Philippines, a resident of the City of
24 Talavera, of good moral character, a holder of a college degree preferably in urban
25 planning, development studies, economics, public administration, or any related
26 course obtained from a recognized college or university, a first grade civil service
27 eligible and must have acquired experience in development planning or in any related
28 field for at least five (5) years immediately preceding the date of appointment.

29 (b) The City Planning and Development Officer shall receive compensation,
30 emoluments and allowances as may be determined by law.

31 (c) The City Planning and Development Officer shall take charge of the City
32 Planning and Development Coordinating Office, and shall:

- 33 (1) Formulate integrated economic, social, physical and other development
34 plans and policies for consideration of the City;
- 35 (2) Conduct continuing studies, researches, and training programs
36 necessary to evolve plans and programs for implementation;
- 37 (3) Integrate and coordinate all sectoral plans and studies undertaken by
38 the different functional groups and agencies;

- 1 (4) Monitor and evaluate the implementation of the different development
2 programs, projects and activities in the City in accordance with the
3 approved development plan;
- 4 (5) Prepare comprehensive plans and other development planning
5 documents for the consideration of the Local Development Council;
- 6 (6) Analyze the income and expenditure patterns, and formulate and
7 recommend fiscal plans and policies for consideration of the finance
8 committee of the Sangguniang Panlungsod;
- 9 (7) Promote people's participation in development planning within the City;
- 10 (8) Exercise supervision and control over the secretariat of the Local
11 Development Council; and
- 12 (9) Perform such other functions and duties and exercise such other powers
13 as provided for under the "Local Government Code of 1991", as
14 amended, and those that are prescribed by law or ordinance.

15 **SEC. 32. *The City Engineer.*** – (a) The City Engineer must be a citizen of the
16 Philippines, a resident of the City of Talavera, of good moral character, a licensed civil
17 engineer and must have acquired experience in the practice of the profession for at
18 least five (5) years immediately preceding the date of appointment.

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

21 (c) The City Engineer shall take charge of the City Engineering Office, and
22 shall:

- 23 (1) Initiate, review and recommend changes in policies and objectives, plans
24 and programs, techniques, procedures and practices in infrastructure
25 development and public works in general of the City;
- 26 (2) Advise the City Mayor on infrastructure, public works and other
27 engineering matters;
- 28 (3) Administer, coordinate, supervise and control the construction,
29 maintenance, improvement and repair of roads, bridges, and other
30 engineering and public works projects of the City;
- 31 (4) Provide engineering services to the City, including investigation and
32 survey, engineering designs, feasibility studies and project
33 management; and
- 34 (5) Perform such other duties and functions and exercise such other powers
35 as may be provided for under the "Local Government Code of 1991", as
36 amended, and those that are prescribed by law or ordinance.

37 **SEC. 33. *The City Health Officer.*** – (a) The City Health Officer must be a citizen
38 of the Philippines, a resident of the City of Talavera, of good moral character, a

1 licensed medical practitioner must have acquired experience in the practice of the
2 profession for at least five (5) years immediately preceding the date of appointment.

3 (b) The City Health Officer shall receive such compensation, emoluments
4 and allowances as may be determined by law.

5 (c) The City Health Officer shall take charge of the Office of the Health
6 Services, and shall:

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

12 (2) Formulate measures for the consideration of the Sangguniang Panlungsod and
13 provide technical assistance and support to the City Mayor in carrying out
14 activities to ensure the delivery of basic services and provision of adequate
15 facilities relative to health services provided under Section 17 of the "Local
16 Government Code of 1991", as amended;

17 (3) Develop plans and strategies and, upon approval thereof by the City Mayor,
18 implement these health programs and projects which the City Mayor is
19 empowered to implement and which the Sangguniang Panlungsod is empowered
20 to provide under the "Local Government Code of 1991", as amended;

21 (4) In addition to the foregoing duties and functions, the City Health Officer shall:

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

24 (ii) Advise the City Mayor and the Sangguniang Panlungsod on matters
25 pertaining to health;

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

28 (iv) Recommend to the Sangguniang Panlungsod through the Local Health
29 Board, the passage of ordinance as may be deemed necessary for the
30 preservation of public health;

31 (v) Recommend the prosecution of any violation of sanitary laws, ordinances
32 and regulations;

33 (vi) Direct the sanitary inspection of all business establishments, stores selling
34 food items or providing accommodations such as hotels, motels, lodging
35 houses, pension houses, and the like, in accordance with the Sanitation
36 Code of the Philippines; and

- 1 (vii) Conduct health information campaigns and render health intelligence
2 services;
- 3 (viii) Coordinate with other government agencies and nongovernmental
4 organizations involved in the promotion and delivery of health services;
- 5 (ix) Be in the frontline of the delivery of health services, particularly during and
6 in the aftermath of man-made and natural disasters and calamities; and
- 7 (5) Perform such other duties and functions and exercise such other powers
8 as provided for under the "Local Government Code of 1991", as amended, and those
9 that are prescribed by law or ordinance.

