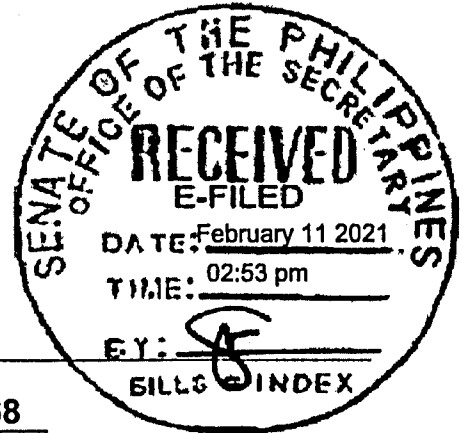


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

SENATE

COMMITTEE REPORT NO. 168



Submitted jointly by the Committees on Local Government; and Electoral Reforms and People's Participation on February 11 2021.

Re: **House Bill No. 6413**

Recommending the approval of House Bill No. 6413 with amendments, taking into consideration Senate Bill No. 1274, Senate Bill No. 1714, and Senate Bill No. 1824.

Sponsor: **Senator Francis "Tol" N. Tolentino**

MR. PRESIDENT:

The Committees on Local Government; and Electoral Reforms and People's Participation, to which was referred **House Bill No. 6413** introduced by Representatives Esmael G. Mangudadatu, Datu Roonie Sr. Q. Sinsuat, Noel L. Villanueva, Francisco G. Datol Jr., Jonathan Keith T. Flores, *et al.*, entitled:

"AN ACT

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

taking into consideration **Senate Bill No. 1274**, introduced by Senator Ramon Bong Revilla Jr., entitled:

"AN ACT

CREATING THE PROVINCE OF WESTERN MAGUINDANAO"

Senate Bill No. 1714, introduced by Senator Cynthia A. Villar, entitled:

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

and **Senate Bill No. 1824**, introduced by Senator Francis "Toi" N. Tolentino, entitled:

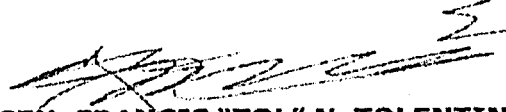
**"AN ACT
DIVIDING THE PROVINCE OF MAGUINDANAO INTO TWO (2) PROVINCES,
NAMELY: NORTHERN MAGUINDANAO AND SOUTHERN MAGUINDANAO"**

have considered the same and have the honor to report it back to the Senate with the recommendation that House Bill No. 6413, taking into consideration Senate Bill No. 1274, Senate Bill No. 1714, and Senate Bill No. 1824, be approved with the following amendments:

1. On page 29, delete lines 21 to 25;
2. On page 68, lines 27, delete the words "sixty (60)" and replace with "**NINETY (90)**";
3. Still on page 69, line 13, delete the words "one (1) year" and replace with "**SIX (6) MONTHS**";
4. Finally, to renumber the sections accordingly.

Respectfully submitted:

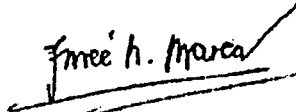
CHAIRPERSONS:



SEN. FRANCIS "TOL" N. TOLENTINO

Committee on Local Government

Member, Committee on Electoral Reforms and People's Participation

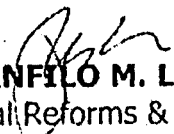


SEN. IMEE R. MARCOS

Committee on Electoral Reforms & People's Participation

Vice Chairperson, Committee on Local Government


VICE CHAIRPERSON:




SEN. PANFILO M. LACSON

Committee on Electoral Reforms & People's Participation


MEMBERS:



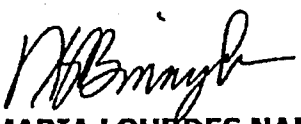
SEN. RONALD "BATO" M. DELA ROSA
Committee on Local Government
Committee on Electoral Reforms & People's
Participation



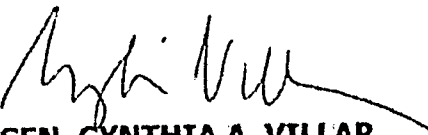
SEN. CHRISTOPHER BONG GO
Committee on Local Government
Committee on Electoral Reforms & People's
Participation



SEN. RAMON BONG REVILLA JR.
Committee on Local Government
Committee on Electoral Reforms & People's
Participation



SEN. MARIA LOURDES NANCY S. BINAY
Committee on Local Government
Committee on Electoral Reforms and People's
Participation




SEN. CYNTHIA A. VILLAR
Committee on Local Government
Committee on Electoral Reforms & People's
Participation




SEN. JOEL VILLANUEVA
Committee on Local Government

SEN. AQUILINO "KOKO" PIMENTEL III
Committee on Local Government
Committee on Electoral Reforms & People's
Participation



SEN. FRANCIS N. PANGILINAN
Committee on Local Government
Committee on Electoral Reforms & People's
Participation



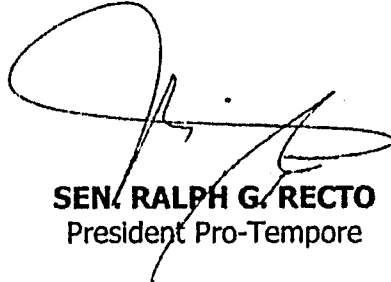
SEN. RISA HONTIVEROS
Committee on Local Government
Committee on Electoral Reforms & People's
Participation



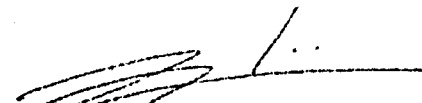
SEN. WIN GATCHALIAN
Committee on Local Government

*may interpellate {
propose amendments.*


EX- OFFICIO MEMBERS:



SEN. RALPH G. RECTO
President Pro-Tempore



SEN. JUAN MIGUEL F. ZUBIRI
Majority Leader



SEN. FRANKLIN M. DRILON
Minority Leader

May interpellate/amend

HON. VICENTE C. SOTTO III
Senate President



HOUSE OF REPRESENTATIVES

H. No. 6413

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

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

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

ARTICLE I

GENERAL PROVISIONS

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SECTION 1. *Title.* — This Act shall be known as the “Charter
of the Provinces of Northern Maguindanao and Southern
Maguindanao”.

SEC. 2. *Division of the Province of Maguindanao.* — The
Province of Maguindanao is hereby divided into two (2) distinct

1 and independent provinces to be known as Northern Maguindanao
2 and Southern Maguindanao.

3 **SEC. 8. Composition.** - The provinces of Northern
4 Maguindanao and Southern Maguindanao shall be composed
5 of the following municipalities:

6 (a) Province of Northern Maguindanao

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

19 (b) Province of Southern Maguindanao

- 20 (1) Ampatuan;
21 (2) Buluan;
22 (3) Datu Abdulla Sangki;
23 (4) Datu Anggal Midtimbang;
24 (5) Datu Hoffer Ampatuan;
25 (6) Datu Montawal;
26 (7) Datu Paglas;
27 (8) Datu Piang;

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

17 **SEC. 4. Territorial Jurisdiction.** — The territorial jurisdiction
18 of the provinces of Northern Maguindanao and Southern
19 Maguindanao shall be within the present metes and bounds of all
20 the municipalities that comprise the respective provinces.

21 The foregoing provision shall be without prejudice to the
22 resolution by the appropriate agency or forum of existing boundary
23 disputes or cases involving questions of territorial jurisdiction
24 between the new provinces and adjoining local government units:
25 *Provided*, That the territorial boundaries of the disputed area or
26 areas shall remain with the local government unit which has

1 existing administrative supervision over said area or areas until
2 final resolution of the case.

3 **SEC. 5. Capital Towns and Seats of Government.** – The capital
4 towns and seats of government of the provinces of Northern
5 Maguindanao and Southern Maguindanao shall be the
6 municipalities of Datu Odin Sinsuat and Buluan, respectively.

