

23 FEB 22 P2 :27

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

RECEIVED BY: _____



SENATE
S.B. No. 1919

Introduced by **SENATOR IMEE R. MARCOS**

AN ACT
CONVERTING THE MUNICIPALITY OF MALAY IN THE PROVINCE OF AKLAN
INTO A COMPONENT CITY TO BE KNOWN AS THE CITY OF MALAY

EXPLANATORY NOTE

The Municipality of Malay is a first-class municipality and the tourism capital of the Province of Aklan. It is composed of seventeen (17) barangays encompassing a total land area of 5,184.78 hectares including the Island of Boracay and other nearby islands. Based on 2020 census data, Malay has posted a total population of 60,077. The total population of Malay accounted for about 9.76 percent of Aklan's population in 2020. In 2018 and 2019, it has an Annual Average Income (AAI) of Php 169.832 million as certified by the DBM.

Pursuant to Republic Act No. 7160 or the 1991 Local Government Code, as amended, the Municipality of Malay possesses the minimum requirements for cityhood. It has an annual income above P100 million and is exempted from the land area requirement as it is comprised of two (2) or more islands, as certified by the DENR-Land Management Bureau.

As home to the world-famous Boracay Island, the Municipality of Malay is known for its tourism industry. Boracay tourism alone generated a total revenue of Php 62.31 billion from tourist arrivals. In fact, Malay ranked as top 9 among all the municipalities in the Philippines in terms of local revenue collections amounting to Php 365,723,937 and was awarded a Certificate of Achievement by the Bureau of Local Government and Finance.

In 2018, the Municipality of Malay and the Boracay Inter-agency Task Force undertook aggressive pollution control and preventative measures, ecosystem recovery and rehabilitation, and a 6-month island closure and rehabilitation. Affected families, businesses, and the work force received ongoing social service support.

Aside from its robust revenue-generating sectors, Malay is prepared for cityhood due to its dedication to sustainable growth while consistently delivering the fundamental socioeconomic services for its citizens, such as healthcare, education, housing, food security, peace and order, disaster risk reduction and response, and the development of basic infrastructure.

This bill seeks to convert the Municipality of Malay in the Province of Aklan into a component city to be known as the City of Malay. The conversion of the Municipality of Malay into a component city of the Province of Aklan will increase its potential and capacity to draw new local and foreign investments, hence accelerating its economic growth and development and improving the delivery of social services to its constituents.

In view of aforementioned considerations, the passage of this bill is earnestly sought.


IMEE R. MARCOS



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

Article I
General Provisions

SECTION 1. *Title.* – This Act shall be known as the “*Charter of the City of Malay*”.

SEC. 2. *The City of Malay.* – The Municipality of Malay is hereby converted into component city to be known as the City of Malay, hereinafter referred to as the City, which shall comprise of the present territory of the Municipality of Malay in the Province of Aklan. The territorial jurisdiction of the City shall be within the present metes and bounds of the City of Malay.

SEC. 3. *Corporate Powers of the City.* – The City constitutes a political body corporate and as such is endowed with the attribute of perpetual succession and possessed of the powers which pertain to a municipal corporation, to be exercised in conformity with the provisions of this Charter. The City shall have the following corporate powers:

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

1 (f) To exercise such other powers as are granted to corporations, subject
2 to the limitations provided in this Act and other laws.

3 **SEC. 4. *General Powers of the City.*** – The City shall have a common seal and
4 may alter the same at pleasure. It shall exercise the powers to levy taxes, close and
5 open roads, streets, alleys, parks, or squares subject to the provisions of the
6 Constitution and existing laws. It may take, purchase, receive, hold, lease, convey and
7 dispose of real and personal property for the general interest of the city, condemn
8 private property for public use, contract and be contracted with, sue and be sued,
9 prosecute and defend to final judgment and execution suits, wherein said city is a
10 party, and exercise all the powers as are granted to a corporation and/or hereinafter
11 conferred.

12 **SEC. 5. *Liability for Damages.*** – The city and its officials shall not be exempt
13 from liability for death or injury to persons or damage to property done or caused as
14 a consequence or result of the discharge or performance of official functions within
15 the scope of their duties.

16 **SEC. 6. *Jurisdiction of the City.*** – The jurisdiction of the City of Malay, for police
17 purposes only, shall be coextensive with its territorial jurisdiction and for the purpose
18 of protecting and ensuring the purity of the water supply of the city, such police
19 jurisdiction shall also extend over all territory within the drainage area of such water
20 supply, or within one hundred meters of any reservoir, conduit, canal, aqueduct, or
21 pumping station used in connection with the city water service. The city court of the
22 city shall have concurrent jurisdiction with the city or municipal courts of adjoining
23 municipalities or cities, to try crimes and misdemeanors committed within said
24 drainage area, or within said spaces of one hundred (100) meters. The court first
25 taking cognizance of such an offense shall have jurisdiction to try said cases to the
26 exclusion of others. But any license that may be issued within said zone, area or spaces
27 shall be granted by the proper authorities of the city or municipality concerned, and
28 the fees arising therefrom shall accrue to the treasury of the said city or municipality.
29

30 **Article II**
31 **City Officials in General**

32 **SEC. 7. *Officials of the City of Malay.*** – (a) There shall be in the City of Malay
33 a City Mayor, a Vice Mayor, Sangguniang Panlungsod Members. The mandatory
34 appointive city officials are as follows:

- 35 1. Secretary to the Sangguniang Panlungsod
36 2. City Treasurer and an Assistant City Treasurer
37 3. City Assessor and an Assistant City Assessor

- 1 4. City Accountant
- 2 5. City Budget Officer
- 3 6. City Planning and Development Coordinator
- 4 7. City Engineer
- 5 8. City Health Officer
- 6 9. City Civil Registrar
- 7 10. City Administrator
- 8 11. City Legal Officer
- 9 12. City Veterinarian
- 10 13. City Social Welfare and Development Officer
- 11 14. City General Services Officer
- 12 15. City Agricultural and Biosystems Engineer

13

14 b. In addition, thereto, the city mayor may appoint the following officials:

- 15 1. City Architect
- 16 2. City Public Information Officer
- 17 3. City Agriculturist,
- 18 4. City Population Officer
- 19 5. City Environment and Natural Resources Officer
- 20 6. City Cooperatives Officer
- 21 7. City Human Resource Management Officer
- 22 8. City Public Employment and Service Officer
- 23 9. City Procurement Management Officer
- 24 10. City College Administrator
- 25 11. City Zoning Administrator
- 26 12. City Business Processing and Licensing Officer
- 27 13. City Economic Enterprise and Development Officer
- 28 14. City Chief Transportation Regulation Officer
- 29 15. City Disaster Risks Reduction Management Officer
- 30 16. City Tourism Officer
- 31 17. City Building Official
- 32 18. City Internal Auditor
- 33 19. City Sports Development Officer
- 34 20. City Public Order and Safety Officer
- 35 21. City Trade and Industry Officer
- 36 22. City Economic Investment and Promotion Officer
- 37 23. City Housing and Community Development and Resettlement Officer
- 38 24. City Barangay and Community Relations Officer

- 1 25. City Research and Development Officer
- 2 26. City Public Affairs and Information Services Officer
- 3 27. City Youth Development Officer
- 4 28. City Information Technology Officer
- 5 29. City Person with Disability Affairs Officer
- 6 30. Senior Citizen's Affair Officer

7 There shall be a City Repair and Maintenance Division under the Office of the
8 City General Officer.

9 The City of Malay shall maintain a City Fire Station to be headed by a City Fire
10 Marshal and a City Jail to be headed by a City Jail Warden.

11 The City of Malay may:

- 12 1. Maintain existing offices not mentioned in subsections hereof;
- 13 2. Create such other offices as may be necessary to carry out the purpose of the
14 City; or
- 15 3. Consolidate the functions of any office with those of another in the interest of
16 efficiency and economy.

17 Unless otherwise provided herein, all appointive city officials of the City shall be
18 appointed by the City Mayor with the concurrence of the majority of all the
19 *Sangguniang Panlungsod* Members, subject to Civil Service Law, rules and regulations.
20 The *Sangguniang Panlungsod* shall act on the appointment within fifteen (15) days
21 from the date of its submission otherwise the same shall be deemed confirmed.

22 Article III

23 The City Mayor and City Vice Mayor

24 **SEC. 8. *The City Mayor.*** – The City Mayor shall be the chief executive of the
25 City. He shall be elected at large by the qualified voters of the City. No person shall be
26 eligible for the position of the City Mayor unless at the time of the election he is at
27 least twenty-one (21) years of age, an actual resident of the City for at least one (1)
28 year prior to his election, and a qualified voter therein. He shall hold office for three
29 (3) years unless sooner removed and shall receive a minimum monthly compensation
30 corresponding to Salary Grade Thirty (30) as prescribed under Republic Act No. 6758
31 and the implementing guidelines issued pursuant thereto.

32 The City Mayor, as Chief Executive of the city government, shall exercise such
33 powers and perform such duties and functions as provided herein:

1 (a) Exercise those powers expressly granted to him by law, those necessarily
2 implied therefrom as well as powers necessary, appropriate or incidental for the
3 efficient and effective governance of the city, and those which are essential to the
4 promotion of general welfare:

5 1. Determine the guidelines of city policies and be responsible to the
6 Sangguniang Panlungsod for the program of government;

7 2. Direct the formulation of the City Development Plan, with the assistance of
8 the City Development Council, and upon approval thereof by the Sangguniang
9 Panlungsod, implement the same;

10 3. Present the program of government and propose policies and projects for the
11 consideration of the Sangguniang Panlungsod at the opening of the regular session of
12 the Sangguniang Panlungsod every calendar year and as often as may be deemed
13 necessary as the general welfare of the inhabitants and the needs of the city
14 government may require;

15 (b) Initiate and propose legislative measures to the Sangguniang Panlungsod as often
16 as may be deemed necessary, provide such information and data needed or requested
17 by said Sanggunian in the performance of its legislative functions;

18 5. Appoint all officials and employees whose salaries and wages are wholly or
19 mainly paid out of city funds and whose appointments are not otherwise provided for
20 in this Act, as well as those he may be authorized by law to appoint;

21 6. Represent the city in all its business transactions and sign in its behalf all
22 bonds, contracts and obligations, and such other documents upon authority of the
23 Sangguniang Panlungsod or pursuant to law or ordinance;

24 7. Carry out such emergency measures as may be necessary during and in the
25 aftermath of man-made and natural disasters and calamities;

26 8. Determine the time, manner and place of payment of salaries or wages of the
27 officials and employees of the city, in accordance with law or ordinance;

28 9. Allocate and assign office space to the city and other officials and employees
29 who, by law or ordinance, are entitled to such space in the city hall and other buildings
30 owned or leased by the city government;

31 10. Ensure that all executive officials and employees of the city faithfully
32 discharge their duties and functions as provided by law and this Act, and cause to be
33 instituted administrative or judicial proceedings against any official or employee of the
34 city who may have committed an offense in the performance of his official duties;

1 11. Examine the books, records and other documents for all offices, officials,
2 agents or employees of the city and, in aid of his executive powers and authority,
3 require all national officials and employees stationed in or assigned to the city to make
4 available to him such books, records and other documents in their custody, except
5 those classified by law as confidential;

6 12. Furnish copies of executive orders issued by him to the provincial governor
7 within seventy-two (72) hours after their issuance;

8 13. Visit component barangays of the city at least once every six (6) months to
9 deepen his understanding of problems and conditions, listen and give appropriate
10 counsel to local officials and inhabitants of general laws and ordinances which
11 especially concern them, and otherwise conduct visits and inspection to ensure that
12 the governance of the city will improve the quality of life of the inhabitants;

13 14. Act on leave applications of officials and employees appointed by him and
14 the commutation of the monetary value of their leave credits in accordance with law;

15 15. Authorize official trips of city officials and employees outside of the city for a
16 period not exceeding thirty (30) days; 16. Call upon any national official or employee
17 stationed or assigned to the city to advise him on matters affecting the city and to
18 make recommendations thereon; coordinate with said official or employee in the
19 formulation and implementation of plans, programs and projects; and, when
20 appropriate, initiate any administrative or judicial action against a national government
21 official or employee who may have committed an offense in the performance of his
22 official duties while stationed in or assigned to the city;