10 **SEC. 34. *The City Civil Registrar.*** – (a) The City Civil Registrar must be a citizen
11 of the Philippines, a resident of the City of Talavera, of good moral character, a holder
12 of a college degree obtained from a recognized college or university, a first grade civil
13 service eligible or its equivalent and must have acquired experience in civil registry
14 work for at least five (5) years immediately preceding the date of appointment.

15 (b) The City Civil Registrar shall receive such compensation, emoluments
16 and allowances as may be determined by law.

17 (c) The City Civil Registrar shall be responsible for the civil registration
18 program in the City of Talavera, pursuant to the Civil Registry Law, the Omnibus
19 Election Code, and other pertinent laws, rules and regulations issued to implement
20 them.

21 (c) The City Civil Registrar shall take charge of the office of the City Civil Registry,
22 and shall:

23 (1) Develop plans and strategies and, upon approval thereof by the City
24 Mayor, implement the same, particularly those which have to do with civil registry
25 programs and projects which the City Mayor is empowered to implement and which
26 the Sangguniang Panlungsod is empowered to provide under the "Local Government
27 Code of 1991", as amended.

28 (2) In addition to the foregoing duties and functions, the City Civil Registrar
29 shall:

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

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

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

- 1 (iv) Transmit to the Office of the Civil Registrar-General, within the prescribed
2 period, duplicate copies of the registered documents required by law;
- 3 (v) Issue certified transcripts or copies of any certificate or registered
4 document upon payment of the required fees to the City Treasurer;
- 5 (vi) Receive applications for the issuance of a marriage license and, after
6 determining that the requirements and supporting certificates and
7 publication thereof for the prescribed period have been complied with, issue
8 the license upon payment of authorized fee to the City Treasurer; and
- 9 (vii) Coordinate with the National Statistics Office in conducting educational
10 campaigns for vital registration and assist in the preparation of
11 demographic and other statistics for the City of Talavera.

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

15 **SEC. 35. The City Administrator.** – (a) The City Administrator must be a citizen
16 of the Philippines, a resident of the City of Talavera, of good moral character, a holder
17 of a college degree preferably in public administration, law or other related course
18 obtained from a recognized college or university, a first grade civil service eligible or
19 its equivalent and must have acquired experience in management and administrative
20 work for at least five (5) years immediately preceding the date of appointment.

21 (b) The term of the City Administrator is co-terminus with that of the appointing
22 authority.

23 (c) The City Administrator shall receive compensation, emoluments and
24 allowances as may be determined by law;

25 (d) The City Administrator shall take charge of the City Administrator's
26 Office, and shall:

- 27 (1) Develop plans and strategies and, upon approval thereof and upon
28 approval thereof by the City Mayor, particularly those which have to do
29 with the management and administration- related programs and projects
30 which the City Mayor is empowered to implement and which the
31 Sangguniang Panlungsod is empowered to provide under the "Local
32 Government Code of 1991", as amended;
- 33 (2) Assist in the coordination of the work of all the officials of the local
34 government unit, under the supervision, direction and control of the City
35 Mayor and, for this purpose, convene the chiefs of offices and other
36 officials of the local government unit;

- 1 (3) Establish and maintain a sound personnel program for the local
2 government unit designed to promote career development and uphold
3 the merit principle in the local government service;
- 4 (4) Conduct a continuing organizational development of the local
5 government unit with the end view of instituting effective administrative
6 reforms;
- 7 (5) Be in the frontline of the delivery of administrative support services,
8 particularly those related to situations during and in the aftermath of
9 man-made and natural disasters and calamities; and
- 10 (6) Recommend to the Sangguniang Panlungsod and advise the City Mayor
11 on all matters relative to the management and administration of the City.

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

15 **SEC. 36. *The City Legal Officer.*** – (a) The City Legal Officer must be a citizen of
16 the Philippines, a resident of the City of Talavera, of good moral character, a member
17 of the Philippine Bar and must have practiced his profession for at least five (5) years
18 immediately preceding the date of appointment.

19 (b) The term of the City Legal Officer shall be co-terminus with that of the
20 appointing authority;

21 (c) The City Legal Officer shall receive compensation, emoluments and
22 allowances as may be determined by law;

23 (d) The City Legal Officer, the Chief Legal Counsel of the City, shall take
24 charge of the Office of the City Legal Service, and shall:

- 25 (1) Formulate measures for the consideration of the Sangguniang
26 Panlungsod and provide legal assistance and support to the City Mayor
27 in carrying out the delivery of basic services and provision of adequate
28 facilities;
- 29 (2) Develop plans and strategies and upon approval thereof by the City
30 Mayor, implement the same, particularly those which have to with
31 programs and projects related to legal services which the City Mayor is
32 empowered to implement and which the Sangguniang Panlungsod is
33 empowered to provide under the "Local Government Code of 1991", as
34 amended.
- 35 (3) Represent the local government unit in all civil actions and special
36 proceedings wherein the local government unit or any official thereof, in
37 his or her official capacity, is a party. Provided, That in actions or

1 proceedings where the City of Talavera is a party adverse to the
2 provincial government or to another component city, a special legal
3 officer may be employed to represent the adverse party.