7 **SEC. 6. Corporate Powers of the Provinces.** – Each province
8 constitutes a political body corporate and as such is endowed
9 with the attributes of perpetual succession and possessed of the
10 powers which pertain to a provincial corporation to be exercised
11 in conformity with the provision of this Charter and Republic
12 Act No. 7160, otherwise known as the “Local Government Code of
13 1991”, as amended. Each province shall have the following corporate
14 powers:

15 (a) To exercise continuous succession in its corporate name;

16 (b) To sue and be sued;

17 (c) To use a corporate seal;

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

19 (e) To enter into contracts; and

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

23 **SEC. 7. General Powers.** – Each province shall have a
24 common seal and may alter the same at its pleasure: *Provided,*
25 That any change of corporate seal shall be registered with the
26 Department of the Interior and Local Government (DILG). Each
27 province shall have the power to create its sources of revenue

1 and to levy taxes, fees and charges; to close and open roads,
2 streets, alleys, parks, or squares; to take, purchase, receive, hold,
3 lease, convey and dispose of real and personal property for the
4 general interests of the province; to expropriate or condemn private
5 property for public use; to contract and to be contracted with; to sue
6 and be sued; to prosecute and defend to final judgment and
7 execution, suits wherein the province is involved or interested in
8 and to exercise all the powers as are granted to corporations or
9 as hereinafter granted, subject to the provisions of the Local
10 Government Code of 1991, as amended.

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

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

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

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

25

ARTICLE II

26

PROVINCIAL OFFICIALS IN GENERAL

1 **SEC. 10. Officials of the Provincial Government.** – (a) In each
2 of the provinces of Northern Maguindanao and Southern
3 Maguindanao, there shall be a provincial governor, a provincial
4 vice governor, the regular members of the *sangguniang*
5 *panlalawigan*, a secretary to the *sangguniang panlalawigan*,
6 a provincial treasurer, a provincial assessor, a provincial accountant,
7 a provincial budget officer, a provincial planning and development
8 coordinator, a provincial engineer, a provincial health officer,
9 a provincial administrator, a provincial legal officer, a provincial
10 agriculturist, a provincial social welfare and development officer,
11 a provincial veterinarian and a provincial general services officer.

12 (b) In addition thereto, the provincial governor may appoint
13 a provincial architect, a provincial population officer, a provincial
14 environment and natural resources officer, a provincial cooperatives
15 officer and a provincial information officer.

16 (c) The *sangguniang panlalawigan* may:

17 (1) Maintain existing offices mentioned in subsections (a) and
18 (b) hereof;

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

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

23 Unless otherwise provided herein or under the Local
24 Government Code of 1991, as amended, the heads of departments
25 and offices shall be appointed by the provincial governor with the
26 concurrence of a majority of all the *sangguniang panlalawigan*
27 members, subject to civil service law, rules and regulations. The

1 *sangguniang panlalawigan* shall act on the appointments within
2 fifteen (15) days from the day of submission; otherwise, the same
3 shall be deemed confirmed.

4 SEC. 11. *Residence and Office.* - The official residence
5 and office of the provincial governor, during the latter's
6 incumbency, shall be in the capital of the province. All elective
7 and appointive provincial officials shall hold office in the
8 provincial capital: *Provided, That*, upon the resolution of the
9 *sangguniang panlalawigan*, elective and appointive provincial
10 officials may hold office in any component city or municipality
11 within the province for a period of not more than seven (7) days for
12 any given month.

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

21 ARTICLE III

22 ELECTIVE PROVINCIAL OFFICIALS

23 SEC. 12. *The Provincial Governor.* - (a) The provincial
24 governor, as the chief executive of the provincial government,
25 shall exercise such powers and perform such duties and functions
26 as provided under the Local Government Code of 1991, as amended,
27 and other laws.

1 (b) For efficient, effective and economical governance, the
2 purpose of which is the general welfare of the province and its
3 inhabitants pursuant to Section 16 of the Local Government Code of
4 1991, as amended, the provincial governor shall:

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

8 (i) Determine the guidelines of provincial policies and be
9 responsible to the *sangguniang panlalawigan* for the program of
10 government;

11 (ii) Direct the formulation of the provincial development
12 plan, with the assistance of the provincial development council, and
13 upon approval thereof by the *sangguniang panlalawigan*, implement
14 the same;

15 (iii) Present the program of government and propose policies
16 and projects for the consideration of the *sangguniang panlalawigan*
17 at the opening of the regular session of the *sangguniang*
18 *panlalawigan* every calendar year and as often as may be deemed
19 necessary as the general welfare of the inhabitants and the needs
20 of the provincial government may require;

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

25 (v) Appoint all officials and employees whose salaries and
26 wages are wholly or mainly paid out of provincial funds and whose
27 appointments are not otherwise provided for in this Act, as well as

1 those that the provincial governor may be authorized by law to
2 appoint;

3 (vi) Represent the province in all its business transactions,
4 and sign in its behalf all bonds, contracts and obligations, and
5 such other documents upon the authority of the *sangguniang*
6 *panlalawigan* or pursuant to law or ordinance;

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

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

13 (ix) Allocate and assign office space to the provincial and
14 other officials and employees who, by law or ordinance, are entitled
15 to such space in the provincial capital and other buildings owned
16 or leased by the provincial government;

17 (x) Ensure that all executive officials and employees of
18 the province faithfully discharge their duties and functions as
19 provided for by law and the Local Government Code of 1991,
20 as amended, and cause to be instituted administrative or judicial
21 proceedings against any official or employee of the province who may
22 have committed an offense in the performance of official duties;

23 (xi) Examine the books, records and other documents of all
24 offices, officials, agents or employees of the province and, in aid of
25 executive powers and authority, require all national officials and
26 employees stationed in the province to make available such books,

1 records and other documents in their custody, except those classified
2 by law as confidential;

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

6 (xiii) Visit component cities and municipalities of the province
7 at least once every six (6) months to deepen the governor's
8 understanding of problems and conditions, listen and give
9 appropriate counsel to local officials and inhabitants, inform the
10 officials and inhabitants of component cities and municipalities of
11 general laws and ordinances which especially concern them, and
12 otherwise conduct visits and inspections to ensure that the
13 governance of the province will improve the quality of life of the
14 inhabitants;

15 (xiv) Act on leave applications of officials and employees and
16 the commutation of the monetary value of their leave credits in
17 accordance with law;

18 (xv) Authorize official trips of provincial officials and
19 employees outside of the province for a period not exceeding thirty
20 (30) days;

21 (xvi) Call upon any national official or employee stationed in
22 or assigned to the province to advise on matters affecting the
23 province and to make recommendations thereon; coordinate with the
24 official or employee in the formulation and implementation of plans,
25 programs and projects; and, when appropriate, initiate an
26 administrative or judicial action against a national government
27 official or employee who may have committed an offense in the

1 performance of official duties while stationed in or assigned to the
2 province;

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

8 (xviii) Represent the province in inter-provincial or regional
9 sports councils or committees, and coordinate the efforts of
10 component cities or municipalities in the regional or national *palaro*
11 or sports development activities;

12 (xix) Conduct an annual *palarong panlalawigan*, which shall
13 feature traditional sports and disciplines included in national and
14 international games in coordination with the Department of
15 Education (DepEd); and

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

25 (2) Enforce all laws and ordinances relative to the
26 governance of the province and the exercise of the appropriate
27 corporate powers provided under Section 22 of the Local

1 Government Code of 1991, as amended; implement all approved
2 policies, programs, projects, services and activities of the province;
3 and, in addition to the foregoing, shall:

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

7 (ii) Call conventions, conferences, seminars or meetings of
8 elective and appointive officials of the province and its component
9 cities and municipalities, including national officials and employees
10 stationed in or assigned to the province, at such time and place and
11 on such subject as may be deemed important for the promotion of
12 the general welfare of the province and its inhabitants;

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

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

17 (v) In coordination with the mayors of component cities and
18 municipalities and the National Police Commission, formulate the
19 peace and order plan of the province and upon its approval,
20 implement the same in accordance with Republic Act No. 6975,
21 as amended, otherwise known as the "Department of the Interior
22 and Local Government Act of 1990"; and

23 (vi) Call upon the appropriate national law enforcement
24 agencies to suppress disorder, riot, lawless violence, rebellion or
25 sedition or to apprehend violators of the law when public interest so
26 requires and when the police forces of the component city or

1 municipality where the disorder or violation is happening are
2 inadequate to cope with the situation or the violators;

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

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

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

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

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

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

1 (vi) Provide efficient and effective property and supply
2 management in the province; and safeguard the funds, accounts
3 receivables, rights and other properties of the province; and

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

9 (4) Ensure the delivery of basic services and the provision
10 of adequate facilities as provided under Section 17 of the Local
11 Government Code of 1991, as amended and, in addition thereto,
12 shall:

13 (i) Ensure that the construction and repair of roads and
14 highways funded by the national government shall be, as far as
15 practicable, carried out in a spatially contiguous manner and in
16 coordination with the construction and repair of the roads and
17 bridges of the province and of its component cities and
18 municipalities; and

19 (ii) Coordinate the implementation of technical services by
20 national offices for the province and its component cities and
21 municipalities, including public works and infrastructure programs
22 of the provincial government and its component cities and
23 municipalities; and

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

26 The provincial governor shall receive a minimum monthly
27 compensation as prescribed under Republic Act No. 6758,

1 as amended, otherwise known as the "Compensation and Position
2 Classification Act of 1989", as amended, and the implementing
3 guidelines issued pursuant thereto.

4 SEC. 18. *The Provincial Vice Governor.* - (a) The provincial
5 vice governor shall:

6 (1) Be the presiding officer of the *sangguniang panlalawigan*
7 and sign all warrants drawn on the provincial treasury for all
8 expenditures appropriated for the operation of the *sangguniang*
9 *panlalawigan*;

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

14 (3) Assume the office of the provincial governor for the
15 unexpired term of the latter in the event of permanent vacancy
16 as provided under Section 44, Book I of the Local Government Code
17 of 1991, as amended;

18 (4) Exercise the powers and perform the duties and functions
19 of the provincial governor in case of temporary vacancy as provided
20 under Section 46, Book I of the Local Government Code of 1991, as
21 amended; and

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

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

ARTICLE IV

THE SANGGUNIANG PANLALAWIGAN

1
2
3 **SEC. 14. Composition.** -- (a) The *sangguniang panlalawigan*,
4 the legislative body of the province, shall be composed of the
5 provincial vice governor as the presiding officer, the regular
6 *sangguniang panlalawigan* members, the president of the
7 provincial chapter of the *liga ng mga barangay*, the president
8 of the *panlalawigang pederasyon ng mga sangguniang kabataan*,
9 the president of the provincial federation of *sanggunian* members
10 of municipalities and component cities, and the sectoral
11 representatives, as members.

12 (b) In addition thereto, there shall be three (3) sectoral
13 representatives: one (1) from the women's sector; one (1) from
14 the agricultural or industrial worker sector; and one (1) from
15 other sectors, including the urban poor, indigenuous cultural
16 communities, or persons with disability.

17 (c) The regular members of the *sangguniang panlalawigan*
18 and the sectoral representatives shall be elected in the manner as
19 may be provided by law, and shall receive a monthly compensation
20 as prescribed under the "Compensation and Position Classification
21 Act of 1989", as amended, and the implementing guidelines issued
22 pursuant thereto.

23 **SEC. 15. Powers, Duties, Functions and Compensation.** --

24 (a) The *sangguniang panlalawigan*, as the legislative body of
25 the province, shall enact ordinances, approve resolutions and
26 appropriate funds for the general welfare of the province and
27 its inhabitants pursuant to Section 16 of the Local Government

1 Code of 1991, as amended, and in the proper exercise of the
2 corporate powers of the province as provided under Section 22
3 of the Local Government Code of 1991, as amended, and shall:

4 (1) Approve all ordinances and pass resolutions necessary
5 for an efficient and effective provincial government and, in this
6 connection, shall:

7 (i) Review all ordinances approved by the *sanggunians* of
8 component cities and municipalities and executive orders issued
9 by the mayors of said component units to determine whether
10 these are within the scope of the prescribed powers of the
11 *sanggunian* and of the mayor;

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

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

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

25 (v) Enact ordinances intended to prevent, suppress and
26 impose appropriate penalties for habitual drunkenness in public
27 places, vagrancy, mendicancy, prostitution, the establishment and

1 maintenance of houses of ill repute, gambling and other prohibited
2 games of chance, fraudulent devices and ways to obtain money
3 or property, drug addiction, maintenance of drug dens, drug
4 pushing, juvenile delinquency, the printing, distribution or
5 exhibition of obscene or pornographic materials or publication,
6 and such other activities inimical to the welfare and morals of
7 the inhabitants of the province;

8 (vi) Protect the environment, and impose appropriate
9 penalties for acts which endanger the environment, such as
10 dynamite fishing and other forms of destructive fishing,
11 illegal logging and smuggling of logs, smuggling of natural
12 resources products and of endangered species of flora and
13 fauna, slash-and-burn farming, irresponsible disposal of waste,
14 and such other activities which result in pollution, acceleration
15 of eutrophication of rivers and lakes, or of ecological imbalance;

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

19 (viii) Determine the positions and salaries, wages, allowances
20 and other emoluments and benefits of officials and employees
21 paid wholly or mainly from provincial funds and provide for
22 expenditures necessary for the proper conduct of programs,
23 projects, services and activities of the provincial government;

24 (ix) Authorize the payment of compensation to a qualified
25 person not in the government service who fills in a temporary
26 vacancy or grant honorarium to any qualified official or employee

1 designated to fill a temporary vacancy in a concurrent capacity at
2 the rate authorized by law;

3 (x) Provide a mechanism and the appropriate funds therefore
4 to ensure the safety and protection of all provincial government
5 property, public documents or records such as those relating to
6 property inventory, land ownership, records of births, marriages,
7 deaths, assessments, taxation, accounts, business permits, and such
8 other records and documents of public interest in the offices and
9 departments of the provincial government; and

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

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

20 (i) Enact the annual and supplemental appropriations
21 of the provincial government and appropriate funds for specific
22 programs, projects, services and activities of the province, or for
23 other purposes not contrary to law, in order to promote the
24 general welfare of the province and its inhabitants;

25 (ii) Subject to the provisions of Book II of the Local
26 Government Code of 1991, as amended, applicable laws and, upon
27 the majority vote of all the members of the *sangguniang*

1 *panlalawigan*, enact ordinances levying taxes, fees and charges,
2 prescribing the rates thereof for general and specific purposes
3 and granting tax exemptions, incentives or reliefs;

4 (iii) Subject to the provisions of Book II of the Local
5 Government Code of 1991, as amended, applicable laws and, upon
6 the majority vote of all the members of the *sangguniang*
7 *panlalawigan*, authorize the provincial governor to negotiate and
8 contract loans and other forms of indebtedness;

9 (iv) Subject to the provisions of Book II of the Local
10 Government Code of 1991, as amended, and applicable laws and,
11 upon the majority vote of all the members of the *sangguniang*
12 *panlalawigan*, enact ordinances authorizing the floating of bonds
13 or other instruments of indebtedness, for the purpose of raising
14 funds to finance development projects;

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

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

23 (vii) Review the comprehensive land use plans and zoning
24 ordinances of component cities and municipalities and adopt
25 a comprehensive provincial land use plan, subject to existing
26 laws; and

1 (viii) Adopt measures to enhance the full implementation
2 of the national agrarian reform program in coordination with the
3 Department of Agrarian Reform (DAR).