23 17. Authorize payment for medical care, necessary transportation, subsistence,
24 hospital or medical fees of city officials and employees who are injured while in the
25 performance of their official duties and functions, subject to availability of funds;

26 18. Solemnize marriages, any provision of law to the contrary notwithstanding;

27 19. Conduct an annual Palarong Panlungsod, which shall feature traditional
28 sports and disciplines included in national and international games, in coordination
29 with the Department of Education, Culture and Sports; and

30 20. Submit to the Provincial Governor the following reports: an Annual Report
31 containing a summary of all matters pertinent to the management, administration and
32 development of the city and all information and data relative to its political, social and
33 economic conditions; and Supplemental Reports when unexpected events and
34 situations arise at any time during the year, particularly when man-made or natural
35 disasters or calamities affect the general welfare of the city;

1 (b) Enforce all laws and ordinances relative to the governance of the city and exercise
2 of its appropriate corporate powers, as well as implement all approved policies,
3 programs, projects, services, and activities of the city:

4 1. Ensure that the acts of the city's component barangays and of its officials and
5 employees are within the scope of their prescribed powers, duties and functions;

6 2. Call conventions, conferences, seminars or meetings of elective and appointive
7 officials of the city, including national officials and employees stationed in or assigned
8 to the city, at such time and place and on such subject as he may deem important for
9 the promotion of the general welfare of the city and its inhabitants;

10 3. Issue such executive orders for the faithful and appropriate enforcement and
11 execution of laws and ordinances;

12 4. Be entitled to carry the necessary firearm within his territorial jurisdiction;

13 5. Act as the deputized representative of the National Police Commission,
14 formulate the peace and order plan of the city and, upon its approval, implement the
15 same; and as such exercise general and operational control and supervision over the
16 local police forces in the city in accordance with Republic Act No. 6975; and

17 6. Call upon the appropriate law enforcement agencies to suppress disorder, riot,
18 lawless violence, rebellion or sedition, or to apprehend violators of the law when public
19 interest so requires and the city police forces are inadequate to cope with the situation
20 or the violators.

21 (c) Initiate and maximize the generation of resources and revenues, and apply the
22 same to the implementation of development plans, program objectives and priorities,
23 particularly those resources and revenues programmed for agro-industrial
24 development and countryside growth and progress:

25 1. Require each head of an office or department to prepare and submit an
26 Estimate of Appropriations for the ensuing calendar year, in accordance with the
27 budget preparation process in accordance with the provisions of the Local Government
28 Code of 1991;

29 2. Ensure that all taxes and other revenues of the city are collected, and that
30 city funds are applied to the payment of expenses and settlement of obligations of the
31 city in accordance with law or ordinance;

32 3. Issue licenses and permits and suspend or revoke the same for any violation
33 of the conditions upon which said licenses or permits have been issued, pursuant to
34 law or ordinance;

1 4. Issue permits, without need of approval thereof from any national agency, for
2 the holding of activities for any charitable or welfare purpose, excluding prohibited
3 games of chance or shows contrary to law, public policy and public morals;

4 5. Require owners of illegally constructed houses, buildings or other structures
5 to obtain the necessary permit, subject to such fines and penalties as may be imposed
6 by law or ordinance, or to make necessary changes in the construction of the same
7 when said construction violates any law or ordinance, or to order the demolition or
8 removal of said house, building or structure within the period prescribed by law or
9 ordinance;

10 6. Adopt adequate measures to safeguard and conserve land, mineral, marine
11 and other resources of the city;

12 7. Provide efficient and effective property and supply management in the city;
13 and protect the funds, credits, rights and other properties of the city; and

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

18 (d) Ensure the delivery of basic services and the provision of adequate facilities and,
19 in addition thereto:

20 1. Ensure that the construction and repair of roads and highways funded by the
21 national government shall be, as far as practicable, carried out in a spatially contiguous
22 manner and in coordination with the construction and repair of the roads and bridges
23 of the city; and

24 2. Coordinate the implementation of technical services, including public works
25 and infrastructure programs, rendered by national offices.

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

29
30 **SEC. 9. *The City Vice Mayor.*** – There shall be a City Vice Mayor who shall be
31 elected in the same manner as the City Mayor and shall at the time of his election
32 possess the same qualifications as the City Mayor. He shall hold office for three (3)
33 years, unless sooner removed, and shall receive a monthly compensation

1 corresponding to Salary Grade Twenty-six (SG 26) as prescribed under Republic Act
2 No. 6758 and the implementing guidelines issued pursuant thereto.

3 The City Vice Mayor shall:

4 (a) Act as presiding officer of the Sangguniang Panlungsod and sign all warrants
5 drawn on the City Treasury for the Sangguniang Panlungsod,

6 (b) Subject to Civil Service Law, rules and regulations, appoint all officials and
7 employees of the Sangguniang Panlungsod, except those whose manner of
8 appointment is specifically provided for under existing laws;

9 (c) Assume the Office of the City Mayor for the unexpired term of the latter in
10 the event of permanent vacancy;

11 (d) Exercise the powers and perform the duties and functions of the City Mayor
12 in cases of temporary vacancy; and

13 (e) Perform such other duties and functions and exercise such other powers as
14 provided for under Republic Act No. 7160, otherwise known as the Local Government
15 Code of 1991, and those that are prescribed by law or ordinance.

16
17 **Article IV**
18 **The Sangguniang Panlungsod**

19 **SEC. 10.** *The Sangguniang Panlungsod.* – The Sangguniang Panlungsod, the
20 legislative body of the city, shall be composed of the City Vice Mayor as Presiding
21 Officer, the regular Sanggunian Members, the President of the City Chapter of the Liga
22 ng mga Barangay, the President of the Panlungsod na Pederasyon ng mga
23 Sangguniang Kabataan, and the Sectoral Representatives, as members.

24 The regular member shall be elected by district with each district electing five
25 (5) members of the Sangguniang Panlungsod, as follows:

26 (1) The 1ST district is composed of the fourteen (14) barangays that is
27 geographically located in Mainland Malay; Barangay Caticlan, Sambiray, Argao,
28 Napaan, Cogon, Cubay Norte, Cubay Sur, Nabaoy, Motag, Balusbos, Poblacion,
29 Dumlog, Kabulihan and Naasug; and

30 (2) The 2nd district is composed of the three barangays in Boracay Island:
31 Manomanoc, Balabag and Yapak.

32 In addition thereto, there shall be three (3) sectoral representatives: one (1)
33 from the women; and, as shall be determined by the Sangguniang Panlungsod within

1 ninety (90) days prior to the holding of the local elections, one (1) from the agricultural
2 or industrial workers, and one (1) from the other sectors, including the urban poor,
3 indigenous cultural communities and disabled persons.

4 The regular members of the Sangguniang Panlungsod and the sectoral
5 representatives shall be elected in the manner as may be provided for by law. The
6 elective members of the Sangguniang Panlungsod shall possess the same qualifications
7 as that of the City Mayor and City Vice Mayor except that candidates for said positions
8 must be at least eighteen (18) years of age on election day.

9 The Sangguniang Panlungsod shall:

10 (a) Approve ordinances and pass resolutions necessary for an efficient and
11 effective city government and, in this connection, shall:

12 1. Review all ordinances approved by the Sangguniang Barangay and executive
13 orders issued by the Punong Barangay to determine whether these are within the
14 scope of the prescribed powers of the Sanggunian and of the Punong Barangay;

15 2. Maintain peace and order by enacting measures to prevent and suppress
16 lawlessness, disorder, riot, violence, rebellion or sedition and impose penalties for the
17 violation of said ordinances;

18 3. Approve ordinances imposing a fine not exceeding Five thousand pesos (Php
19 5,000.00) or an imprisonment for a period not exceeding one (1) year, or both at the
20 discretion of the court, for the violation of a city ordinance;

21 4. Adopt measures to protect the inhabitants of the city from the harmful effects
22 of man-made or natural disasters and calamities, and to provide relief services and
23 assistance for victims during and in the aftermath of said disasters or calamities and
24 in their return to productive livelihood following said events;

25 5. Enact ordinances intended to prevent, suppress and impose appropriate
26 penalties for habitual drunkenness in public places, vagrancy, mendicancy,
27 prostitution, establishment and maintenance of houses of ill-repute, gambling and
28 other prohibited games of chance, fraudulent devices and ways to obtain money or
29 property, drug addiction, maintenance of drug dens, drug pushing, juvenile
30 delinquency, the printing, distribution and exhibition of obscene or pornographic
31 materials or publications, and such other activities inimical to the welfare and morals
32 of the inhabitants of the city;

33 6. Protect the environment and impose appropriate penalties for acts which
34 endanger the environment, such as dynamite fishing and other forms of destructive
35 fishing, illegal logging and smuggling of natural resources products and of endangered

1 species of flora and fauna, slash-and-burn farming, and such other activities which
2 result in pollution, acceleration of eutrophication of rivers and lakes or of ecological
3 imbalance;

4 7. Subject to the provisions of the Local Government Code and pertinent laws,
5 determine the powers and duties of officials and employees of the city;

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

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

14 10. Provide a mechanism and the appropriate funds therefor, to ensure the
15 safety and protection of all city government property, public documents, or records
16 such as those relating to property inventory, land ownership, record of births,
17 marriages, deaths, assessments, taxation, accounts, business permits, and such other
18 records and documents of public interest in the offices and departments of the city
19 government;

20 11. When the finances of the city government allow, provide for additional
21 allowances and other benefits to judges, prosecutors, public elementary and high
22 school teachers, and other national government officials stationed in or assigned to
23 the City;

24 12. Provide legal assistance to barangay officials who, in the performance of
25 their official duties or on the occasion thereof, have to initiate judicial proceedings or
26 defend themselves against legal action, and

27 13. Provide for group insurance or additional insurance coverage for all barangay
28 officials, including members of Barangay Tanod brigades and other service units, with
29 public or private insurance companies, when the finances of the city government allow
30 said coverage.

31 (b) Generate and maximize the use of resources and revenues for the
32 development plans, program objectives and priorities of the City, with particular
33 attention to agro-industrial development and citywide growth and progress:

34 1. Approve the annual and supplemental budgets of the city government and
35 appropriate funds for specific programs, projects, services and activities of the city, or

1 for other purposes not contrary to law, in order to promote the general welfare of the
2 city and its inhabitants;

3 2. Subject to the provisions of Book II of the Local Government Code of 1991
4 and applicable laws and upon the majority vote of all the members of the Sangguniang
5 Panlungsod, enact ordinances levying taxes, fees and charges, prescribing the rates
6 thereof for general and specific purposes, and granting tax exemptions, incentives or
7 reliefs;

8 3. Subject to the provisions of Book II of the Local Government Code and upon
9 the majority vote of all the members of the Sangguniang Panlungsod, authorize the
10 City Mayor to negotiate and contract loans and other forms of indebtedness;

11 4. Subject to the provisions of Book II of the Local Government Code and
12 applicable laws and upon the majority vote of all the members of the Sangguniang
13 Panlungsod, enact ordinances authorizing the floating of bonds or other instruments
14 of indebtedness, for the purpose of raising funds to finance development projects;

15 5. Appropriate funds for the construction and maintenance or the rental of
16 buildings for the use of the city; and upon the majority vote of all the members of the
17 Sangguniang Panlungsod, authorize the City Mayor to lease to private parties such
18 public buildings held in a proprietary capacity, subject to existing laws, rules and
19 regulations;

20 6. Prescribe reasonable limits and restrictions on the use of property within the
21 jurisdiction of the city;

22 7. Adopt a Comprehensive Land Use Plan for the city: Provided, that the
23 formulation, adoption or modification of said plan shall be in coordination with the
24 approved Provincial Comprehensive Land Use Plan;

25 8. Reclassify lands within the jurisdiction of the city, subject to the pertinent
26 provisions of the Local Government Code;

27 9. Enact integrated zoning ordinances in consonance with the approved
28 comprehensive land use plan, subject to existing laws, rules and regulations; establish
29 fire limits or zones, particularly in populous centers; and regulate the construction,
30 repair or modification of buildings within said fire limits or zones in accordance with
31 the provisions of the Fire Code;

32 10. Subject to national law, process and approve subdivision plans for residential,
33 commercial, or industrial purposes and other development process, and to collect
34 processing fees and other charges, the proceeds of which shall accrue entirely to the
35 city. Provided, however, that where approval of a national agency or office is required,

1 said approval shall not be withheld for more than thirty (30) days from receipt of the
2 application. Failure to act on the application within the period stated above shall be
3 deemed as approval thereof;

4 11. Subject to the provisions of Book II of the Local Government Code, grant the
5 exclusive privilege of constructing fish corrals or fish pens, or the taking or catching of
6 bangus fry, prawn fry or kawag-kawag or fry of any species of fish within the city
7 waters;

8 12. With the concurrence of at least two-thirds (23) of all the members of the
9 Sangguniang Panlungsod, grant tax exemptions, incentives or relief to entities engaged
10 in community growth-inducing industries, subject to the provisions of the Local
11 Government Code;

12 13. Grant loans or provide grants to other local government units or to national,
13 provincial, and city charitable, benevolent or educational institutions: *Provided, That*
14 *said institutions are operated and maintained within the City; and*

15 14. Regulate the inspection, weighing and measuring of articles of commerce.