- 4 (4) When required by the City Mayor or Sangguniang Panlungsod, draft
5 ordinances, contracts, bonds, leases and other instruments involving any
6 interest of the City and provide comments and recommendations on any
7 instruments already drawn;
- 8 (5) Render his opinion in writing on any question of law when requested to
9 do so by the City Mayor or the Sangguniang,
- 10 (6) Investigate or cause to be investigated any local official or employee for
11 administrative neglect or misconduct in office, and recommend the
12 appropriate action to the City Mayor or the Sangguniang, as the case
13 may be.
- 14 (7) Investigate or cause to be investigated any person, firm or corporation
15 holding any franchise or exercising any privilege for failure to comply
16 with any term or condition in the grant of such franchise or privilege and
17 recommend appropriate actions to the City Mayor or Sanggunian, as the
18 case may be;
- 19 (8) When directed by the City Mayor or the Sangguniang, initiate and
20 prosecute, in the interest of the local government unit concerned any
21 civil action on any bond, lease or other contract upon any breach or
22 violation thereof; and
- 23 (9) Review and submit recommendations on ordinances approved and
24 executive orders issued by component units;
- 25 (10) Recommend measures to the Sangguniang Panlungsod and advise the
26 City Mayor on all matters related to the upholding of the rule of law;
- 27 (11) Be in the frontline of protecting human rights and prosecuting any
28 violations thereof, particularly those which occur during and in the
29 aftermath of man-made or natural disasters and calamities; and
- 30 (12) Perform such other duties and functions and exercise such other powers
31 as provided for in the "Local Government Code of 1991", as amended,
32 and those that are prescribed by law or ordinance.

33 **SEC. 37. *The City Social Welfare and Development Officer.*** – (a) The City Social
34 Welfare and Development Officer must be a citizen of the Philippines, a resident of
35 the City of Talavera, of good moral character, a duly licensed social worker or a holder
36 of a college degree preferably in sociology or any other related course obtained from
37 a recognized college or university, a first grade civil service eligible or its equivalent
38 and must have acquired experience in the practice of social work for at least five (5)
39 years immediately preceding the date of appointment.

40 (b) The City Social Welfare and Development Officer shall receive
41 compensation, emoluments and allowances as may be determined by law.

1 (c) The City Social Welfare and Development Officer shall take charge of the
2 Office of the Office of the Social Welfare and Development, and shall:

- 3 (1) Formulate measures for the approval of the Sangguniang Panlungsod
4 and provide technical assistance and support to the City Mayor in
5 carrying out measures to ensure delivery of basic services and the
6 provision of adequate facilities relative to social welfare and
7 development services;
- 8 (2) Develop plans and strategies and upon approval thereof by the City
9 Mayor, implement the same, particularly those which have to do with
10 social welfare programs and projects which the City Mayor is empowered
11 to implement and which the Sangguniang Panlungsod is empowered to
12 provide;
- 13 (3) Identify basic needs of the needy, the disadvantaged and impoverished
14 and develop and implement appropriate measures to alleviate their
15 problems and improve their living conditions;
- 16 (4) Provide relief and appropriate crisis intervention for victims of abuse and
17 exploitation and recommend appropriate measures to deter further
18 abuse and exploitations;
- 19 (5) Assist the City Mayor, as the case may be, in implementing the barangay
20 level program for the total development and protection of children up to
21 six (6) years of age;
- 22 (6) Facilitate the implementation of welfare programs for the disabled,
23 elderly and victims of drug addiction, the rehabilitation of prisoners and
24 parolees, the prevention of juvenile delinquency and such other activities
25 which would eliminate and minimize the ill-effects of poverty;
- 26 (7) Initiate and support welfare programs that will enhance the role of the
27 youth in nation building;
- 28 (8) Coordinate with government agencies and nongovernment
29 organizations which have for their purpose the promotion and the
30 protection of all the needy, disadvantaged, underprivileged or
31 impoverished groups or individuals, particularly those identified to be
32 vulnerable and high risk to exploitation, abuse and neglect;
- 33 (9) Be in the frontline of the delivery of services particularly those which
34 have to do with immediate relief and assistance during and in the
35 aftermath of man-made and natural disasters and calamities;
- 36 (10) Recommend to the Sangguniang Panlungsod and advise the City Mayor
37 on all matters related to social welfare and development services which
38 will improve the livelihood and living conditions of the City's inhabitants;
39 and

1 (11) Perform such other duties and functions and exercise such other powers
2 as provided for in the "Local Government Code of 1991", as amended
3 and those that are prescribed by law or ordinance.