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

11 (i) Fix and impose reasonable fees and charges for all
12 services rendered by the provincial government to private persons
13 or entities; and

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

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

20 (i) Adopt measures and safeguards against pollution and
21 for the preservation of the natural ecosystem in the province,
22 including the proper collection and disposal of waste, in consonance
23 with approved standards on human settlements and environmental
24 sanitation;

25 (ii) Subject to applicable laws, facilitate or provide for the
26 establishment and maintenance of a waterworks system or district

1 waterworks for supplying water to inhabitants of component cities
2 and municipalities;

3 (iii) Subject to the availability of funds and to existing
4 laws, rules and regulations, provide for the establishment and
5 operation of vocational and technical schools and similar
6 post-secondary institutions and, with the approval of the DepEd
7 and subject to existing laws on tuition fees, fix reasonable
8 tuition fees and other school charges in educational institutions
9 supported by the provincial government;

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

13 (v) Approve measures and adopt quarantine regulations to
14 prevent the introduction and spread of diseases within its territorial
15 jurisdiction;

16 (vi) Provide for the care of paupers, the aged, the sick,
17 persons of unsound mind, abandoned minors, abused children,
18 disabled persons, juvenile delinquents, drug dependents,
19 and other needy and disadvantaged persons, particularly children
20 and youth below eighteen (18) years of age; subject to the
21 availability of funds, establish and support the operation of
22 centers and facilities for said needy and disadvantaged persons;
23 and facilitate the efforts to promote the welfare of families below
24 the poverty threshold, the disadvantaged and the exploited;

25 (vii) Establish and provide for the maintenance and
26 improvement of jails and detention centers, institute a sound

1 jail management program and appropriate funds for the subsistence
2 of detainees and convicted prisoners in the province;

3 (viii) Establish a provincial council whose purpose is the
4 promotion of culture and the arts, coordinate with government
5 agencies and nongovernmental organizations and, subject to the
6 availability of funds, appropriate funds for the support and
7 development of the same; and

8 (ix) Establish a provincial council for the elderly which
9 shall formulate policies and adopt measures mutually beneficial
10 to the elderly and to the province; subject to the availability of
11 funds, appropriate funds to support programs and projects for
12 the elderly; and provide incentives for nongovernmental agencies
13 and entities that shall implement programs and projects for the
14 elderly; and

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

19 ARTICLE V

20 PROCESS OF LEGISLATION

21 SEC. 16. *Internal Rules of Procedure.* - (a) On the first
22 regular session following the election of its members and within
23 ninety (90) days thereafter, the *sangguniang panlalawigan* shall
24 adopt or update its existing rules of procedure.

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

26 (1) The organization of the *sanggunian* and the election of
27 its officers as well as the creation of standing committees which

1 shall include the committees on appropriations, women and
2 family, human rights, youth and sports development, environmental
3 protection, peace and order, and cooperatives; the general
4 jurisdiction of each committee; and the election of the chairman and
5 members of each committee;

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

7 (3) The legislative process;

8 (4) The parliamentary procedures which include the conduct
9 of members during sessions;

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

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

21 **SEC. 17. Full Disclosure of Financial and Business Interests**
22 **of Sangguniang Panlalawigan Members.** - (a) Every *sangguniang*
23 *panlalawigan* member shall, upon assumption to office, make a
24 full disclosure of business and financial interests. The member
25 shall also disclose any business, financial, professional
26 relationship or any relation by affinity or consanguinity within
27 the fourth civil degree, with any person, firm or entity affected

1 by any ordinance or resolution under consideration by the
2 *sanggunian* of which one is a member, which relationship may
3 result in conflict of interest. Such relationship shall include:

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

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

8 In the absence of a specific constitutional or statutory
9 provision applicable to this situation, "conflict of interest" refers
10 in general to a situation where it may be reasonably deduced
11 that a member of a *sangguniang panlalawigan* may not be able
12 to act in the public interest due to some private, pecuniary or
13 other personal considerations that tend to affect the member's
14 judgment to the prejudice of the service or the public.

15 (b) The above disclosure required under this Act shall be
16 made in writing and submitted to the secretary of the
17 *sanggunian* or the secretary of the committee of membership
18 of the *sanggunian* member. The disclosure shall, in all cases,
19 form part of the record of the proceedings of the meetings and
20 shall be made in the following manner:

21 (1) Disclosure shall be made before the member participates
22 in the deliberations on the ordinance or resolution under
23 consideration: *Provided*, That if the member did not participate
24 during the deliberations, the disclosure shall be made before
25 voting on the ordinance or resolution on second and third
26 readings; and

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

5 SEC. 18. *Sessions.* - (a) On the first day of session
6 immediately following the election of its members, the *sangguniang*
7 *panlalawigan* shall, by resolution, fix the day, time and place
8 of its regular sessions. The minimum number of regular sessions
9 of the *sangguniang panlalawigan* shall be once a week.

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

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

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

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

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

4 SEC. 19. *Quorum*. - (a) A majority of all the members of
5 the *sanggunian* who have been elected and qualified shall
6 constitute a quorum to transact official business. Should a
7 question of quorum be raised during the session, the presiding
8 officer shall immediately proceed to call the roll of the members
9 and thereafter announce the results.

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

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

24 SEC. 20. *Approval of Ordinances*. - (a) Every ordinance
25 enacted by the *sangguniang panlalawigan* shall be presented
26 to the provincial governor. The provincial governor shall sign
27 each and every page of the ordinance to signify approval of

1 the same; otherwise, the provincial governor shall veto it and
2 return the same stating therein the reasons for such objection.
3 Thereafter, the *sanggunian* may proceed to reconsider the same.
4 The *sanggunian* may override the veto of the provincial governor
5 by two-thirds (2/3) vote of all its members, thereby making the
6 ordinance or resolution effective for all legal intents and purposes.

7 (b) The veto shall be communicated by the provincial
8 governor to the *sangguniang panlalawigan* within fifteen (15)
9 days from receipt of the ordinance; otherwise, the ordinance
10 shall be deemed approved as if the provincial governor had
11 signed it.

12 SEC. 21. *Veto Power of the Provincial Governor.* - (a) The
13 provincial governor may veto any ordinance of the *sangguniang*
14 *panlalawigan* on the ground that it is prejudicial to the public
15 welfare, and return the same stating therein the reasons for the
16 disapproval.

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

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

6 ARTICLE VI

7 SUCCESSION FOR ELECTIVE PROVINCIAL OFFICIALS

8 SEC. 22. *Permanent Vacancy in the Office of the Provincial*
9 *Governor.* - (a) If a permanent vacancy occurs in the office
10 of the provincial governor, the provincial vice governor shall
11 become the provincial governor or, in case of permanent inability,
12 the highest ranking *sanggunian* member shall become the
13 provincial governor. If a permanent vacancy occurs in the
14 office of the provincial vice governor, the highest ranking
15 *sangguniang panlalawigan* member shall become the provincial
16 vice governor or, in case of permanent inability, the highest ranking
17 *sangguniang panlalawigan* member shall become the provincial vice
18 governor. Subsequent vacancies shall be filled automatically by
19 other *sanggunian* members according to their ranking as defined
20 herein:

21 (1) For purposes of this Act, a permanent vacancy arises
22 when an elective official fills a higher vacant office, refuses to
23 assume office, fails to qualify, dies, is removed from office,
24 voluntarily resigns or is otherwise permanently incapacitated to
25 discharge the functions of the office;

26 (2) For purposes of this Act, a permanent vacancy arises
27 when an elective official fills a higher vacant office, refuses to

1 assume office, fails to qualify, dies, is removed from office,
2 voluntarily resigns or is otherwise permanently incapacitated to
3 discharge the functions of the office;

4 (3) A tie between or among the highest ranking *sangguniang*
5 *panlalawigan* members shall be resolved by drawing of lots;

6 (4) The successors as defined herein shall serve only the
7 unexpired terms of the predecessors; and

8 (5) For purposes of succession as provided for in this Act,
9 ranking in the *sangguniang panlalawigan* shall be determined
10 on the basis of the proportion of votes obtained by each winning
11 candidate to the total number of registered voters in the province
12 in the immediately preceding local elections.