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

20 1. Fix and impose reasonable fees and charges for all services rendered by the
21 city government to private persons or entities;

22 2. Regulate or fix license fees for any business or practice of profession within
23 the city and the conditions under which the license for said business or practice of
24 profession may be revoked and enact ordinances levying taxes thereon;

25 3. Provide for and set the terms and conditions under which public utilities owned
26 by the city shall be operated by the city government, and prescribe the conditions
27 under which the same may be leased to private persons or entities, preferably
28 cooperatives;

29 4. Regulate the display of and fix the license fees for signs, signboards, or
30 billboards at the place or places where the profession, or business advertised thereby
31 is, in whole or in part, conducted;

32 5. Any law to the contrary notwithstanding authorize and license the
33 establishment, operation and maintenance of cockpits, and regulate cockfighting and

- 1 commercial breeding of gamecocks: Provided that existing rights should not be
2 prejudiced;
- 3 6. Subject to the guidelines prescribed by the Department of Transportation and
4 Communications, regulate the operation of tricycles and other public utility
5 transportations; grant franchises for the operation thereof within the territorial
6 jurisdiction of the city; and
- 7 6. Prescribe reasonable limits and restrictions on the use of property within the
8 jurisdiction of the city;
- 9 7. Adopt a Comprehensive Land Use Plan for the city: Provided, that the
10 formulation, adoption or modification of said plan shall be in coordination with the
11 approved Provincial Comprehensive Land Use Plan;
- 12 8. Reclassify lands within the jurisdiction of the city, subject to the pertinent
13 provisions of the Local Government Code;
- 14 9. Enact integrated zoning ordinances in consonance with the approved
15 comprehensive land use plan, subject to existing laws, rules and regulations; establish
16 fire limits or zones, particularly in populous centers; and regulate the construction,
17 repair or modification of buildings within said fire limits or zones in accordance with
18 the provisions of the Fire Code;
- 19 10. Subject to national law, process and approve subdivision plans for residential,
20 commercial, or industrial purposes and other development process, and to collect
21 processing fees and other charges, the proceeds of which shall accrue entirely to the
22 city. Provided, however, that where approval of a national agency or office is required,
23 said approval shall not be withheld for more than thirty (30) days from receipt of the
24 application. Failure to act on the application within the period stated above shall be
25 deemed as approval thereof;
- 26 11. Subject to the provisions of Book II of the Local Government Code, grant the
27 exclusive privilege of constructing fish corrals or fish pens, or the taking or catching of
28 bangus fry, prawn fry or kawag-kawag or fry of any species of fish within the city
29 waters;
- 30 12. With the concurrence of at least two-thirds (23) of all the members of the
31 Sangguniang Panlungsod, grant tax exemptions, incentives or relief to entities engaged
32 in community growth-inducing industries, subject to the provisions of the Local
33 Government Code;

1 13. Grant loans or provide grants to other local government units or to national,
2 provincial, and city charitable, benevolent or educational institutions: Provided, That
3 said institutions are operated and maintained within the City; and

4 14. Regulate the inspection, weighing and measuring of articles of commerce.

5 (c) Subject to the provisions of the Local Government Code of 1991, enact ordinances
6 granting franchises and authorizing the issuance of permits or licenses, upon such
7 conditions and for such purposes intended to promote the general welfare of the
8 inhabitants of the City and pursuant to this legislative authority, shall:

9 1. Fix and impose reasonable fees and charges for all services rendered by the
10 city government to private persons or entities;

11 2. Regulate or fix license fees for any business or practice of profession within
12 the city and the conditions under which the license for said business or practice of
13 profession may be revoked and enact ordinances levying taxes thereon;

14 3. Provide for and set the terms and conditions under which public utilities owned
15 by the city shall be operated by the city government, and prescribe the conditions
16 under which the same may be leased to private persons or entities, preferably
17 cooperatives;

18 4. Regulate the display of and fix the license fees for signs, signboards, or
19 billboards at the place or places where the profession, or business advertised thereby
20 is, in whole or in part, conducted;

21 5. Any law to the contrary notwithstanding authorize and license the
22 establishment, operation and maintenance of cockpits, and regulate cockfighting and
23 commercial breeding of gamecocks: Provided that existing rights should not be
24 prejudiced;

25 6. Subject to the guidelines prescribed by the Department of Transportation and
26 Communications, regulate the operation of tricycles and other public utility
27 transportations; grant franchises for the operation thereof within the territorial
28 jurisdiction of the city; and

29 7. Upon approval by a majority vote of all the members of the Sangguniang
30 Panlungsod, grant a franchise to any person, partnership, corporation or cooperative
31 to do business within the city; establish, construct, operate and maintain ferries,
32 wharves, markets, or slaughterhouses; or undertake such other activities within the
33 city as may be allowed by existing laws: provided, that cooperatives shall be given
34 preference in the grant of such franchise.

1 (d) Regulate activities relative to the use of land, buildings and structures within
2 the city in order to promote the general welfare and for said purpose, shall:

3 1. Declare, prevent or abate any nuisance;

4 2. Require that buildings and the premises thereof and any land within the city
5 be kept and maintained in a sanitary condition; impose penalties for any violation
6 thereof; or, upon failure to comply with said requirement, have the work done at the
7 expense of the owner, administrator or tenant concerned; or require the filling up of
8 any land or premises to a grade necessary for proper sanitation;

9 3. Regulate the disposal of clinical and other wastes from hospitals, clinics and
10 other similar establishments;

11 4. Regulate the establishment, operation and maintenance of cafes, restaurants,
12 beer houses, hotels, motels, inns, pension houses, lodging houses and other similar
13 establishments, including tourist guides and transports;

14 5. Regulate the sale, giving away or dispensing of any intoxicating malt, vino,
15 mixed or fermented liquors at any retail outlet;

16 6. Regulate the establishment and provide for the inspection of steam boilers or
17 any heating device in buildings and the storage of inflammable and highly combustible
18 materials within the city;

19 7. Regulate the establishment, operation and maintenance of any entertainment
20 or amusement facilities, including the theatrical performances, circuses, billiard pools,
21 public dancing schools, public dance halls, sauna baths, massage parlors, and other
22 places for entertainment or amusement; regulate such other events or activities for
23 amusement or entertainment, particularly those which tend to disturb the community
24 or annoy the inhabitants, or require the suspension or suppression of the same; or
25 prohibit certain forms of amusement or entertainment in order to protect the social
26 and moral welfare of the community;

27 8. Provide for the impounding of stray animals; regulate the keeping of animals
28 in homes or as part of a business, and the slaughter, sale or disposition of the same;
29 and adopt measures to prevent and penalize cruelty to animals; and

30 9. Regulate the establishment, operation and maintenance of funeral parlors and
31 the burial or cremation of the dead, subject to the existing laws, rules and regulations.

32 (e) Approve ordinances which shall ensure the efficient and effective delivery of the
33 basic services and facilities as provided for under the Local Government Code and, in
34 addition to said services and facilities, shall:

1 1. Provide for the establishment, maintenance, protection and conservation of
2 watersheds, tree parks, green belts and mangroves;

3 2. Establish markets, slaughterhouses or animal corrals and authorize the
4 operation thereof by the city government; and regulate the construction and operation
5 of private markets, talipapas or other similar buildings and structures;

6 3. Authorize the establishment, maintenance and operation by the city
7 government of ferries, wharves and other structures intended to accelerate
8 productivity related to marine life and the preservation thereof;

9 4. Regulate the preparation and sale of meat, poultry, fish, vegetables, fruits,
10 fresh dairy products and other foodstuffs for public consumption;

11 5. Regulate the use of streets, avenues, alleys, sidewalks, bridges, parks and
12 other public places and approve the construction, improvement, repair and
13 maintenance of the same; establish bus and vehicle stops and terminals or regulate
14 the use of the same by privately-owned vehicles which serve the public; regulate
15 garages and the operation of conveyances for hire; designate stands to be occupied
16 by public vehicles when not in use; regulate the putting up of signs, signposts, awnings
17 and awning posts on the streets; and provide for the lighting, cleaning and sprinkling
18 of streets and public places;

19 6. Regulate the traffic on all streets and bridges; prohibit encroachments or
20 obstacles thereon and, when necessary in the interest of public welfare, authorize the
21 removal of encroachments and illegal construction in public places;

22 7. Subject to existing laws, establish and provide for the maintenance, repair
23 and operation of an efficient waterworks system to supply water for the inhabitants
24 and purify the source of the water supply; regulate the construction, maintenance,
25 repair and use of hydrants, pumps, cisterns and reservoirs; protect the purity and
26 quantity of the water supply of the city and, for this purpose, extend the coverage of
27 appropriate ordinances over all territory within the drainage area of said water supply
28 and within one hundred meters (100 m) of the reservoir, conduit, canal, aqueduct,
29 pumping station or watershed used in connection with the water service; and regulate
30 the consumption, use or wastage of water and fix and collect charges therefor;

31 8. Regulate the drilling and excavation of the ground for the laying of water, gas,
32 sewer and other pipes and the construction, repair and maintenance of public drains,
33 sewers, cesspools, tunnels and similar structures; regulate the placing of poles and the
34 use of crosswalks, curbs and gutters; adopt measures to ensure public safety against
35 open canals, manholes, live wires and other similar hazards to life and property; and

1 regulate the construction and use of private water closets, privies and other similar
2 structures in buildings and homes;

3 9. Regulate the placing, stringing, attaching, installing, repair and construction
4 of all gas mains, electric, telegraph and telephone wires, conduits, meters and other
5 apparatus; and provide for the correction, condemnation or removal of the same when
6 found to be dangerous, defective or otherwise hazardous to the welfare of the
7 inhabitants;

8 10. Subject to the availability of funds and to existing laws, rules and regulations,
9 establish and provide for the operation of vocational and technical schools and similar
10 post-secondary institutions and, with the approval of the Department of Education,
11 Culture and Sports and subject to existing law on tuition fees, fix and collect reasonable
12 tuition fees and other school charges in educational institutions supported by the city
13 government;

14 11. Establish a scholarship fund for poor but deserving students in schools
15 located within its jurisdiction or for students residing within the city;

16 12. Approve measures and adopt quarantine regulations to prevent the
17 introduction and spread of diseases;

18 13. Provide for an efficient and effective system of solid waste and garbage
19 collection and disposal and prohibit littering and the placing or throwing of garbage,
20 refuse and other filth and wastes;

21 14. Provide for the care of disabled persons, paupers, the aged, the sick, persons
22 of unsound mind, abandoned minors, juvenile delinquents, drug dependents, abused
23 children and other needy and disadvantaged persons, particularly children and youth
24 below eighteen (18) years of age; and, subject to the availability of funds, establish
25 and provide for the operation of centers and facilities for said needy and disadvantaged
26 persons;

27 15. Establish and provide for the maintenance and Improvement of jails and
28 detention centers, institute a sound jail management program, and appropriate funds
29 for the subsistence of detainees and convicted prisoners in the city;

30 16. Establish a city council whose purpose is the promotion of culture and the
31 arts, coordinate with government agencies and nongovernmental organizations and,
32 subject to the availability of funds, appropriate funds for the support and development
33 of the same; and

34 17. Establish a city council for the elderly which shall formulate policies and adopt
35 measures mutually beneficial to the elderly and to the community; provide incentives

1 for nongovernmental agencies and entities and, subject to the availability of funds,
2 appropriate funds to support programs and projects for the benefit of the elderly.