4 **SEC. 38. *The City Environment and Natural Resources Officer.*** – (a) The City
5 Environment and Natural Resources Officer must be a citizen of the Philippines, a
6 resident of the City of Talavera, of good moral character, a holder of a college degree
7 preferably in environment, forestry, agriculture or any related course obtained from a
8 recognized college or university, and a first grade civil service eligible or its equivalent
9 and must have acquired experience in the environment and natural resources
10 management, conservation and utilization work for at least five (5) years immediately
11 preceding the date of appointment.

12 (b) The City Environment and Natural Resources Officer shall receive
13 compensation, emoluments and allowances as may be determined by law.

14 (c) The City Environment and Natural Resources Officer shall take charge of
15 the Office of the Environment and Natural Resources, and shall:

16 (1) Formulate measures for the consideration of the Sangguniang
17 Panlungsod and to provide assistance and support to the City Mayor in carrying out
18 measures to ensure the delivery of basic services and provision of adequate facilities
19 relative to environment and natural resources as provided for under Section 17 of the
20 "Local Government Code of 1991", as amended;

21 (2) Develop plans and strategies and, upon approval thereof by the City
22 Mayor, implement the same, particularly those which have to do with environment
23 and natural resources programs and projects which the City Mayor is empowered to
24 implement and which the Sangguniang Panlungsod is empowered to provide.

25 (3) Establish, maintain, protect and preserve communal forests,
26 watersheds, tree parks, mangroves, greenbelts and similar forest products and
27 commercial forests, like industrial tree farms and agro-forestry projects;

28 (4) Provide extension services to beneficiaries of forest
29 development projects and technical, financial and infrastructure assistance;

30 (5) Manage and maintain seed banks and produce seedlings for forest and
31 tree parks;

32 (6) Provide extension services to beneficiaries of forest
33 development projects and render assistance for natural resources-related
34 conservation and utilization activities consistent with ecological balance;

35 (7) Coordinate with government agencies and nongovernment
36 organizations in the implementation of measures to prevent and control land, air and

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

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

6 (9) Recommend to the Sangguniang Panlungsod and advise the City Mayor
7 on all matters relative to the protection, conservation, maximum utilization, application
8 of appropriate technology and other matters related to the environment and natural
9 resources; and

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

13 **SEC. 39. *The City Architect.*** – (a) The City Architect must be a citizen of the
14 Philippines, a resident of the City of Talavera, of good moral character, a duly licensed
15 architect and must have practiced the profession for at least five (5) years immediately
16 preceding the date of appointment.

17 (b) The City Architect shall receive compensation, emoluments and
18 allowances as may be determined by law.

19 (c) The City Architect shall take charge of the Office of Architectural
20 Planning and Design, and shall:

21 (1) Formulate measures for the consideration of the Sangguniang
22 Panlungsod and provide technical assistance and support to the City
23 Mayor in carrying out measures to ensure the delivery of basic services
24 and provisions of adequate facilities relative to architectural planning
25 and design;

26 (2) Develop plans and strategies and, upon approval thereof by the City
27 Mayor, implement these architectural planning and design programs and
28 projects which the City Mayor is empowered to implement and which
29 the Sangguniang Panlungsod is empowered to provide under the "Local
30 Government Code of 1991", as amended;

31 (3) Prepare and recommend for consideration of the Sanggunian the
32 architectural plan and design for the local government unit or a part
33 thereof, including the renewal of slums and blighted areas, land
34 reclamation activities, the greening of land, and appropriate planning or
35 marine and foreshore areas;

36 (4) Review and recommend for appropriate action of the Sanggunian or the
37 City Mayor as the case may be, the architectural plans and design
38 submitted by governmental and nongovernmental entities or individuals,

1 particularly those of undeveloped, underdeveloped, and poorly designed
2 areas; and

- 3 (5) Coordinate with government and non-government entities and
4 individuals involved in the aesthetics and the maximum utilization of the
5 land and water within the jurisdiction of the local government unit to
6 implement plans and programs that shall preserve environmental
7 integrity and ecological balance;
- 8 (6) Be in the front line of the delivery of services involving architectural
9 planning and design, particularly those related to the redesigning of
10 spatial distribution of basic facilities and physical structures during the
11 in the aftermath of man-made and natural disasters and calamities;
- 12 (6) Recommend to the Sangguniang Panlungsod and advise the City Mayor
13 on all matters relative to the architectural planning and design as it
14 relates to the total socioeconomic development of the City; and
- 15 (7) Perform such other duties and functions and exercise such other powers
16 as provided for under the "Local Government Code of 1991", as
17 amended, and those that are prescribed by law or ordinance.