13 SEC. 23. *Permanent Vacancies in the Sangguniang*
14 *Panlalawigan*. - (a) Permanent vacancies in the *sangguniang*
15 *panlalawigan* where automatic succession as provided for in
16 this Act does not apply shall be filled by appointment by the
17 President, through the Executive Secretary.

18 (b) Only the nominee of the political party under which the
19 *sanggunian* member concerned had been elected and whose
20 elevation to the position next higher in rank created the last
21 vacancy in the *sanggunian* shall be appointed in the manner
22 herein provided. The appointee shall come from the same
23 political party as that of the *sanggunian* member who caused the
24 vacancy and shall serve the unexpired term of the vacant office.

25 In the appointment herein mentioned, a nomination and a
26 certificate of membership of the appointee from the highest
27 official of the political party concerned are conditions

1 *sine qua non*, and any appointment without such nomination
2 and certification shall be null and void *ab initio* and shall be a
3 ground for administrative action against the official responsible
4 therefor.

5 (c) In case the permanent vacancy is caused by a
6 *sanggunian* member who does not belong to any political party,
7 the provincial governor shall, upon recommendation of the
8 *sangguniang panlalawigan*, appoint a qualified person to fill in
9 the vacancy.

10 (d) In case of vacancy in the representation of the
11 *sangguniang kabataan*, the *sangguniang barangay* and the
12 provincial league of councilors in the *sangguniang panlalawigan*,
13 said vacancy shall be filled in automatically by the
14 next-in-rank official of the organization concerned.

15 SEC. 24. *Temporary Vacancy in the Office of the Provincial*
16 *Governor.* - (a) When the provincial governor is temporarily
17 incapacitated to perform the duties for physical or legal
18 reasons such as leave of absence, travel abroad and suspension
19 from office, the provincial vice governor shall automatically
20 exercise the powers and perform the duties and functions of
21 the provincial governor, except the power to appoint, suspend
22 or dismiss employees which can only be exercised if the period
23 of temporary incapacity exceeds thirty (30) working days.

24 (b) Said temporary incapacity shall terminate upon
25 submission to the *sangguniang panlalawigan* of a written
26 declaration by the provincial governor of having reported back
27 to office. In case where the temporary incapacity is due to

1 legal cause, the provincial governor shall also submit the
2 necessary documents showing that the legal cause no longer
3 exists.

4 (c) When the provincial governor is traveling within the
5 country but outside the territorial jurisdiction for a period not
6 exceeding three (3) consecutive days, the same may designate
7 in writing the officer-in-charge of the office. Such authorization
8 shall specify the powers and functions that the local official
9 concerned shall exercise in the absence of the provincial
10 governor, except the power to appoint, suspend or dismiss
11 employees.

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

18 (e) Except as provided in subsection (c) hereof, the provincial
19 governor shall, in no case, authorize any local official to assume the
20 powers, duties and functions of the office other than the provincial
21 vice governor.

22 ARTICLE VII

23 APPOINTIVE PROVINCIAL OFFICIALS:

24 THEIR QUALIFICATIONS, POWERS, AND DUTIES

25 SEC. 25. *The Secretary to the Sangguniang Panlalawigan.* -

26 (a) There shall be a secretary to the *sangguniang panlalawigan*

1 who shall be a career official with the rank and salary equal to a
2 head of a department or office.

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

8 The appointment of the secretary to the *sanggunian* is
9 mandatory.

10 (c) The secretary to the *sanggunian* shall take charge of the
11 office of the *sangguniang panlalawigan*, and pursuant thereto,
12 perform the following:

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

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

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

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

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

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

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

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

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

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

20 SEC. 26. *The Provincial Treasurer.* - (a) The provincial
21 treasurer shall be appointed by the Secretary of Finance from
22 a list of at least three (3) ranking eligible recommendees of
23 the provincial governor, subject to civil service law, rules and
24 regulations.

25 The appointment of the provincial treasurer is mandatory.

26 (b) The provincial treasurer must be a citizen of the
27 Philippines, a resident of the province, of good moral character,

1 a holder of a college degree preferably in commerce, public
2 administration or law from a recognized college or university,
3 a first grade civil service eligible or its equivalent and must
4 have acquired at least five (5) years experience in treasury or
5 accounting service.

6 (c) The provincial treasurer shall be under the administrative
7 supervision of the provincial governor and shall regularly report
8 to the provincial governor on the tax collection efforts in the
9 province.

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

13 (1) Advise the provincial governor or the *sanggunian*,
14 as the case may be, and other local government and national officials
15 concerned regarding disposition of local government funds and on
16 such other matters relative to public finance;

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

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

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

26 (5) Maintain and update the tax information system of the
27 local government unit; and

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

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

5 **SEC. 27. *The Provincial Assessor.*** – (a) The provincial assessor
6 must be a citizen of the Philippines, a resident of the province,
7 of good moral character, a holder of a college degree preferably
8 in civil or mechanical engineering, commerce or any other
9 related course from a recognized college or university, a duly
10 registered and licensed real estate service practitioner as
11 provided under Section 30 of Republic Act No. 9646,
12 otherwise known as the “Real Estate Service Act of the Philippines”,
13 a first grade civil service eligible or its equivalent and must have
14 acquired at least five (5) years experience in real property
15 assessment work or in any related field.

16 The appointment of the provincial assessor is mandatory.

17 (b) The provincial assessor shall take charge of the
18 assessor’s office and perform the duties as provided under Book II
19 of the Local Government Code of 1991, as amended, and shall:

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

23 (2) Initiate, review and recommend changes in policies and
24 objectives, plans and programs, techniques, procedures and practices
25 in the valuation and assessment of real properties for taxation
26 purposes;

- 1 (3) Establish a systematic method of real property assessment;
- 2 (4) Install and maintain a real property identification and
- 3 accounting system;
- 4 (5) Prepare, install and maintain a system of tax mapping,
- 5 showing graphically all properties subject to assessment and gather
- 6 all data concerning the same;
- 7 (6) Conduct frequent physical surveys to verify and
- 8 determine whether all real properties within the province are
- 9 properly listed in the assessment rolls;
- 10 (7) Exercise the functions of appraisal and assessment
- 11 primarily for taxation purposes of all real properties in the province;
- 12 (8) Prepare a schedule of the fair market value for the
- 13 different classes of real properties in accordance with Title II,
- 14 Book II of the Local Government Code of 1991, as amended;
- 15 (9) Issue, upon request of any interested party, certified
- 16 copies of assessment records of real properties and all other
- 17 records relative to its assessment, upon payment of a service
- 18 charge or fee to the provincial treasurer;
- 19 (10) Submit every semester a report of all assessments, as
- 20 well as cancellations and modifications of assessments to the
- 21 provincial governor and the *sangguniang panlalawigan*; and
- 22 (11) Exercise technical supervision and visitorial functions
- 23 over all component city and municipal assessors, coordinate with
- 24 component city or municipal assessors in the conduct of tax
- 25 mapping operations and all other assessment activities,
- 26 and provide all forms of assistance therefor: *Provided, however,*

1 That, upon full provision by the component city or municipality
2 concerned to its assessor's office of the minimum personnel,
3 equipment and funding requirements as may be prescribed by
4 the Secretary of Finance, such functions shall be delegated to the
5 said municipal assessor.