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

6
7 **Article V**
8 **Process of Legislation**

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

12 The rules of procedure shall provide for the following:

13 (a) The organization of the Sanggunian and the election of its officers as well as
14 the creation of standing committees which shall include, but shall not be limited to,
15 the Committees on Appropriations, Revenues, Engineering and Public Works,
16 Education, Health, Women, Family, Human Rights, Youth and Sports Development,
17 Environmental Protection, Peace and Order and Traffic, and Cooperatives; the general
18 jurisdiction of each committee; and the election of the chairman and members of each
19 committee;

20 (b) The order and calendar of business for each session;

21 (c) The legislative process;

22 (d) The parliamentary procedures which include the conduct of members during
23 sessions;

24 (e) The discipline of members for disorderly behavior and absences without
25 justifiable cause for four (4) consecutive sessions for which they may be censured,
26 reprimanded or excluded from the session, suspended for not more than sixty (60)
27 days, or expelled: provided, that the penalty of suspension or expulsion shall require
28 the concurrence of at least two-third (2/3) vote of the Sanggunian Members: provided,
29 further, that a member convicted by final judgment to imprisonment of at least one
30 (1) year for any crime involving moral turpitude shall be automatically expelled from
31 the Sanggunian; and

32 (f) Such other rules as the Sanggunian may adopt.

1 **SEC. 12. Full Disclosure of Financial and Business Interest of Sangguniang**
2 *Panlungsod Members.* – Every Sangguniang Panlungsod Member shall, upon
3 assumption to office, make a full disclosure of his business and financial interest. He
4 shall also disclose any business, financial, professional relationship or any relation by
5 affinity or consanguinity within the fourth civil degree, which he may have with any
6 person, firm or entity affected by any ordinance or resolution under consideration by
7 the Sanggunian of which he is a member, which relationship may result in conflict of
8 interest. Such relationship shall include:

9 (a) Ownership of stock or capital, or investment in the entity or firm to which
10 the ordinance or resolution may apply; and

11 (b) Contracts or agreements with any person or entity which the ordinance or
12 resolution under consideration may affect.

13 In the absence of a specific constitutional or statutory provision applicable to this
14 situation, "*conflict of interest*" refers in general to one where it may be reasonably
15 deduced that a member of the Sanggunian may not act in the public interest due to
16 some private, pecuniary or other personal considerations that may tend to affect his
17 judgment to the prejudice of the service or the public.

18 The disclosure required under this Act shall be made in writing and submitted to
19 the Secretary of the Sanggunian or the Secretary of the Committee of which he is a
20 member. The disclosure shall, in all cases, form part of the record of the proceedings
21 and shall be made in the following manner:

22 1. Disclosure shall be made before the member participates in the deliberations
23 on the ordinance or resolution under consideration: provided, that if the member did
24 not participate during the deliberations, the disclosure shall be made before voting on
25 the ordinance or resolution on second and third readings; and

26 2. Disclosure shall be made when a member takes a position or makes a privilege
27 speech on a matter that may affect the business interest, financial connection or
28 professional relationship described herein.

29 **SEC. 13. Sessions.** – On the first day of the session immediately following the
30 election of its members, the Sangguniang Panlungsod shall, by resolution, fix the day,
31 time and place of its regular sessions. The minimum number of regular sessions shall
32 be once a week for the Sangguniang Panlungsod and twice a month for the
33 Sangguniang Barangay.

34 When public interest so demands, special sessions may be called by the City
35 Mayor or by a majority of the members of the Sanggunian.

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

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

8 Unless concurred in by two-thirds (23) vote of the Sanggunian Members present,
9 there being a quorum, no other matters may be considered at a special session except
10 those stated in the notice.

11 The Sanggunian shall keep a journal and record of its proceedings which may
12 be published upon resolution of the Sangguniang Panlungsod.

13 **SEC. 14. Quorum.** – A majority of all the members of the Sanggunian who have
14 been elected and qualified shall constitute a quorum to transact official business.
15 Should a question of quorum be raised during a session, the Presiding Officer shall
16 immediately proceed to call the roll of the members and thereafter announce the
17 results.

18 Where there is no quorum, the Presiding Officer may declare a recess until such
19 time as a quorum is constituted, or a majority of the members present may adjourn
20 from day to day and may compel the immediate attendance of any member absent
21 without justifiable cause by designating a member of the Sanggunian to be assisted
22 by a member or members of the police force assigned in the territorial jurisdiction of
23 the City of Malay, to arrest the absent member and present him at the session.

24 If there is still no quorum despite the enforcement of the immediately preceding
25 subsection, no business shall be transacted. The Presiding Officer, upon proper motion
26 duly approved by the members present, shall then declare the session adjourned for
27 lack of quorum.

28 **SEC. 15. Approval of Ordinances.** – Every ordinance enacted by the
29 Sangguniang Panlungsod shall be presented to the City Mayor. If the City Mayor
30 approves the same, he shall affix his signature on each and every page thereof;
31 otherwise, he shall veto it and return the same with his objections to the Sanggunian,
32 which may proceed to reconsider the same. The Sanggunian may override the veto of
33 the City Mayor by two-thirds (23) vote of all its members, thereby making the
34 ordinance or resolution effective for all legal intents and purposes.

1 The veto shall be communicated by the City Mayor to the Sanggunian within ten
2 (10) days; otherwise, the ordinance shall be deemed approved as if he had signed it.

3 **SEC. 16. Veto Power of the City Mayor.** – The City Mayor may veto any
4 ordinance of the Sangguniang Panlungsod on the ground that it is ultra vires or
5 prejudicial to the public welfare, stating his reasons therefor in writing.

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

14 The City Mayor may veto an ordinance or resolution only once. The Sanggunian
15 may override the veto of the City Mayor by two-thirds (2/3) vote of all its members,
16 thereby making the ordinance effective even without the approval of the City Mayor.

17 **SEC. 17. Review of Barangay Ordinances by Sangguniang Panlungsod.** – Within
18 ten (10) days after enactment, the Sangguniang Barangay shall furnish copies of all
19 barangay ordinances to the Sangguniang Panlungsod for review as to whether the
20 ordinances are consistent with law and city ordinances.

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

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

29 **SEC. 18. Enforcement of Disapproved Ordinances or Resolutions.** – Any attempt
30 to enforce any ordinance or any resolution approving the Local Development Plan and
31 Public Investment Program after the disapproval thereof, shall be sufficient ground for
32 the suspension or dismissal of the official or employee concerned.

33 **SEC. 19. Effectivity of Ordinances or Resolutions.** – Unless otherwise stated in
34 the ordinance or the resolution approving the Local Development Plan and Public
35 Investment Program, the same shall take effect after ten (10) days from the date a

1 copy thereof is posted in a bulletin board at the entrance of the city hall of Malay, and
2 in at least two (2) other conspicuous places in the City of Malay.

3 Sanggunian to be assisted by a member or members of the police force assigned
4 in the territorial jurisdiction of the City of Malay, to arrest the absent member and
5 present him at the session.

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

10 The Secretary of the Sangguniang Panlungsod shall cause the posting of an
11 ordinance or resolution in the bulletin board at the entrance of the City Hall of Malay,
12 and in at least two (2) conspicuous places in the City of Malay not later than five (5)
13 days after approval thereof. All ordinances or resolutions passed and enacted by the
14 Sangguniang Panlungsod shall take effect immediately after the publication
15 requirement.

16 The text of the ordinance or resolution shall be disseminated and posted in
17 Filipino or English and the Secretary of the Sangguniang Panlungsod shall record such
18 fact in a book kept for the purpose, stating the date of approval and posting.

19 The main features of the ordinance or resolution duly enacted or adopted shall,
20 in addition to being posted, be published once in a local newspaper of general
21 circulation within the city: provided, that in the absence thereof the ordinance or
22 resolution shall be published in any newspaper of general circulation: Provided, further,
23 that the gist of all ordinances with the penal sanctions shall also be published in a
24 newspaper of general circulation.

25 **Article VI**

26 **Disqualification and Succession of Elective City Officials**

27 **SEC. 20.** *Disqualifications of Elective Public City Officials.* – The following
28 persons are disqualified from running for any elective position in the city:

29 (a) Those sentenced by final judgment for an offense involving moral turpitude
30 or for an offense punishable by one (1) year or more of imprisonment, within two (2)
31 years after serving sentence;

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

1 (c) Those convicted by final judgment for violating the oath of allegiance to the
2 Republic of the Philippines;

3 (d) Those with dual citizenship;

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

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

8 (g) The insane or feeble-minded.

9 **SEC. 21. *Permanent Vacancy in the Office of the City Mayor and City Vice Mayor.***

10 – If a permanent vacancy occurs in the office of the City Mayor, the City Vice Mayor
11 concerned shall become the City Mayor. If a permanent vacancy occurs in the Offices
12 of the Mayor or the City Vice Mayor, the highest ranking Sangguniang Panlungsod
13 Member or, in case of his permanent incapacity, the second highest Sangguniang
14 Panlungsod Member shall become the City Mayor or City Vice Mayor, as the case may
15 be. Subsequent vacancies in said offices shall be filled automatically by the other
16 Sanggunian Members according to their ranking as defined herein.

17 A tie between or among the highest ranking Sangguniang Panlungsod Members
18 shall be resolved by the drawing of lots.

19 The successors as defined herein shall serve only the unexpired terms of their
20 predecessors.

21 For purposes of this act, a permanent vacancy arises when an elective local
22 official fills a higher vacant office, refuses to assume office, fails to qualify, dies, is
23 removed from office, voluntarily resigns, or is otherwise permanently incapacitated to
24 discharge the functions of his office.

25 For purposes of succession as provided in this Act, ranking in the Sanggunian
26 shall be determined on the basis of the proportion of votes obtained by each winning
27 candidate to the total number of registered voters in the city in the immediately
28 preceding local election.

29 **SEC. 22. *Permanent Vacancies in the Sangguniang Panlungsod.*** – Permanent
30 vacancies in the Sangguniang Panlungsod where automatic succession as provided
31 above does not apply shall be filled by appointment in the following manner:

32 (a) The Provincial Governor shall make the aforesaid appointment;

1 (b) Only the nominee of the political party under which the Sanggunian Member
2 concerned had been elected shall be appointed in the manner herein provided. The
3 appointee shall come from the same political party as that of the Sanggunian Member
4 who caused the vacancy and shall serve the unexpired term of the vacant office, In
5 the appointment herein mentioned, a nomination and a certificate of membership of
6 the appointee from the highest official of the political party concerned are conditions
7 sine qua non, and any appointment without such nomination and certification shall be
8 null and void ab initio and shall be a ground for administrative action against the official
9 responsible therefor;

10 (c) In case the permanent vacancy is caused by a Sanggunian Member who does
11 not belong to any political party, the City Mayor shall, upon recommendation of the
12 Sangguniang Panlungsod, appoint a qualified person to fill the vacancy; and

13 (d) In case of vacancy in the representation of the youth and the barangay in
14 the Sangguniang Panlungsod, said vacancy shall be filled automatically by the official
15 next in rank of the organization concerned.

16 **SEC. 23. Temporary Vacancy in the Office of the City Mayor. –**

17 (a) When the City Mayor is temporarily incapacitated to perform his duties for
18 physical or legal reasons such as, but not limited to, leave of absence, travel abroad,
19 and suspension from office, the City Vice Mayor, or the highest ranking Sangguniang
20 Panlungsod Member shall automatically exercise the powers and perform the duties
21 and functions of the city mayor, except the power to appoint, suspend or dismiss
22 employees which can only be exercised if the period of temporary incapacity exceeds
23 thirty (30) working days.