18 **SEC. 40. *The City Information Officer.*** – (a) The City Information Officer must
19 be a citizen of the Philippines, a resident of the City of Talavera, of good moral
20 character, a holder of a college degree preferably in Journalism, mass communication
21 or any related course obtained from a recognized college or university, a first grade
22 civil service eligible or its equivalent and must have acquired experience in writing
23 articles and research papers, or writing for print, television or broadcast media for at
24 least three (3) years immediately preceding the date of appointment.

25 (b) The City Information Officer shall receive compensation, emoluments
26 and allowances as may be determined by law.

27 (c) The City Information Officer shall take charge of the Office on Public
28 Information and Community Relations Department and shall:

- 29 (1) Formulate measures for the consideration of the Sangguniang
30 Panlungsod and provide technical assistance and support to the City
31 Mayor in providing the information and research data required for the
32 delivery of basic services and provision of adequate facilities so that the
33 public becomes aware of the said services and may fully avail of the
34 same;
- 35 (2) Develop plans and strategies and, upon approval thereof by the City
36 Mayor, implement the same, particularly those which have to do with
37 public information and research data to support programs and projects
38 which the City Mayor is empowered to implement and which the
39 Sangguniang Panlungsod is empowered to provide.

- 1 (3) Provide relevant, adequate, and timely information to the City and its
2 residents;
- 3 (4) Furnish information and data on local government agencies or offices as
4 may be required by law or ordinance; and nongovernmental
5 organizations to be furnished to the said agencies and organizations;
6 and
- 7 (5) Maintain effective liaison with the various sectors of the community on
8 matters and issues that affect the livelihood and the quality of life of the
9 inhabitants and encourage support for programs of the local and
10 national government;
- 11 (6) Be in the front line in providing information during and in the aftermath
12 of man-made and natural disasters and calamities, with special attention
13 to the victims thereof, to help minimize injuries and casualties during
14 and after the emergency, and to accelerate relief and rehabilitation;
- 15 (7) Recommend to the Sangguniang Panlungsod and advise the City Mayor
16 on all matters relative to public information and research data as it
17 relates to the total socioeconomic development of the City; and
- 18 (8) Perform such other duties and functions and exercise such other powers
19 as provided for under the "Local Government Code of 1991", as
20 amended, and those that are prescribed by law or ordinance.

21 **SEC. 41. *The City Cooperatives Officer.*** – (a) The City Cooperatives Officer must
22 be a citizen of the Philippines, a resident of the City of Talavera, of good moral
23 character, a holder of a college degree preferably in Business Administration with
24 special training on cooperatives or any related course obtained from a recognized
25 college or university, a first grade civil service eligible or its equivalent and must have
26 acquired experience in cooperatives organization and management for at least five (5)
27 years immediately preceding the date of appointment.

28 (b) The City Cooperatives Officer shall receive compensation, emoluments
29 and allowances as may be determined by law.

30 (c) The City Information Officer shall take charge of the Office for the
31 Development of Cooperatives and shall:

- 32 (1) Formulate measures for the consideration of the Sangguniang
33 Panlungsod and provide technical assistance and support to the City
34 Mayor in carrying out measures to ensure the delivery of basic services
35 and provision of facilities through the development of cooperatives and
36 in providing access to such services and facilities;
- 37 (2) Develop plans and strategies and, upon approval thereof by the City
38 Mayor, implement the same, particularly these with the integration of
39 cooperative principles and methods in programs and projects which the

1 City Mayor is empowered to implement and which the Sangguniang
2 Panlungsod is empowered to provide;

- 3 (3) Assist in the organization of cooperatives;
4 (4) Provide technical assistance and other forms of assistance to existing
5 cooperatives to enhance their viability as an economic enterprise and
6 social organization;
7 (5) Assist cooperatives in establishing linkages with government agencies
8 and nongovernmental organizations involved in the promotion and
9 integration of the concept of cooperatives in the livelihood of the people
10 and other community activities;
11 (6) Be in the front line cooperative organization, rehabilitation or viability
12 enhancement, particularly during and in the aftermath of man-made and
13 natural disasters and calamities, to aid in their survival and, if necessary,
14 subsequent rehabilitation;
15 (7) Recommend to the Sangguniang Panlungsod and advise the City Mayor
16 on all matters relative to cooperatives development and viability
17 enhancement which will improve the livelihood and quality of life of
18 inhabitants; and
19 (8) Perform such other duties and functions and exercise such other powers
20 as provided for under the "Local Government Code of 1991", as
21 amended, and those that are prescribed by law or ordinance.

22 **SEC. 42. The City Population Officer.** – (a) The City Population Officer must be
23 a citizen of the Philippines, a resident of the City of Talavera, of good moral character,
24 a holder of a college degree preferably with specialized training in population
25 development obtained from a recognized college or university, a first grade civil
26 service eligible or its equivalent and must have acquired experience in the
27 implementation of programs on population development or responsible parenthood
28 for at least five (5) years immediately preceding the date of appointment.