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

8 SEC. 28. *The Provincial Accountant.* - (a) The provincial
9 accountant must be a citizen of the Philippines, a resident of
10 the province, of good moral character, a certified public accountant
11 and must have acquired at least five (5) years experience in
12 the treasury or accounting service.

13 The appointment of a provincial accountant is mandatory.

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

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

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

20 (3) Apprise the *sanggunian* and other local government
21 officials on the financial condition and operations of the provincial
22 government;

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

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

1 (6) Prepare statements of cash advances, liquidations,
2 salaries, allowances, reimbursements and remittances pertaining to
3 the provincial government;

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

6 (8) Post individual disbursements to subsidiary ledgers and
7 index cards;

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

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

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

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

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

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

26 The appointment of the provincial budget officer is mandatory.

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

3 (1) Prepare forms, orders and circulars embodying
4 instructions on budgetary and appropriation matters for the
5 signature of the provincial governor;

6 (2) Review and consolidate the budget proposals of different
7 departments and offices of the province;

8 (3) Assist the provincial governor in the preparation of the
9 budget and during the budget hearings;

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

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

14 (6) Coordinate with the provincial treasurer, the provincial
15 accountant and the provincial planning and development
16 coordinator for the purpose of budgeting;

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

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

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

23 (d) The appropriations for personal services of the
24 provincial budget officer provided under the DBM shall, upon the
25 effectivity of this Charter, be transferred to the new province.
26 Thereafter, the appropriations for personal services of the budget

1 officer shall be provided in full in the budget of the local government
2 unit.

3 **SEC. 30. *The Provincial Planning and Development***
4 ***Coordinator.*** – (a) The provincial planning and development
5 coordinator must be a citizen of the Philippines, a resident of
6 the province, of good moral character, a holder of a college
7 degree preferably in urban planning, development studies,
8 economics, public administration or in any related course from
9 a recognized college or university, a duly registered and licensed
10 environmental planner, as provided under Section 34 of
11 Republic Act No. 10587 or the “Environmental Planning Act of
12 2013”, a first grade civil service eligible or its equivalent and must
13 have acquired at least five (5) years experience in development
14 planning or in any related field.

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

17 (b) The provincial planning and development coordinator shall
18 take charge of the planning and development office, and pursuant
19 thereto, perform the following:

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

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

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

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

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

7 (6) Analyze the income and expenditure patterns, and
8 formulate and recommend fiscal plans and policies for the
9 consideration of the finance committee of the province as provided
10 under Title V, Book II of the Local Government Code of 1991, as
11 amended;

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

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

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

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

23 The appointment of the provincial engineer is mandatory.

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

26 (1) Initiate, review and recommend changes in policies and
27 objectives, plans and programs, techniques, procedures and practices

1 in infrastructure development and public works in general, of the
2 province;

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

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

9 (4) Provide engineering services to the province, including
10 investigations and surveys, engineering designs, feasibility studies
11 and project management; and

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

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

16 **SEC. 32. *The Provincial Health Officer.*** - (a) The provincial
17 health officer must be a citizen of the Philippines, a resident of
18 the province, of good moral character, a licensed medical practitioner
19 and must have acquired at least five (5) years experience in the
20 practice of the medical profession.

21 The appointment of a provincial health officer is mandatory.

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

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

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

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

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

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

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

12 (7) Conduct health information campaigns and render health
13 intelligence services;

14 (8) Coordinate with other government agencies and
15 nongovernmental organizations involved in the promotion and
16 delivery of health services;

17 (9) Exercise general supervision over health offices of
18 component cities and municipalities;

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

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

24 (i) Supervise the personnel and staff of the said office,
25 formulate program implementation guidelines and rules and
26 regulations for the operation of the said office for the approval
27 of the provincial governor in order to assist the latter in the

1 efficient, effective and economical implementation of health
2 services programs geared to the implementation of health-related
3 projects and activities;

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

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

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

18 SEC. 33. *The Provincial Administrator.* - (a) The provincial
19 administrator must be a citizen of the Philippines, a resident of
20 the province, of good moral character, a holder of a college
21 degree preferably in public administration, law or any related course
22 from a recognized college or university, a first grade civil service
23 eligible or its equivalent and must have acquired at least
24 five (5) years experience in management and administration work.

25 The term of the provincial administrator is coterminous with
26 that of the appointing authority.

1 The appointment of the provincial administrator is
2 mandatory.

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

5 (1) Develop plans and strategies and, upon approval thereof
6 by the provincial governor, implement the same, particularly those
7 which have to do with the management and administration-related
8 programs and projects which the provincial governor is empowered
9 to implement and which the *sanggunian* is empowered to provide
10 under the Local Government Code of 1991, as amended;

11 (2) Assist in the coordination of work of all officials of the
12 province under the supervision, direction and control of the
13 provincial governor and, for this purpose, may convene the chiefs of
14 offices and other officials of the province;

15 (3) Establish and maintain a sound personnel program for the
16 province designed to promote career development and uphold the
17 merit system in the province;

18 (4) Conduct a continuing organizational development of the
19 province with the end in view of instituting effective administrative
20 reforms;

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

25 (6) Recommend to the *sanggunian* and advise the provincial
26 governor on all other matters relative to the management and
27 administration of the province; and

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

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

8 The term of the provincial legal officer shall be coterminous
9 with that of the appointing authority.

10 The appointment of the provincial legal officer is mandatory.

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

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

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

25 (3) Represent the province in all civil actions and special
26 proceedings wherein the province or any official thereof, in their
27 official capacity, is a party: *Provided*, That actions or proceedings

1 where a component city or municipality is a party adverse to the
2 provincial government or to another component city or municipality,
3 a special legal officer may be employed to represent the adverse
4 party;

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

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

12 (6) Investigate or cause to be investigated any provincial
13 official or employee for administrative neglect or misconduct in office
14 and recommend appropriate action to the provincial governor, or the
15 *sangguniang panlalawigan*;

16 (7) Investigate or cause to be investigated any person,
17 firm or corporation holding any franchise or exercising any
18 public privilege for failure to comply with any term or condition
19 in the grant of such franchise or privilege, and recommend
20 appropriate action to the provincial governor or the *sanggunian*;

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

25 (9) Review and submit recommendations on ordinances
26 approved and executive orders issued by the component cities and
27 municipalities;

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

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

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

10 SEC. 85. *The Provincial Agriculturist.* - (a) The provincial
11 agriculturist must be a citizen of the Philippines, a resident
12 of the province, of good moral character, a holder of a college
13 degree in agriculture or in any related course from a recognized
14 college or university, a first grade civil service eligible or its
15 equivalent and must have practiced for at least five (5) years the
16 agriculturist profession or acquired experience in a related field.

17 The appointment of the provincial agriculturist is mandatory.

18 (b) The provincial agriculturist shall:

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

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

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

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

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

17 (4) Assist the provincial governor in the establishment and
18 extension services of demonstration farms on aquaculture and
19 marine products;

20 (5) Enforce rules and regulations relating to agriculture and
21 aquaculture;

22 (6) Coordinate with government agencies and nongovernmental
23 organizations which promote agricultural productivity through
24 appropriate technology compatible with environmental integrity;

25 (7) Be in the frontline of the delivery of basic agricultural
26 services, particularly those needed for the survival of the
27 inhabitants during and in the aftermath of man-made and natural

1 disasters or calamities;

2 (8) Recommend to the *sanggunian* and advise the provincial
3 governor on all matters related to agriculture and aquaculture
4 which will improve the livelihood and living conditions of the
5 inhabitants; and

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

8 SEC. 36. *The Provincial Social Welfare and Development*
9 *Officer.* - (a) The provincial social welfare and development
10 officer must be a citizen of the Philippines, a resident of the
11 province, of good moral character, a duly licensed social worker,
12 or a holder of a college degree preferably in sociology or in any
13 related course from a recognized college or university, a first grade
14 civil service eligible or its equivalent and must have acquired
15 experience for at least five (5) years in the practice of social work.