24 (b) Said temporary incapacity shall terminate upon submission to the
25 Sangguniang Panlungsod of a written declaration by the City Mayor that he has
26 reported back to office. In cases where the temporary incapacity is due to legal causes,
27 the City Mayor shall also submit necessary documents showing that said legal causes
28 no longer exist.

29 (c) When the City Mayor is traveling within the country but outside his territorial
30 jurisdiction for a period not exceeding three (3) consecutive days, he may designate
31 in writing the officer-in-charge of his office. Such authorization shall specify the powers
32 and functions that the local official concerned shall exercise in the absence of the City
33 Mayor except the power to appoint, suspend or dismiss employees.

34 (d) In the event, however, that the City Mayor fails or refuses to issue such
35 authorization, the City Vice Mayor, or the highest ranking Sangguniang Panlungsod
36 Member, as the case may be, shall have the right to assume the powers, duties and

1 functions of the said office on the fourth day of absence of the City Mayor, subject to
2 the limitations provided in subsection (c) hereof.

3 (e) Except as provided above, the City Mayor shall in no case authorize any local
4 official to assume the powers, duties and functions of the office, other than the City
5 Vice Mayor, or the highest-ranking Member of the Sangguniang Panlungsod, as the
6 case may be.

7 **Article VII**

8 **City Departments and Offices in General**

9 **SEC. 24.** *City Departments and Offices.* – There shall be established in the city
10 government of the City of Malay the following offices for its elective officials:

- 11 (a) The Office of the City Mayor;
12 (b) The Office of the City Vice Mayor; and
13 (c) The individual offices of the Members of the Sangguniang Panlungsod.

14

15 The City shall likewise establish the following mandatory departments and offices:

- 16 1. Office of the Secretary to the Sangguniang Panlungsod
17 2. Office of the City Administrator
18 3. Office of the City Treasurer
19 4. Office of the City Assessor
20 5. Office of the City Accountant
21 6. Office of the City Budget Officer
22 7. Office of the City Planning and Development Coordinator
23 8. Office of the City Engineer
24 9. Office of the City Health Officer
25 10. Office of the City Civil Registrar
26 11. Office of the City Legal Officer
27 12. Office of the City Veterinarian

- 1 13. Office of the City Social Welfare and Development Officer
- 2 14. Office of the City General Services Officer
- 3 15. Office of the City Agricultural and Biosystems Engineer

4

5 May include other offices such as:

- 6 1. Office of the City Architect
- 7 2. Office of Public Information
- 8 3. Office of the City Agriculturist
- 9 4. Office of the City Population Officer
- 10 5. Office of the City Environment and Natural Resources Officer
- 11 6. Office of the City Cooperatives Officer
- 12 7. Office of the City Human Resource Management Officer
- 13 8. Office of the City Public Employment and Services Officer
- 14 9. Office of the City Procurement Officer
- 15 10. Office of the City College Administrator
- 16 11. Office of the City Zoning Administrator
- 17 12. Office of the City Business Processing and Licensing Officer
- 18 13. Office of the City Economic Enterprise and Development Officer
- 19 14. Office of the City Chief Transportation Regulation Officer
- 20 15. Office of the City Disaster Risks Reduction Management Officer
- 21 16. Office of the City Tourism Officer
- 22 17. Office of the City Building Official
- 23 18. Office of the City Internal Auditor
- 24 19. City Sports Development and Games Office
- 25 20. Office of the City Public Order and Safety Officer

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

4 3. Recommend to the Sangguniang Panlungsod and advise the City Mayor on
5 all matters relative to the management and administration of the city; and

6 4. Perform such other duties and functions and exercise such other powers as
7 provided for under Republic Act No. 7160, otherwise known as the Local Government
8 Code of 1991, and those that are prescribed by law or ordinance.

9 **SEC. 26.** *The Secretary of the Sangguniang Panlungsod.* – There shall be a
10 Secretary to the Sangguniang Panlungsod who shall be a career official with the rank
11 and salary equal to a head of department or office and who shall be appointed by the
12 City Vice Mayor.

13 No person shall be appointed Secretary to the Sangguniang Panlungsod unless
14 he is a citizen of the Philippines, a resident of the City of Malay, of good moral
15 character, a holder of a college degree preferably in Law, Commerce or Public
16 Administration from a recognized college or university, and a first-grade civil service
17 eligible or its equivalent.

18 The nature of the position of Secretary to the Sangguniang Panlungsod shall be
19 permanent subject to the rules and regulations of the Civil Service Commission.

20 The Secretary to the Sangguniang Panlungsod shall take charge of the office of
21 the Secretary to the Sangguniang Panlungsod and shall:

- 22 1. Attend meetings of the Sangguniang Panlungsod and keep a journal of its
23 proceedings;
- 24 2. Keep the seal of the city and affix the same with his signature to all
25 ordinances, resolutions, and other official acts of the Sangguniang
26 Palungsod and present the same to the Presiding Officer for his signature;
- 27 3. Forward to the City Mayor, for approval, copies of ordinances enacted by
28 the Sangguniang Panlungsod duly certified by the Presiding Officer;
- 29 4. Furnish, upon request of any interested party, certified copies of records of
30 public character in his custody, upon payment to the city treasurer of such
31 fees as may be prescribed by ordinance;
- 32 5. Record in a book kept for the purpose, all ordinances and resolutions
33 enacted or adopted by the Sangguniang Panlungsod, with the dates of
34 passage and publication thereof;

- 1 6. Keep his office and all non-confidential records therein open to the public
2 during the usual business hours;
- 3 7. Translate into the dialect used by the majority of the inhabitants all
4 ordinances and resolutions immediately after their approval and cause the
5 publication of the same together with the original version in the manner
6 provided under the Local Government Code;
- 7 8. Take custody of the local archives and, where applicable, the local library
8 and annually account for the same; and
- 9 9. Perform such other duties and functions and exercise such other powers as
10 provided for under Republic Act No. 7160, otherwise known as the Local
11 Government Code of 1991, and those that are prescribed by law or
12 ordinance.

13
14 **SEC. 27. *The City Treasurer.*** – The City Treasurer shall be appointed by the
15 Secretary of Finance from a list of at least three (3) ranking eligible recommended by
16 the City Mayor, subject to Civil Service Law, rules and regulations.

17 The City Treasurer shall be under the administrative supervision of the City
18 Mayor, to whom he shall report regularly on the tax collection efforts of the city.

19 No person shall be appointed Treasurer unless he is a citizen of the Philippines,
20 a resident of the City of Malay, of good moral character, a holder of a college degree
21 preferably in Commerce, Public Administration or Law from a recognized college or
22 university, and a first-grade civil service eligible or its equivalent. He must have
23 acquired experience in treasury or accounting service for at least five (5) years.

24 The City Treasurer shall receive such compensation, emoluments and
25 allowances as may be determined by law.

26 The City Treasurer shall take charge of the City Treasurer's Office, and shall;

- 27 1. Advise the City Mayor, the Sangguniang Panlungsod, and other local
28 government and national officials concerned regarding the disposition of local
29 government funds and on such other matters relative to public finance;
- 30 2. Take custody and exercise proper management of the funds of the city;
- 31 3. Take charge of the disbursement of all funds of the city and such other funds
32 the custody of which may be entrusted to him by law or other competent
33 authority;

1 4. Inspect private commercial and industrial establishments within the
2 jurisdiction of the city in relation to the implementation of tax ordinance
3 pursuant to the provisions of the Local Government Code;

4 5. Maintain and update the tax information system of the city; and

5 6. Perform such other duties and functions and exercise such other powers as
6 provided for under Republic Act No. 7160, otherwise known as the Local
7 Government Code of 1991, and those that are prescribed by law or ordinance.

8
9 **SEC. 28. *The Assistant City Treasurer.*** – The Assistant City Treasurer may be
10 appointed by the Secretary of Finance from a list of at least three (3) ranking eligible
11 recommended by the City Mayor, subject to Civil Service Law, rules and regulations.

12 No person shall be appointed Assistant City Treasurer unless he is a citizen of
13 the Philippines, a resident of the City of Malay, of good moral character, a holder of a
14 college degree preferably in Commerce, Public Administration or Law from a
15 recognized college or university, and a first-grade civil service eligible or its equivalent.
16 He must have acquired at least five (5) years' experience in Treasury or Accounting.

17 The Assistant City Treasurer shall receive such compensation, emoluments and
18 allowances as may be determined by law.

19 The Assistant City Treasurer shall assist the City Treasurer and perform such
20 other duties as the latter may assign him. He shall have authority to administer oaths
21 concerning notices and notifications to those delinquents in the payment of the real
22 property tax and concerning official matters relating to the accounts of the City
23 Treasurer or otherwise arising from the offices of the City Treasurer and the City
24 Assessor.

25 **SEC. 29. *The City Assessor.*** – The City Assessor must be a citizen of the
26 Philippines, a resident of the City of Malay, of good moral character, a holder of a
27 college degree preferably in Civil or Mechanical Engineering, Commerce or any other
28 related course from a recognized college or university, and real estate service passer.
29 He must have acquired experience in real property assessment work or in any related
30 field for at least five (5) years immediately preceding the day of his appointment

31 The City Assessor shall receive such compensation, emoluments and allowances as
32 may be determined by law.

33 The City Assessor shall take charge of the City Assessor's Department, and shall:

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

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SEC. 30. *The Assistant City Assessor.* – The Assistant City Assessor must be a citizen of the Philippines, a resident of the City of Malay, of good moral character, a holder of a college degree preferably in Civil or Mechanical Engineering, Commerce or any related course from a recognized college or university, and a and real estate service passer. He must have acquired experience in assessment work or in any related field for at least three (3) years immediately preceding the date of his appointment.

1 The Assistant City Assessor shall receive such compensation, emoluments and
2 allowances as may be determined by law.

3 The Assistant City Assessor shall assist the City Assessor and perform such
4 other duties as the latter may assign to him. He shall have the authority to
5 administer oaths on all declarations of real property for purposes of
6 assessment.

7 **SEC. 31. *The City Accountant.*** – The City Accountant must be a citizen of
8 the Philippines, a resident of the City of Malay, of good moral character, and a Certified
9 Public Accountant. He must have acquired experience in the Treasury or Accounting
10 service for at least five (5) years immediately preceding the date of his appointment.

11 The City Accountant shall receive such compensation, emoluments and
12 allowances as may be determined by law.

13 The City Accountant shall take charge of the accounting services of the city
14 and shall:

- 15 1. Install and maintain an internal audit system in the city;
- 16 2. Prepare and submit financial statements to the City Mayor and to the
17 Sangguniang Panlungsod;
- 18 3. Apprise the Sangguniang Panlungsod and other officials on the financial
19 condition and operations of the City;
- 20 4. Certify to the availability of budgetary allotment of which expenditures and
21 obligations may be properly charged;
- 22 5. Review supporting documents before preparation of vouchers to determine
23 completeness of requirements;
- 24 6. Prepare statements of cash advances, liquidation, salaries, allowances,
25 reimbursements and remittances pertaining to the city;
- 26 7 Post individual disbursement to the subsidiary ledger and index cards;
- 27 8. Maintain individual ledgers for officials and employees of the city pertaining
28 to payrolls and deductions;
- 29 9. Record and post in index cards details of purchased furniture, fixtures and
30 equipment, including disposal thereof, if any;
- 31 10. Account for all issued requests for obligations and maintain and keep all
32 records and reports related thereto;

1 11. Prepare journals and the analysis of obligations and maintain and keep all
2 records and reports related thereto: and

3 12. Perform such other duties and functions and exercise such other powers
4 as provided for under Republic Act No. 7160, otherwise known as the Local
5 Government Code of 1991, and those that are prescribed by law or ordinance.