29 (b) The City Population Officer shall receive compensation, emoluments and
30 allowances as may be determined by law.

31 (c) The City Population Officer shall take charge of the Office of Population
32 Development and shall:

- 33 (1) Formulate measures for the consideration of the Sangguniang
34 Panlungsod and provide technical assistance and support to the City
35 Mayor in carrying out measures to ensure the delivery of basic services
36 and provisions for adequate facilities relative to the integration of the
37 population development; principles and providing access to said services
38 and facilities;
39 (2) Develop plans and strategies and, upon approval thereof by the City
40 Mayor, implement these with the integration of population development

- 1 principles and methods in programs and projects which the City Mayor
2 is empowered to implement and which the Sangguniang Panlungsod;
3 (3) Assist the City Mayor in the implementation of the Constitutional
4 provisions relative to population development and the promotion of
5 responsible parenthood;
6 (4) Establish and maintain an updated data bank for program operations,
7 development planning and an educational program to ensure the
8 people's participation in and understanding of population development;
9 (5) Implement appropriate training programs responsive to the cultural
10 heritage of the inhabitants.
11 (6) Perform such other duties and functions and exercise such other powers
12 as provided for under the "Local Government Code of 1991", as
13 amended and those that are prescribed by law or ordinance.

14 **SEC. 43. *The City Veterinarian.*** – (a) The City Veterinarian must be a citizen of
15 the Philippines, a resident of the City of Talavera, of good moral character, a licensed
16 Doctor of Veterinary Medicine and must have practiced the profession at least three
17 (3) years immediately preceding the date of appointment.

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

20 (c) The city veterinarian shall take charge of the Office of Veterinary
21 Services, and shall:

- 22 (1) Formulate measures for consideration of the Sangguniang Panlungsod
23 and provide technical assistance and support to the City Mayor in
24 carrying out measures to ensure the delivery of basic services and
25 provision of adequate facilities;
26 (2) Develop plans and strategies and, upon approval thereof by the City
27 Mayor, implement the same, particularly those which have to do with
28 veterinary-related activities which the City Mayor is empowered to
29 implement and which the Sangguniang Panlungsod is empowered to
30 provide;
31 (3) Advise the City Mayor on all the matters pertaining to the slaughter of
32 animals for human consumption and the regulation of slaughterhouses;
33 (4) Regulate the keeping of domestic animals;
34 (5) Regulate and inspect poultry, milk and dairy products for human
35 consumption;
36 (6) Enforce all laws and regulations for the prevention of cruelty of animals;

- 1 (7) Take the necessary measures to eradicate, prevent or cure all forms of
2 animal diseases
- 3 (4) Be in the frontline veterinary-related activities, such as the outbreak of
4 highly contagious and deadly diseases and in situations resulting in the
5 depletion of animals for work and in human consumption, particularly
6 those arising from and in the aftermath of man-made and natural
7 disasters and calamities;
- 8 (5) Recommend to the Sangguniang Panlungsod and advise the City Mayor
9 on all matters relative to veterinary services which will increase the
10 number and improve the quality of livestock, poultry and other
11 domestic animal used for work or human consumption; and
- 12 (6) Perform such other duties and functions and exercise such other
13 powers as provided for under the "Local Government Code of 1991",
14 as amended and those that are prescribed by law or ordinance.

15 **SEC. 44. *The City General Services Officer.*** – (a) The City General Services
16 Officer must be a citizen of the Philippines, a resident of the City of Talavera, of good
17 moral character, a holder of a college degree in public administration, business
18 administration and management obtained from a recognized college or university, a
19 first grade civil service eligible or its equivalent and must have acquired experience in
20 general services, including management of supply, solid waste disposal, and general
21 sanitation for at least five (5) years immediately preceding the date of appointment.

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

24 (c) The city general services officer shall take charge of the Office of General
25 Services, and shall:

- 26 (1) Formulate measures for consideration of the Sangguniang Panlungsod
27 and provide technical assistance and support to the City Mayor in
28 carrying out measures to ensure the delivery of basic services and
29 provision of adequate facilities which require general services expertise
30 and technical support services;
- 31 (2) Develop plans and strategies and, upon approval thereof by the City
32 Mayor, implement these with the general services that are supportive of
33 the welfare of the inhabitants of the City which the City Mayor is
34 empowered to implement and which the Sangguniang Panlungsod is
35 empowered to provide;
- 36 (3) Take custody of and be accountable for all properties, real or personal,
37 owned by the City, and those granted to it in the form of donation,
38 reparation, assistance and counterpart of joint projects;