16 The appointment of a provincial social welfare and
17 development officer is mandatory.

18 (b) The provincial social welfare and development officer shall
19 take charge of the office for social welfare and development services,
20 and shall perform the following functions:

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

27 (2) Develop plans and strategies and, upon approval thereof

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

6 (3) Identify the basic needs of the needy, the disadvantaged
7 and the impoverished and develop and implement appropriate
8 measures to alleviate their problems and improve their living
9 conditions;

10 (4) Provide relief and appropriate crisis intervention for
11 victims of abuse and exploitation and recommend appropriate
12 measures to deter further abuse and exploitation;

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

16 (6) Facilitate the implementation of welfare programs for
17 the disabled, the elderly and victims of drug addiction, the
18 rehabilitation of prisoners and parolees, the prevention of juvenile
19 delinquency and such other activities which would eliminate or
20 minimize the ill-effects of poverty;

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

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

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

5 (10) Recommend to the *sanggunian* and advise the provincial
6 governor on all other matters related to social welfare and
7 development service which will improve the livelihood and living
8 conditions of the inhabitants; and

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

11 **SEC. 37. The Provincial Veterinarian.** -- (a) The provincial
12 veterinarian must be a citizen of the Philippines, a resident
13 of the province, of good moral character, a licensed doctor of
14 veterinary medicine and must have practiced for at least three (3)
15 years the veterinary profession.

16 The appointment of a provincial veterinarian is mandatory.

17 (b) The provincial veterinarian shall perform the following
18 duties and functions:

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

21 (2) Formulate measures for the consideration of the
22 *sanggunian* and provide technical assistance and support to the
23 provincial governor in carrying out measures to ensure the
24 delivery of basic services and the provision of adequate facilities

1 pursuant to Section 17 of the Local Government Code of 1991,
2 as amended;

3 (3) Develop plans and strategies and, upon approval thereof
4 by the provincial governor, implement the same, particularly those
5 which have to do with veterinary-related activities which the
6 provincial governor is empowered to implement and which the
7 *sanggunian* is empowered to provide under the Local Government
8 Code of 1991, as amended;

9 (4) Advise the provincial governor on all matters pertaining
10 to the slaughter of animals for human consumption and the
11 regulation of slaughterhouses;

12 (5) Regulate the keeping of domestic animals;

13 (6) Regulate and inspect poultry, milk and dairy products for
14 public consumption;

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

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

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

24 (10) Recommend to the *sanggunian* and advise the provincial
25 governor on all other matters relative to veterinary services which
26 will increase the number and improve the quality of livestock,

1 poultry and other domestic animals used for work or for human
2 consumption; and

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

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

14 The appointment of a provincial general services officer is
15 mandatory.

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

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

20 (i) Formulate measures for the consideration of the
21 *sanggunian* and provide technical assistance and support to
22 the provincial governor in carrying out measures to ensure the
23 delivery of basic services and the provision of adequate facilities
24 pursuant to Section 17 of the Local Government Code of 1991,
25 as amended, and which require general services expertise and
26 technical support services; and

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

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

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

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

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

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

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

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

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

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

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

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

16 **SEC. 89. *The Provincial Architect.*** – (a) The provincial
17 architect must be a citizen of the Philippines, a resident of the
18 province, of good moral character, a duly licensed architect and must
19 have practiced the architectural profession for at least five (5) years.

20 The appointment of a provincial architect is optional.

21 (b) The provincial architect shall perform the following duties
22 and functions:

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

25 (i) Formulate measures for the consideration of the
26 *sanggunian* and provide technical assistance and support to the
27 provincial governor in carrying out measures to ensure the delivery

1 of basic services and the provision of adequate facilities relative to
2 architectural planning and design as provided under Section 17 of
3 the Local Government Code of 1991, as amended; and

4 (ii) Develop plans and strategies and, upon approval thereof
5 by the provincial governor, implement the same, particularly those
6 which have to do with architectural planning and design programs
7 and projects which the provincial governor is empowered to
8 implement and which the *sanggunian* is empowered to provide
9 under the Local Government Code of 1991, as amended;

10 (2) Prepare and recommend for consideration of the
11 *sanggunian* the architectural plan and design for the province or a
12 part thereof, including the renewal of slums and blighted areas, land
13 reclamation activities, the greening of land and the appropriate
14 planning of marine and foreshore areas;

15 (3) Review and recommend for appropriate action of the
16 *sanggunian* and the provincial governor, the architectural plan and
17 design submitted by governmental and nongovernmental entities or
18 individuals, particularly those for undeveloped, underdeveloped and
19 poorly-designed areas;

20 (4) Coordinate with government agencies and nongovernmental
21 entities and individuals involved in the aesthetics and the maximum
22 utilization of the land and water within the jurisdiction of the
23 province, compatible with environmental integrity and ecological
24 balance;

25 (5) Be in the frontline of the delivery of basic services
26 involving architectural planning and design, particularly those
27 related to redesigning of spatial distribution of basic facilities and

1 physical structures during and in the aftermath of man-made and
2 natural disasters and calamities;

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

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

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

17 The appointment of a provincial population officer is optional.

18 (b) The provincial population officer shall perform the
19 following duties and functions:

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

22 (i) Formulate measures for the consideration of the
23 *sanggunian* and provide technical assistance and support to the
24 provincial governor in carrying out measures to ensure the delivery
25 of basic services and the provision of adequate facilities relative to

1 the integration of the population development principles and in
2 providing access to said services and facilities; and

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

10 (2) Assist the provincial governor in the implementation of the
11 constitutional provisions relative to population development and the
12 promotion of responsible parenthood;

13 (3) Establish and maintain an updated data bank for program
14 operations, development planning and an educational program to
15 ensure the people's participation in and undertaking of population
16 development;

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

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

21 SEC. 41. *The Provincial Environment and Natural Resources*
22 *Officer.* - (a) The provincial environment and natural resources
23 officer must be a citizen of the Philippines, a resident of the
24 province, of good moral character, a holder of a college degree
25 preferably in environment, forestry, agriculture or any related
26 course from a recognized college or university, a first grade civil
27 service eligible or its equivalent and must have acquired at least five

1 (5) years experience in environmental and natural resources
2 management, conservation and utilization.

3 The appointment of a provincial environment and natural
4 resources officer is optional.

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

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

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

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

21 (2) Establish, maintain, protect and preserve communal
22 forests, watersheds, tree parks, mangroves, greenbelts, commercial
23 forests and similar forest projects like industrial tree farms and
24 agro-forestry projects;

25 (3) Provide extension services to beneficiaries of forest
26 development projects and technical, financial and infrastructure
27 assistance;

1 (4) Manage and maintain seed banks and produce seedlings
2 for forests and tree parks;

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

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

9 (7) Coordinate with government agencies and nongovernmental
10 organizations in the implementation of measures to prevent and
11 control land, air and water pollution with the assistance of the
12 Department of Environment and Natural Resources (DENR);

13 (8) Be in the frontline of the delivery of services concerning
14 environment and natural resources, particularly in the renewal and
15 rehabilitation of the environment during and in the aftermath of
16 man-made and natural disasters or calamities;

17 (9) Recommend to the *sanggunian* and advise the provincial
18 governor on all matters relative to the protection, conservation,
19 maximum utilization, application of appropriate technology and
20 other matters related to the environment and natural resources; and

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

23 SEC. 42. *The Provincial Cooperatives Officer.* - (a) The
24 provincial cooperatives officer must be a citizen of the Philippines,
25 a resident of the province, of good moral character, a holder of
26 a college degree preferably in business administration with special
27 training in cooperatives or any related course from a recognized

1 college or university, a first grade civil service eligible or its
2 equivalent and must have acquired at least five (5) years experience
3 in cooperatives organization and management.