6 **SEC. 32. *The City Budget Officer.*** – The City Budget Officer must be a citizen of
7 the Philippines, a resident of the City of Malay, of good moral character, a holder of a
8 college degree preferably in Accounting, Economics, Public Administration or any
9 related course from a recognized college or university, and a first-grade civil service
10 eligible or its equivalent. He must have acquired experience in government budgeting
11 or in any related field for at least five (5) years immediately preceding the date of his
12 appointment.

13 The City Budget Officer shall take charge of the City Budget Department, and shall:

14 1. Prepare forms, orders and circulars embodying instructions on budgetary
15 and appropriation matters for the signature of the City Mayor;

16 2. Review and consolidate the budget proposals of different departments and
17 offices of the
18 city;

19 3. Assist the City Mayor in the preparation of the budget and during budget
20 hearings;

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

23 5. Submit periodic budgetary reports to the Department of Budget and
24 Management;

25 6. Coordinate with the City Treasurer, the City Accountant and the City
26 Planning and Development Officer for the purpose of budgeting;

27 7. Assist the Sangguniang Panlungsod in reviewing the approved budgets of
28 the component city;

29 8. Coordinate with the City Planning and Development Officer in the
30 formulation of the development plan of the city; and

1 9. Perform such other duties and functions and exercise such other powers as
2 provided for under Republic Act No. 7160, otherwise known as the Local
3 Government Code of 1991, and those that are prescribed by law or ordinance.

4
5 **SEC. 33.** *The City Planning and Development Coordinator.* – The City
6 Planning and Development Coordinator must be a citizen of the Philippines, a resident
7 of the City of Malay, of good moral character, a holder of a college degree preferably
8 in Urban Planning, Development Studies, Economics, Public Administration or any
9 related course from a recognized college or university, and a licensed Environmental
10 Planner. He must have acquired experience in development planning or in any related
11 field for at least five (5) years immediately preceding the date of his appointment.

12 The City Planning and Development Coordinator shall receive such compensation,
13 emoluments and allowances as may be determined by law.

14 The City Planning and Development Coordinator shall take charge of the City Planning
15 and Development Department, and shall:

- 16 1. Formulate integrated economic, social, physical and other development
17 plans and policies for consideration of the city;
- 18 2. Conduct continuing studies, research and training programs necessary to
19 evolve plans and programs for implementation;
- 20 3. Integrate and coordinate all sectoral plans and studies undertaken by the
21 different functional groups or agencies;
- 22 4. Monitor and evaluate the implementation of the different development
23 programs, projects and activities in the city in accordance with the approved
24 development plan;
- 25 5. Prepare comprehensive plans and other development planning documents
26 for the consideration of the local development council;
- 27 6. Analyze the income and expenditure patterns, and formulate and
28 recommend fiscal plans and policies for consideration of the Finance
29 Committee of the *Sangguniang Panlungsod*;
- 30 7. Promote people's participation in development planning within the city; and
- 31 8. Perform such other duties and functions and exercise such other powers as
32 provided for under Republic Act No. 7160, otherwise known as the Local
33 Government Code of 1991, and those that are prescribed by law or ordinance.

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2 **SEC. 34. *The City Engineer.*** – The City Engineer must be a citizen of the
3 Philippines, a resident of the City of Malay, of good moral character, and a licensed
4 Civil Engineer. He must have acquired experience in the practice of his profession for
5 at least five (5) years immediately preceding the date of his appointment.

6 The City Engineer shall receive such compensation, emoluments and allowances as
7 may be determined by law.

8 The City Engineer shall take charge of the City Engineering and Public Works
9 Department, and shall:

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

13 2. Advise the City Mayor on infrastructure, public works and other engineering
14 matters;

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

18 4. Provide engineering services to the city, including investigation and survey,
19 engineering designs, feasibility studies and project management; and

20 5. Perform such other duties and functions and exercise such other powers as
21 provided for under Republic Act No. 7160, otherwise known as the Local
22 Government Code of 1991, and those that are prescribed by law or ordinance.

23 **SEC. 35. *The City Health Officer.*** – The City Health Officer must be a citizen of
24 the Philippines, a resident of the City of Malay, of good moral character, and a licensed
25 medical practitioner. He must have acquired experience in the practice of his profession
26 for at least five (5) years immediately preceding the date of his appointment.

27 The City Health Officer shall receive such compensation, emoluments and
28 allowances as may be determined by law.

29 The City Health Officer shall take charge of the City Health and Sanitation
30 Department, and shall:

31 1. Supervise the personnel and staff of said office, formulate program
32 implementation guidelines and rules and regulations for the operation of the
33 said office for the approval of the City Mayor in order to assist him in the

- 1 efficient, effective and economical implementation of a health services
2 program geared to implementation of health-related projects and activities;
- 3 2. Formulate measures for the consideration of the Sangguniang Panlungsod
4 and provide technical assistance and support to the City Mayor in carrying out
5 activities to ensure the delivery of basic services and provision of adequate
6 facilities related to health services;
- 7 3. Develop plans and strategies and, upon approval thereof by the City Mayor,
8 implement the same, particularly those which have to do with health programs
9 and projects which the City Mayor is empowered to implement and which the
10 Sangguniang Panlungsod is empowered to provide;
- 11 4. Be in the frontline of the delivery of health services, particularly during and
12 in the aftermath of man-made and natural disasters and calamities; and
- 13 5. Perform such other duties and functions and exercise such other powers as
14 provided for under Republic Act No. 7160, otherwise known as the Local
15 Government Code of 1991, and those that are prescribed by law or ordinance.

16

17 **SEC. 36. *The City Civil Registrar.*** – The City Civil Registrar must be a citizen
18 of the Philippines, a resident of the City of Malay, of good moral character, a holder of
19 a college degree from a recognized college or university, and a first-grade civil service
20 eligible or its equivalent. He must have acquired experience in civil registry work for at
21 least five (5) years immediately preceding the date of his appointment.

22 The City Civil Registrar shall receive such compensation, emoluments and
23 allowances as may be determined by law.

24 The City Civil Registrar shall be responsible for the civil registration program
25 in the City of Malay, pursuant to the Civil Registry Law, the Civil Code, and other
26 pertinent laws, rules and regulations issued to implement them.

27 The City Civil Registrar shall take charge of the City Civil Registry Department,
28 and shall:

- 29 1. Develop plans and strategies and, upon approval thereof by the City Mayor,
30 implement the same, particularly those which have to do with civil registry
31 programs and projects which the City Mayor is empowered to implement and
32 which the Sangguniang Panlungsod is empowered to provide; and

1 2. Perform such other duties and functions and exercise such other powers as
2 provided for under Republic Act No. 7160, otherwise known as the Local
3 Government Code of 1991, and those that are prescribed by law or ordinance.

4
5 **SEC. 37. *The City Legal Officer.*** – The City Legal Officer must be a citizen of the
6 Philippines, a resident of the City of Malay, of good moral character, and a member of
7 the Philippine Bar. He must have practiced his profession for at least five (5) years
8 immediately preceding the date of his appointment.

9 The City Legal Officer shall receive such compensation, emoluments and
10 allowances as may be determined by law.

11 The term of the City Legal Officer shall be coterminous with that of the
12 appointing authority.

13 The City Legal Officer, as chief legal counsel of the City, shall take charge of
14 the Legal Department, and shall:

15 1. Formulate measures for the consideration of the Sangguniang Panlungsod
16 and provide legal assistance and support to the city mayor in carrying out the
17 delivery of basic services and provision of adequate facilities relative to legal
18 services;

19 2. Develop plans and strategies and, upon approval thereof by the city mayor,
20 implement the same, particularly those which have to do with programs and
21 projects related to legal services which the city mayor is empowered to
22 implement and which the Sangguniang Panlungsod is empowered to provide;

23 3. Recommend measures to the Sangguniang Panlungsod and advise the City
24 Mayor on all matters related to upholding the rule of law;

25 4. Be in the frontline of protecting human rights and prosecuting any violation
26 thereof, particularly those which occur during and in the aftermath of man-
27 made or natural disasters and calamities; and

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

31 **SEC. 38. *The City Veterinarian.*** – The City Veterinarian must be a citizen of
32 the Philippines, a resident of the City of Malay, of good moral character, and a licensed

1 Doctor of Veterinary Medicine. He must have practiced his profession for at least three
2 (3) years immediately preceding the date of his appointment.

3 The City Veterinarian shall receive such compensation, emoluments and
4 allowances as may be determined by law.

5 The City Veterinarian shall take charge of the veterinary services department,
6 and shall:

7 1. Formulate measures for the consideration of the Sangguniang Panlungsod
8 and provide technical assistance and support to the City Mayor in carrying out
9 measures to ensure the delivery of basic services and provision of adequate
10 facilities relative to veterinary services;

11 2. Develop plans and strategies and, upon approval thereof by the City Mayor,
12 implement the same, particularly those which have to do with veterinary-
13 related activities which the City Mayor is empowered to implement and which
14 the Sangguniang Panlungsod is empowered to provide;

15 3. Be in the frontline of veterinary-related activities, such as in the outbreak of
16 highly contagious and deadly diseases, and in situations resulting in the
17 depletion of animals for work and human consumption, particularly those
18 arising from and in the aftermath of man-made and natural disasters and
19 calamities;

20 4. Recommend to the Sangguniang Palungsod and advise the City Mayor on
21 all other matters relative to veterinary services which will increase the number
22 and improve the quality of livestock, poultry and other domestic animals used
23 for work or human consumption; and

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

27 **SEC. 39.** *The City Social Welfare and Development Officer.* – The City Social
28 Welfare and Development Officer must be a citizen of the Philippines, a resident of the
29 City of Malay, of good moral character, a duly licensed Social Worker or a holder of a
30 college degree preferably in Sociology or any other related course from a recognized
31 college or university, and a first grade civil service eligible or its equivalent. He must
32 have acquired experience in the practice of social work for at least five (5) years
33 immediately preceding the date of his appointment.

34 The City Social Welfare and Development Officer shall receive such
35 compensation emoluments and allowances as may be determined by law.

1 The City Social Welfare and Development Officer shall take charge of the Social
2 Welfare and Development Department, and shall:

3 1. Formulate measures for the approval of the Sangguniang Panlungsod
4 and provide technical assistance and support to the City Mayor in carrying
5 out measures to ensure the delivery of basic services and provision of
6 adequate facilities relative to social welfare and development services;

7 2. Develop plans and strategies and, upon approval thereof by the City
8 Mayor, implement the same, particularly those which have to do with social
9 welfare programs and projects which the City Mayor is empowered to
10 implement and which the Sangguniang Panlungsod is empowered to
11 provide;

12 3. Be in the frontline of service delivery, particularly those which have to
13 do with social welfare programs and projects which the city mayor is
14 empowered to implement and which the Sangguniang Panlungsod is
15 empowered to provide;

16 4. Recommend to the Sangguniang Panlungsod and advise the City Mayor
17 on all other matters related to social welfare and development services
18 which will improve the livelihood and living conditions of the inhabitants;
19 and

20 5. Perform such other duties and functions and exercise such other powers
21 as provided for under Republic Act No. 7160, otherwise known as the Local
22 Government Code of 1991, and those that are prescribed by law or
23 ordinance.

24 **SEC. 40. *The City General Services Officer.*** – The City General Services Officer
25 must be a citizen of the Philippines, a resident of the City of Malay, of good moral
26 character, a holder of a college degree in Public Administration, Business
27 Administration or Management from a recognized college or university, and a first-
28 grade civil service eligible or its equivalent. He must have acquired experience in
29 general services, including management of supply, property, solid waste disposal, and
30 general sanitation for at least five (5) years immediately preceding the date of his
31 appointment.

32 The City General Services Officer shall receive such compensation,
33 emoluments and allowances as may be determined by law.