- 1 (4) With the approval of the City Mayor assign building or land space to local
2 officials or other public officials, who by law, are entitled to space;
- 3 (5) Recommend to the City Mayor the reasonable rental rates for local
4 government properties, whether real or personal, which will be leased
5 to public or private entities by the local government;
- 6 (6) Maintain and supervise janitorial, security, landscaping and other related
7 services in all local government public buildings and other real property,
8 whether owned or leased by the City;
- 9 (7) Collate and disseminate information regarding prices, shipping and other
10 costs of supplies and other items commonly used by the City;
- 11 (8) Perform archival and record management with respect to records of
12 offices and department of the local government unit;
- 13 (9) Perform all other functions pertaining to supply and property
14 management heretofore performed by the local government treasurer
15 and enforces policies on records creation, maintenance, and disposal;
- 16 (10) Be in the frontline of general services-related activities, such as the
17 possible and imminent destruction or damage to records, supplies,
18 properties, and structure materials or debris, particularly during and in
19 the aftermath of man-made and natural disasters and calamities;
- 20 (11) Recommend to the Sangguniang Panlungsod and advise the City Mayor
21 on all matters relative to general services; and
- 22 (12) Perform such other duties and functions and exercise such other powers
23 as provided for under the "Local Government Code of 1991", as
24 amended and those that are prescribed by law or ordinance.

25 **SEC. 45. The City Agriculturist.** – (a) The City Agriculturist must be a citizen of
26 the Philippines, a resident of the City of Talavera, of good moral character, a holder
27 of a college degree preferably in agriculture or any other related course obtained from
28 a recognized college or university, a first grade civil service eligible or its equivalent
29 and must have practiced his profession in agriculture or acquired experience in a
30 related field for at least five (5) years immediately preceding the date of appointment.

31 (b) The City Agriculturist shall receive compensation, emoluments and
32 allowances as may be determined by law.

33 (c) The City Agriculturist shall take charge of the Office for the Agricultural
34 Services, and shall:

35 (1) Formulate measures for the approval of the Sangguniang Panlungsod
36 and provide technical assistance and support to the City Mayor in carrying out
37 measures to ensure the delivery of basic services and provision of adequate facilities
38 relative to agricultural services;

1 (2) Develop plans and strategies and, upon approval thereof by the City
2 Mayor, implement the same, particularly those which have to do with agricultural
3 programs and projects which the City Mayor is empowered to implement and which
4 the Sangguniang Panlungsod is empowered to provide;

5 (3) In addition to the foregoing duties and functions, the agriculturist shall:

6 (i) Ensure that maximum assistance and access to resources in the
7 production, processing and marketing of agricultural and aqua-
8 cultural and marine products are extended to farmers, fishermen
9 and local entrepreneurs;

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

16 (iii) Assist the City Mayor in the establishment and extension services
17 of demonstration farms or aqua-culture and marine products;

18 (iv) Enforce rules and regulations relating to agriculture and aqua-
19 culture; and

20 (v) Coordinate with government agencies and nongovernmental
21 organizations in the promotion agricultural productivity through
22 appropriate technology compatible with environmental integrity;

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

26 (5) Recommend to the Sangguniang Panlungsod and advise the City Mayor
27 on all matters related to agriculture and aquaculture which will improve the livelihood
28 and living conditions of the inhabitants; and

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

32 **ARTICLE VIII**

33 **THE CITY FIRE STATION SERVICE, THE CITY JAIL SERVICE,**

34 **THE CITY SCHOOL DIVISION AND CITY PROSECUTION SERVICE**

35 **SEC. 46. *The City Fire Station Service.*** – (a) There shall be established in the
36 City at least one (1) fire station with adequate personnel, firefighting facilities and
37 equipment, subject to the standards, rules and regulations that may be promulgated

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

3 (b) The city fire station service shall be headed by a City Fire Marshal whose
4 qualifications shall be as those provided for under Republic Act No. 9263, as amended
5 otherwise known as the "Bureau of Fire Protection and Bureau of Jail Management
6 and Penology Professionalization Act of 2004".

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

11 **SEC. 47. *The City Jail Service.*** – (a) There shall be established and maintained
12 in the City, a secured, clean, adequately equipped and sanitary jail for the custody
13 and safekeeping of prisoners, any fugitive from justice, or person detained awaiting
14 investigation or trial and or transfer to the national penitentiary, and/or violent
15 mentally ill person who endangers himself or the safety of others, duly certified as
16 such by the proper medical health officer, pending the transfer to a mental institution.

17 (b) The city jail service shall be headed by a City Jail Warden whose qualifications
18 shall be as those provided for under the Bureau of Fire Protection and Bureau of Jail
19 Management and Penology Professionalization Act of 2004. One shall assist in the
20 immediate rehabilitation of individuals or detention prisoners. The City Jail Warden
21 shall ensure that great care is exercised at all times so that human rights prisoners
22 are respected and protected, and their spiritual and physical well-being are properly
23 and promptly attended to.

24 **SEC. 48. *The City School Division.*** – (a) There shall be established and
25 maintained by the Department of Education (DepED), a city schools division of the
26 City of Talavera whose area of jurisdiction will cover all the schools districts within the
27 City.