4 The appointment of a provincial cooperatives officer is
5 optional.

6 (b) The provincial cooperatives officer shall perform the
7 following duties and functions:

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

10 (i) Formulate measures for the consideration of the
11 *sanggunian* and provide technical assistance and support to the
12 provincial governor in carrying out measures to ensure the
13 delivery of basic services and the provision of adequate facilities
14 through the development of cooperatives, and in providing access
15 to such services and facilities; and

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

22 (2) Assist in the organization of cooperatives;

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

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

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

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

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

15 SEC. 48. *The Provincial Information Officer.* — (a) The
16 provincial information officer must be a citizen of the Philippines,
17 a resident of the province, of good moral character, a holder of a
18 college degree preferably in journalism, mass communication or any
19 related course from a recognized college or university, a first grade
20 civil service eligible or its equivalent and must have acquired at
21 least three (3) years experience in writing articles and research
22 papers, or in writing for print, television or broadcast media.

23 The term of the provincial information officer is coterminous
24 with that of the appointing authority.

25 The appointment of a provincial information officer is optional.

26 (b) The provincial information officer shall perform the
27 following duties and functions:

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

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

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

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

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

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

25 (5) Be in the frontline of providing information during and in
26 the aftermath of man-made and natural disasters or calamities, with
27 special attention to the victims thereof, to help minimize injuries

1 and casualties during and after emergency, and accelerate relief and
2 rehabilitation;

3 (6) Recommend to the *sanggunian* and advise the provincial
4 governor on all other matters relative to public information and
5 research data as it relates to the total socioeconomic development of
6 the province; and

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

9 ARTICLE VIII

10 THE PROVINCIAL FIRE STATION, THE PROVINCIAL JAIL,

11 THE PROVINCIAL SCHOOLS DIVISION AND THE

12 PROVINCIAL PROSECUTION SERVICE

13 SEC. 44. *The Provincial Fire Station Service.* - (a) There
14 shall be established in the province at least five (5) fire stations with
15 adequate personnel, firefighting facilities and equipment by the
16 Department of the Interior and Local Government (DILG), at least
17 five (5) months upon the commencement of the corporate existence of
18 the new province. The provincial government shall provide the site
19 where the provincial fire stations shall be located.

20 (b) The provincial fire station service shall be headed by a
21 provincial fire marshal whose qualifications shall be as those
22 provided under Republic Act No. 9263, as amended, otherwise
23 known as the "Bureau of Fire Protection and Bureau of Jail
24 Management and Penology Professionalization Act of 2004".

25 (c) The provincial fire stations shall provide various
26 emergency services such as the rescue and evacuation of injured
27 people at fire-related incidents and, in general, fire prevention and

1 suppression measures to secure the safety of life and property of the
2 citizenry.

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

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

23 **SEC. 46. *The Provincial Schools Division.*** – (a) The DepEd
24 shall, within two (2) months from the commencement of the
25 corporate existence of the province herein created, establish and
26 maintain a separate schools division in the province whose
27 jurisdiction shall cover all the municipalities of the new province.

1 (b) The provincial schools division shall be headed by a
2 division superintendent who must possess the necessary
3 qualifications required by the DepEd.

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

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

20 ARTICLE IX

21 TRANSITORY AND FINAL PROVISIONS

22 **SEC. 48. *Plebiscite.*** -- The provinces of Northern Maguindanao
23 and Southern Maguindanao shall be created as provided for in
24 this Charter upon approval by the majority of the votes cast by
25 the voters of the affected areas in a plebiscite to be conducted and
26 supervised by the Commission on Elections (COMELEC) within
27 sixty (60) days from the date of the effectivity of this Act.

1 The expenses for the conduct of the plebiscite shall be borne by
2 the present Province of Maguindanao.

3 **SEC. 49. Commencement of Corporate Existence.** – The
4 corporate existence of the provinces of Northern Maguindanao
5 and Southern Maguindanao shall commence upon the composition,
6 qualification and assumption of the provincial governors, provincial
7 vice governors and majority of the members of the *sangguniang*
8 *panlalawigan*.

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

21 (b) The other members of the *sangguniang panlalawigan*
22 shall be appointed by the President of the Republic of the
23 Philippines from among the qualified residents of the new province
24 of Northern Maguindanao upon the recommendation of the
25 acting provincial governor and the incumbent Representative
26 of the First Legislative District of the present Province of
27 Maguindanao, in consultation with, and with the consensus of the

1 local elders, and political leaders: *Provided*, That the incumbent
2 elected members of the *sangguniang panlalawigan* from the First
3 Legislative District of the Province of Maguindanao shall have the
4 right to retain their respective positions and finish their term of
5 office in the new province of Northern Maguindanao without need of
6 appointment;

7 (c) The rule of succession under Title II, Chapter 2, Section 44
8 of the Local Government Code of 1991, as amended by Republic
9 Act No. 11054, otherwise known as the "Organic Law for the
10 Bangsamoro Autonomous Region in Muslim Mindanao" shall be
11 applied in filling up vacant elective provincial positions in the
12 Province of Southern Maguindanao arising as a consequence
13 of the approval of this Act: *Provided*, That additional and new
14 members of the *sangguniang panlalawigan* shall be appointed
15 by the President of the Republic of the Philippines from among
16 the qualified residents of the province upon the recommendation
17 of the provincial governor, and the incumbent Representative of
18 the Second Legislative District of the Province of Maguindanao,
19 in consultation with, and with the consensus of the local elders
20 and political leaders, and, they shall continue to serve in office
21 until their successors shall have been elected and qualified in
22 the 2022 national and local elections;

23 (d) The incumbent governor of the present Province of
24 Maguindanao shall remain as governor of the Province of Southern
25 Maguindanao.

26 SEC. 51. *Organization of the Provincial Government.* - All
27 provincial appointive positions in the newly created provinces shall

1 be filled within sixty (60) days upon commencement of its corporate
2 existence.

3 **SEC. 52. *Suspension of Increase in the Rates of Local Taxes.* –**

4 No increase in the rates of local taxes shall be imposed by the
5 new province within a period of five (5) years from its acquisition
6 of corporate existence.

7 **SEC. 53. *Present Provincial Assets and Properties.* –** Upon
8 the effectivity of this Act, the ownership of real properties and
9 infrastructure projects of each local government unit situated in
10 the present Province of Maguindanao shall belong to the province
11 where it is situated.

12 **SEC. 54. *Provincial Obligations, Debts and Assets.* –**

13 Following the plebiscite and creation of the provinces, obligations,
14 debts and assets of all kinds of the present Province of
15 Maguindanao shall be shared or paid equally by the provinces of
16 Northern Maguindanao and Southern Maguindanao.

17 Transitory projects and activities such as land acquisition,
18 office building construction, furnishing of offices; purchase of
19 furniture, fixture and equipment; assignment of present properties;
20 assignment of employees, hiring of new personnel, education and
21 training of officials, employees and personnel; and all other projects
22 and activities that will ensure the full and complete management,
23 operations and service delivery of the provinces upon the
24 commencement of their corporate existence, shall be financed by the
25 present Province of Maguindanao.

26 **SEC. 55. *Applicability of Laws.* –** The provisions of the Local
27 Government Code of 1991, as amended, the "Organic Law for the

1 **Bangsamoro Autonomous Region in Muslim Mindanao**, and other
2 laws as are applicable to provinces shall govern the herein created
3 province insofar as they are not inconsistent with the provisions of
4 this Act.

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

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

Approved,

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