34 The City General Services Officer shall take charge of the General Services
35 Department, and shall:

- 1 1. Formulate measures for the consideration of the Sangguniang
2 Panlungsod and provide technical assistance and support to the City Mayor
3 in carrying out measures to ensure the delivery of public services and
4 provision of adequate facilities which require general services expertise and
5 technical support services;
- 6 2. Develop plans and strategies and, upon approval thereof by the City
7 Mayor, implement the same, particularly those which have to do with
8 general services supportive of the welfare of the inhabitants of the City
9 which the City Mayor is empowered to implement and which the
10 Sangguniang Panlungsod is empowered to provide;
- 11 3. Take custody of and be accountable for all properties real or personal,
12 owned by the city, and those granted to it in the form of donation,
13 reparation, assistance and counterpart of joint projects;
- 14 4. Be in the frontline of general services-related activities, such as the
15 possible or imminent destruction or damage to records, supplies, properties
16 and structural materials or debris, particularly during and in the aftermath
17 of man-made and natural disasters and calamities;
- 18 5. Recommend to the Sangguniang Panlungsod and advise the City Mayor
19 on all other matters relative to general services; and
- 20 6. Perform such other duties and functions and exercise such other powers
21 as provided for under Republic Act No. 7160, otherwise known as the Local
22 Government Code of 1991, and those that are prescribed by law or
23 ordinance.

24 **SEC. 41.** *The City Agricultural and Biosystems Engineer.* – The City Agricultural
25 and Biosystems Engineer must be a citizen of the Philippines, a resident of the City of
26 Malay, of good moral character, a holder of a college degree in Agricultural and
27 Biosystems Engineering from a recognized college or university, and a licensed
28 Agricultural and Biosystems Engineer. He must have acquired experience in agricultural
29 and biosystems engineering services for at least five (5) years immediately preceding
30 the date of his appointment.

31 The City Agricultural and Biosystems Engineer shall take charge of the City Office
32 of the Agricultural and Biosystems Engineer, and shall:

- 33 1. Preparation of engineering designs, plans, specifications, project studies,
34 feasibility studies and estimates of irrigation and drainage, soil and water
35 conservation and management systems and facilities, agrometeorological
36 systems, agricultural and biosystems power, and machinery, agricultural and

- 1 biosystems buildings and structures, renewable/bio-energy systems and farm
2 electrification, agricultural and bio-processing and post-harvest facilities and
3 system, agricultural and biological waste utilization and management, agricultural
4 and bio-information system, agricultural and biosystems resource conservation
5 and management, and agricultural and bio-automation and instrumentation
6 system;
- 7 2. Supervision or management on the construction, operation, and maintenance of
8 irrigation and drainage, soil and water conservation and management systems
9 and facilities, agrometeorological systems, agricultural and biosystems power and
10 machinery, agricultural and biosystems buildings and structures, renewable/bio-
11 energy systems and farm electrification, agricultural and bio-processing and post-
12 harvest facilities and system, agricultural and biological waste utilization and
13 management, agricultural and bio-information system, agricultural and
14 biosystems resource conservation and management, and agricultural and bio-
15 automation and instrumentation system;
- 16 3. Valuation, appraisal, investigation, inspection, monitoring, and technical audit on
17 agricultural and biosystems machineries and equipment, structures and facilities,
18 and agricultural and biosystems engineering projects;
- 19 4. Program/Project development and management, planning, evaluation, and
20 consultancy services on agricultural and biosystems engineering undertakings;
- 21 5. Conduct of research and development, training and extension on agricultural and
22 biosystems engineering;
- 23 6. Testing, evaluation, and inspection of agricultural and biosystems machinery, and
24 other related agricultural and biosystems engineering facilities, equipment and
25 projects;
- 26 7. Manufacture, distribution, installation, and sale of agricultural and biosystems
27 machinery and other related agricultural and biosystems engineering facilities and
28 equipment;
- 29 8. Teaching and/or conduct of lecture of agricultural and biosystems engineering
30 subjects in institutions of learning in the Philippines;
- 31 9. Preparation and evaluation of farm development plans, farm suitability maps and
32 land use maps/reports for agricultural, livestock and poultry, fishery, aquaculture
33 and forest production and processing;
- 34 10. Training and supervision of agri-fishery machinery technicians and operators of
35 agri-fishery machinery service centers/pools, and agricultural and biosystems
36 engineering technicians and operators in agricultural and biosystems plants,
37 establishments, facilities, and projects;

- 1 11. Participation in the preparation of environmental studies for agricultural, fisheries,
2 agro-industrial and biosystems projects and its monitoring under the
3 Environmental Impact Assessment (EIA) system.
- 4 12. Perform such other duties and functions and exercise such other powers as
5 provided for under Republic Act No. 7160, otherwise known as the Local
6 Government Code of 1991, and those that are prescribed by law or ordinance,

7
8 **SEC. 42. *The City Architect.*** – The City Architect must be a citizen of the
9 Philippines, a resident of the City of Malay, of good moral character, and a duly licensed
10 Architect. He must have practiced his profession for at least five (5) years immediately
11 preceding the date of his appointment.

12
13 The City Architect shall receive such compensation, emoluments and allowances
14 as may be determined by law.

15
16 The City Architect shall take charge of the City Architect's Office, and shall:

- 17
18 1. Formulate measures for the consideration of the Sangguniang Panlungsod and
19 provide technical assistance and support to the City Mayor in carrying out
20 measures to ensure the delivery of basic services and provision of adequate
21 facilities relative to architectural planning and design
- 22 2. Develop plans and strategies and, upon approval thereof by the City Mayor,
23 implement the same, particularly those which have to do with architectural
24 planning and design programs and projects which the City Mayor is empowered
25 to implement and which the Sangguniang Panlungsod is empowered to provide;
26 and
- 27 3. Perform such other duties and functions and exercise such other powers as
28 provided for under Republic Act No. 7160, otherwise known as the Local
29 Government Code of 1991, and those that are prescribed by law or ordinance.

30
31 **SEC. 43. *The City Information Officer.*** – The City Information Officer must be
32 a citizen of the Philippines, a resident of the City of Malay, of good moral character, a
33 holder of a college degree, preferably in journalism, mass communication or any related
34 course from a recognized college or university, and a holder of a first-grade civil
35 eligibility or its equivalent. He must have experience in writing articles and research
36 papers, or in writing for print, television or broadcast media of at least 3 years.

1 The City Information Officer shall take charge of the Office on Public
2 Information, and shall:

- 3
- 4 1. Formulate measures for the consideration of the sanggunian and provide
5 technical assistance and support to the mayor, as the case may be, in providing
6 information and research data required for the delivery of basic services and
7 provision of adequate facilities so that the public becomes aware of the said
8 services and may fully avail of the same;
- 9 2. Develop plans and strategies on programs and projects related to public
10 information and, implement them upon approval thereof by the mayor;
- 11 3. Provide relevant, adequate, and timely information to the LGU and its residents;
- 12 4. Furnish information and data on LGUs to NGAs, as may be required by law or
13 ordinance, including those on NGOs;
- 14 5. Maintain effective liaison with various sectors of the community on matters and
15 issues that affect the livelihood and the quality of life of the inhabitants and
16 encourage support for programs of the local and national government;
- 17 6. Be in the frontline in providing information during and in the aftermath of
18 manmade and natural calamities and disasters, with special attention to the
19 victims thereof, to help minimize injuries and casualties during and after the
20 emergency, and to accelerate relief and rehabilitation;
- 21 7. Recommend to the Sanggunian and advise the mayor, as the case may be, on
22 all the matters relative to public information and research data as it relates to
23 the total socio-economic development of the LGU; and
- 24 8. Exercise such powers and perform such other duties and functions as may be
25 prescribed by law or ordinances

26

27 **SEC. 44. *The City Agriculturist.*** – The City Agriculturist must be a citizen of the
28 Philippines, a resident of the City of Malay, of good moral character, a holder of a college
29 degree in Agriculture or any related course from a recognized college or university, and
30 a licensed agriculturist. He must have practiced his profession in agriculture or acquired
31 experience in a related field for at least five (5) years immediately preceding the date
32 of his appointment.

33

34 The City Agriculturist shall receive such compensation, emoluments and
35 allowances as may be determined by law.

1 The City Agriculturist shall take charge of the agricultural services department,
2 and shall:

- 3
- 4 1. Formulate measures for the approval of the Sangguniang Panlungsod and
5 provide technical assistance and support to the city mayor in carrying out said
6 measures to ensure the delivery of basic services and provision of adequate
7 facilities relative to agricultural services.
- 8 2. Develop plans and strategies and, upon approval thereof by the City Mayor,
9 implement the same, particularly those which have to do with agricultural
10 programs and projects which the City Mayor is empowered to implement and
11 which the Sangguniang Panlungsod is empowered to provide;
- 12 3. Ensure that maximum assistance and access to resources in the production,
13 processing and marketing of agricultural and aquacultural and marine products
14 are extended to farmers, fishermen and local entrepreneurs;
- 15 4. Be in the frontline of the delivery of basic agricultural services, particularly those
16 needed for the survival of the inhabitants during and in the aftermath of man-
17 made and natural disasters and calamities;
- 18 5. Recommend to the Sangguniang Panlungsod and advise the city mayor on all
19 other matters related to agriculture and aquaculture which will improve the
20 livelihood and living conditions of the inhabitants; and
- 21 6. Perform such other duties and functions and exercise such other powers as
22 provided for under Republic Act No. 7160, otherwise known as the Local
23 Government Code of 1991, and those that are prescribed by law or ordinance.

24

25 **SEC. 45. *The City Population Officer.*** – The City Population Officer must be a
26 citizen of the Philippines, a resident of the City of Malay, of good moral character, a
27 holder of a college degree preferably with specialized training in population
28 development from a recognized college or university, and a first-grade civil service
29 eligible or its equivalent. He must have experience in the implementation of programs
30 on population development or responsible parenthood for at least five (5) years
31 immediately preceding the date of his appointment.

32

33 The City Population Officer shall receive such compensation, emoluments and
34 allowances as may be determined by law or ordinance. The City Population Officer shall
35 take charge of the Population Department, and shall:

- 1 1. Formulate measures for the consideration of the Sangguniang Panlungsod and
2 provide technical assistance and support to the City Mayor in carrying out
3 measures to ensure the delivery of basic services and provision of adequate
4 facilities relative to the integration of population development principles and in
5 providing access to said services and facilities;
- 6 2. Develop plans and strategies and, upon approval thereof by the City Mayor,
7 implement the same, particularly those which have to do with the integration of
8 population development principles and methods in programs and projects which
9 the City Mayor is empowered to implement and which the Sangguniang
10 Panlungsod is empowered to provide; and
- 11 3. Perform such other duties and functions and exercise such other powers as
12 provided for under Republic Act No. 7160, otherwise known as the Local
13 Government Code of 1991, and those that are prescribed by law or ordinance.

14 **SEC. 46.** *The City Environment and Natural Resources Officer.* – The City
15 Environment and Natural Resources Officer must be a citizen of the Philippines, a
16 resident of the City of Malay, of good moral character, a holder of a college degree
17 preferably in Environment, Forestry, Agriculture or any other related course from a
18 recognized college or university, and a first-grade civil service eligible or its equivalent.
19 He must have acquired experience in environment and natural resources management,
20 conservation, and utilization work for at least five (5) years immediately preceding the
21 date of his appointment.
22

23
24 The City Environment and Natural Resources Officer shall receive such
25 compensation, emoluments and allowances as may be determined by law.
26

27 The City Environment and Natural Resources Officer shall take charge of the
28 Environmental Services Department, and shall:

- 29 1. Formulate measures for the consideration of the Sangguniang Panlungsod
30 and provide assistance and support to the City Mayor in carrying out
31 measures to ensure the delivery of basic services and provision of adequate
32 facilities relative to environment and natural resources services;
- 33 2. Develop plans and strategies and, upon approval thereof by the City Mayor,
34 implement the same, particularly those which have to do with environment
35 and natural resources programs and projects which the City Mayor is
36 empowered to implement and which the Sangguniang Panlungsod is
37 empowered to provide;

- 1 3. Be in the frontline of the delivery of services concerning the environment and
2 natural resources, particularly in the renewal and rehabilitation of the
3 environment during and in the aftermath of man-made and natural disasters
4 and calamities;
- 5 4. Enforce all laws, regulations and policies pertinent to environmental
6 management and pollution control;
- 7 5. Design and maintain an waste collection and disposal system conforming to
8 the requirements of RA 7160, 8749 and 9003;
- 9 6. Implement a civic consciousness program in support of its environmental and
10 waste management programs.
- 11 7. Establish operational linkages with other local and national agencies
12 concerned with environmental protection and waste management.
- 13 8. Recommend to the Sangguniang Panlungsod and advise the City Mayor on
14 all matters relative to the protection, conservation, and maximum utilization,
15 application of appropriate technology and other matters related to the
16 environment and natural resources
- 17 9. Establishment of new regular reforestation projects, except those areas
18 located in protected areas and critical watershed
- 19 10. Prevention of forest fire, illegal cutting and kaingin
- 20 11. Apprehension of violators of forest laws, rules and regulation; and
- 21 12. Perform such other duties and functions and exercise such other powers as
22 provided for under Republic Act No. 7160, otherwise known as the Local
23 Government Code of 1991, and those that are prescribed by law or ordinance

24 **SEC. 47. *The City Cooperatives Officer.*** – The City Cooperatives Officer must
25 be a citizen of the Philippines, a resident of the City of Malay, of good moral character,
26 a holder of a college degree preferably in Business Administration with special training
27 on cooperatives or any related course from a recognized college or university, and a
28 first-grade civil service eligible or its equivalent. He must have experience for at least
29 five (5) years immediately preceding the date of his appointment.