28 (b) The city school division shall be headed by a City Schools Division
29 Superintendent who must possess the necessary qualifications required by the
30 Department of Education.

31 **SEC. 49. *The City Prosecution Service.*** – (a) There shall be established in the
32 City, a city prosecution service to be headed by a City Prosecutor and such number of
33 assistant city prosecutor, as may be necessary, who shall be organizationally part of
34 the Department of Justice (DOJ), and under the supervision and control of the
35 Secretary of Justice and whose qualifications, manner of appointment, rank, salary
36 and benefits shall be governed by existing laws covering prosecutors of DOJ.

37 (b) The City Prosecutor shall handle the criminal prosecution in the municipal
38 trial courts in the City as well as in the regional trial courts for criminal cases originating

1 in the territory of the City, and shall render to or for the City such services as required
2 by law, ordinance or regulation of the DOJ.

3 The Secretary of Justice shall always ensure the adequacy and the quality of
4 prosecution service in the City and, for this purpose, shall, in the absence, lack or
5 insufficiency in number of assistant city prosecutors as provided hereinabove,
6 designate from among the assistant provincial prosecutors a sufficient number to
7 perform and discharge the functions of the city prosecution service as provided
8 hereinabove.

9 **ARTICLE IX**

10 **TRANSITORY AND FINAL PROVISIONS**

11 **SEC. 50. *Municipal Ordinance Existing at the Time of Approval of this Act.*** – All
12 municipal ordinances of the Municipality of Talavera existing at the time of the
13 approval of this Act shall continue to be in full force within the City of Talavera until
14 the Sangguniang Panlungsod ordinance shall provide otherwise.

15 **SEC. 51. *Jurisdiction of the Province of Nueva Ecija.*** – The City of Talavera
16 shall, unless otherwise provided for by law, continue to be under the jurisdiction of
17 the Province of Nueva Ecija.

18 **SEC. 52. *Suspension of Increase in Rates of Local Taxes.*** – No increase in the
19 rates of local taxes shall be imposed by the City within a period of five (5) years from
20 its acquisition of corporate existence.

21 **SEC. 53. *Legislative District.*** – Until otherwise provided for by law, the City of
22 Talavera shall continue to be part of the First District of Nueva Ecija.

23 **SEC. 54. *Applicability of Laws.*** – The provisions of Republic Act No. 7160,
24 otherwise known as the Local Government Code of 1991, as amended, and such laws
25 as are applicable to the component cities shall govern the City of Talavera in so far as
26 they are inconsistent with the provisions of this Act.

27 **SEC. 55. *Plebiscite.*** – The City of Talavera shall acquire corporate existence
28 upon the ratification of its creation by a majority of the votes cast by the qualified
29 voters in a plebiscite to be conducted in the present Municipality of Talavera within
30 sixty (60) days from the approval of this Act. The expenses for such plebiscite shall
31 be borne by the Municipality of Talavera. The Commission on Elections shall conduct
32 and supervise the plebiscite.

33 **SEC. 56. *Officials of the City of Talavera.*** – The present elective officials of the
34 Municipality of Talavera shall continue to exercise their powers and functions until
35 such time that a new election is held and the duly-elected officials shall have already
36 qualified and assumed their offices. The appointive officials and employees of the

1 Municipality of Talavera shall likewise continue exercising their functions and duties
2 and they shall be automatically absorbed by the City Government of Talavera.

3 **SEC. 57. Election of Provincial Governor and Sangguniang Panlalawigan**
4 **Members of the Province of Nueva Ecija.** – The qualified members of the City of
5 Talavera shall qualify to vote and run for any elective position in the elections for
6 Provincial Governor, Provincial Vice Governor, Sangguniang Panlalawigan members
7 and other elective offices for the Province of Nueva Ecija.

8 **SEC. 58. Reservation.** – Nothing herein contained shall preclude the
9 determination by the appropriate agency or forum of boundary disputes or cases
10 involving questions of territorial jurisdiction between the City of Talavera and any of
11 the adjoining local government units even after the effectivity of this Act.

12 **SEC. 59. Succession Clause.** –The City of Talavera shall succeed to all the
13 assets, properties, liabilities, and obligations of the Municipality of Talavera.

14 **SEC. 60. Separability Clause.** – If, for any reason or reasons, any part or
15 provision of this Charter shall be held unconstitutional, invalid or inconsistent with the
16 Local Government Code of 1991, as amended, the other parts or provisions hereof
17 which are not affected shall continue to be in full force and effect.

18 **SEC. 61. Repealing Clause.** – All others laws, decrees, rules and regulations or
19 parts thereof contrary to or inconsistent with the provisions of this Act are hereby
20 repealed, amended or modified accordingly.

21 **SEC. 62. Effectivity.** – This Act shall take effect upon its publication in at least
22 two (2) newspapers of general and local circulation.

Approved,