30 The City Cooperatives Officer shall receive such compensation, emoluments and
31 allowances as may be determined by law or ordinance.
32

33 The City Cooperatives Officer shall take charge of the Cooperatives Department,
34 and shall:
35
36

- 1 1. Formulate measures for consideration of the Sangguniang Panlungsod and
2 provide technical assistance and support to the City Mayor in carrying out
3 measures to ensure the delivery of basic services and provision of facilities
4 through the development of cooperatives, and in providing access to such
5 services and facilities
- 6 2. Develop plans and strategies and, upon approval thereof by the City Mayor,
7 implement the same, particularly those which have to do with the integration of
8 cooperative principles and methods in programs and projects which the City
9 Mayor is empowered to implement and which the Sangguniang Panlungsod is
10 empowered to provide
- 11 3. Be in the frontline of cooperative organizations, rehabilitation or viability
12 enhancement, particularly during and in the aftermath of man-made and natural
13 disasters and calamities, to aid in their survival and, if necessary, subsequent
14 rehabilitation
- 15 4. Recommend to the Sangguniang Panlungsod and advise the City Mayor on all
16 other matters relative to cooperatives development and viability enhancement
17 which will improve the livelihood and quality of life of the inhabitants; and
- 18 5. Perform such other duties and functions and exercise such other powers as
19 provided for under Republic Act No. 7160, otherwise known as the Local
20 Government Code of 1991, and those that are prescribed by law or ordinance.

21
22 **SEC. 48.** *The City Human Resource Management Officer.* – The City Human
23 Resource Officer must be a citizen of the Philippines, a resident of the City of Malay, of
24 good moral character, a holder of a college degree from a recognized college or
25 university, and a first-grade civil service eligible or its equivalent. He must have acquired
26 experience in Human Resource Management for at least five (5) years immediately
27 preceding the date of his appointment.

28
29 The City Human Resource Officer shall take charge of the City Human Resource
30 Management Office, and shall:

- 31 1. Take charge in the administration of official personnel action of all municipal
32 officials and employees, such as leaves, promotions, retirements, change of
33 status, performance appraisal ratings and other related personnel matters;
- 34 2. Advise the municipal officials on personnel policy, functions, practices, rules and
35 regulations and problems;
36

- 1 3. Determine the qualifications standards of all positions, salary grade and salary
2 allocations that are in accordance with those prescribed by the Civil Service Commission,
3 Department of Budget and Management and other agencies of the government
4 concerned;
- 5 4. Recommend to the Mayor the conduct of training and seminars for the upgrading of
6 personnel skills and performances;
- 7 5. Supervise all personnel and responsible for the updating of personnel records
8 and safekeeping of 201 files of all officials and employees;
- 9 6. Assists in staff training and development; and
- 10 7. Exercise such other powers and perform such other duties and functions as may
11 be prescribed by law or ordinance.

12 **SEC. 49.** *The City Public Employment Service Officer.* – The City Public
13 Employment Service Officer must be a citizen of the Philippines, a resident of the City
14 of Malay, of good moral character, a holder of a college degree preferably in any of the
15 following: operations management (OM), Human Resource Management (HIRM),
16 Human Resource Development (HRD) and/ or allied fields from a recognized college or
17 university, and a first-grade civil service eligible or its equivalent. He must have acquired
18 experience in human resource management for at least five (5) years immediately
19 preceding the date of his appointment.

20
21 The City Public Employment Service Officer shall take charge of the City Public
22 Employment Service Office, and shall:

- 23
- 24 1. Promote employment programs for city residents in need of jobs;
- 25 2. Provide employment counselling, career guidance and other such services to the
26 city's students and out-of-school youth;
- 27 3. Promote industrial peace by mediating in labor management disputes upon the
28 request of a contending party.
- 29 4. Develop plans and strategies and, upon approval thereof by the City Mayor,
30 implement the same, particularly those relating to public employment services
31 which the City Mayor is empowered to implement and which the Sangguniang
32 Panlungsod is empowered to provide; and
- 33 5. Perform such other duties and functions and exercise such other powers as may
34 be prescribed by law or ordinance.

35
36 **SEC. 50.** *The City Procurement Officer.* – The City Procurement Officer must
37 be a citizen of the Philippines, a resident of the City of Malay, of good moral character,

1 a holder of a college degree from a recognized college or university, and a first-grade
2 civil service eligible or its equivalent. He must have acquired experience in procurement
3 services for at least five (5) years immediately preceding the date of his appointment.
4

5 The City Procurement Officer shall take charge of the City Procurement Office, and
6 shall:

- 7 1. Handles processing of requests for goods and services to be procured through
8 bidding and other means of procurement
- 9 2. Formulates policies, plans and projects
- 10 3. Reviews and evaluates contracts and other pertinent documents to ensure
11 compliance with the requirements under RA 9184
- 12 4. Reviews and consolidates the PPMPs into Annual Procurement Plan (APP)
- 13 5. Monitors procurement activities and milestones
- 14 6. Prepares the required statutory reports to the Government Procurement
15 Policy Board (GPPB)
- 16 7. Undertakes Procurement Price Monitoring
- 17 8. Consolidates the Procurement Report of the City Government
- 18 9. Prepares the Quality Objective and Plan
- 19 10. Prepares the Quality Management Reports
- 20 11. Conducts/coordinates training activities
- 21 12. Provides administrative support to the BAC
- 22 13. Organizes and makes all necessary arrangements for BAC meetings and
23 conferences
- 24 14. Prepares minutes of meeting and resolutions of the BAC
- 25 15. Takes custody of procurement documents and other records
- 26 16. Advertises and/or posts bidding opportunities, including Bidding Documents
- 27 17. Assists in managing the procurement processes
- 28 18. Acts as the central channel of communications for the BAC with end users,
29 PMOs, other units of the line agency, other government agencies, providers
30 of goods, infrastructure projects and consulting services, observers and the
31 general public
- 32 19. Develop plans and strategies and, upon approval thereof by the City Mayor,
33 implement the same, particularly those relating to public employment
34 services which the City Mayor is empowered to implement and which the
35 Sangguniang Panlungsod is empowered to provide; and
- 36 20. Perform such other duties and functions and exercise such other powers as
37 may be prescribed by law or ordinance.

1
2 **SEC. 51. *The City College Administrator.*** – The City College
3 Administrator/President must be a citizen of the Philippines, a resident of the City of
4 Malay, of good moral character, a holder of a doctorate degree, and a first grade civil
5 service eligible or its equivalent. He must have acquired experience in City College
6 Administration for at least five (5) years immediately preceding the date of his
7 appointment.

8
9 The City College Administrator shall take charge of the Malay City College, and
10 shall:

- 11 1. He/ She shall, on behalf of the Board of Trustees, have general supervision over
12 all academic, administrative and financial operation of the college;
- 13 2. Promulgate and enforce general policies affecting the college and shall take
14 action which, in his judgement are necessary for the protection of life, right,
15 property and general welfare of the college.
- 16 3. Recommend to the Board, the appointment of qualified person to fill all vacancies
17 and new positions; may designate officials to perform functions in concurrent
18 capacity without additional compensation and may request for job orders;
- 19 4. Institute disciplinary actions against any personnel, or faculty for culpable
20 violation of Civil Service Laws and School Policies and against any student of the
21 college whose action adversely affect the general interest and good name of the
22 college subject to the due process and approval of the Board of Trustees;
- 23 5. Decide appeals in controversies involving ranking officials, faculty and personnel
24 of the college when penalty imposed exceeds thirty (30) days;
- 25 6. Grant or deny sabbatical leaves and leaves of absence without pay and/ or
26 extension of such leaves, as well as extension of fellowship or any form of
27 scholarship for a period nor exceeding one academic semester, if the budget
28 permits and for reason that may deem satisfactory subject to appeal to the Board
29 of Trustees;
- 30 7. Grant permission for use of building and premises of the college for academe,
31 professional, scientific and technology conventions, and other related non-
32 academic activities with a fee fixed by the board.
- 33 8. Sign and execute all contracts, deed and instruments for the college, subject to
34 the approval of the Board;
- 35 9. Cause the preparation of annual budget of the college and submit the same for
36 review, consideration and approval of the Board of Trustees;
- 37 10. Cause the preparation of annual year-end report for the current year;

- 1 11. Perform such other powers as elsewhere provided in this charter as may be
2 specifically authorized by the Board of Trustees and such other powers usually
3 pertaining to the office of the College Administrator. He may delegate in writing
4 any of his specific function to any office.
- 5 12. Develop plans and strategies and, upon approval thereof by the City Mayor,
6 implement the same, which the City Mayor is empowered to implement and
7 which the Sangguniang Panlungsod is empowered to provide; and
- 8 13. Perform such other duties and functions and exercise such other powers as may
9 be prescribed by law or ordinance.

10 **SEC. 52. *The City Zoning Administrator.*** – The City Zoning Administrator must
11 be a citizen of the Philippines, a resident of the City of Malay, of good moral character,
12 a holder of a college degree from a recognized college or university, and a licensed
13 Environmental Planner. He must have acquired experience in zoning administration for
14 at least five (5) years immediately preceding the date of his appointment.

15
16 The City Zoning Administrator shall take charge of the Zoning Regulation and
17 Administration Office, and shall:

- 18
19 1. Act on all applications for all zoning-related certifications and clearances.
- 20 2. Issue Locational Clearances or Certificates of Zoning Compliance for projects
21 conforming to the zoning regulations and complying with the required
22 documents.
- 23 3. Issue Denial Decisions for Locational Clearances or Certificates of Zoning
24 Compliance applications that are non-compliant to any provision of the Zoning
25 Ordinance or other existing city ordinances.
- 26 4. Issue Certificates of Land Classification for requesting landowners and concerned
27 stakeholders.
- 28 5. Issue the needed Order of Payment for the zoning fees that the applicant should
29 be paying.
- 30 6. Monitor on-going/existing projects and act on violations and non-compliance to
31 the zoning ordinance.
- 32 7. Conduct site inspections and monitoring visits to on-going/existing projects
33 within the municipality and when warranted, issue Notices of Violation and show
34 cause order to owners, developers, or managers of projects that are violating
35 the zoning ordinance, pursuant to Section 3 of EO 72 and Section 2 of EO 71 and
36 when necessary, refer subsequent actions thereon to the HLURB.

- 1 8. Call and coordinate with the Philippine National Police for the enforcement of
2 orders and processes pertinent to the implementation of this ordinance, if
3 necessary.
- 4 9. Coordinate with the Municipal Legal Officer for other legal actions/remedies
5 relative to the foregoing.
- 6 10. Impose the appropriate fines/penalties for violation of the provisions of the
7 Zoning Ordinance.
- 8 11. Develop plans and strategies and, upon approval thereof by the City Mayor,
9 implement the same, which the City Mayor is empowered to implement and
10 which the Sangguniang Panlungsod is empowered to provide; and
- 11 12. Perform such other duties and functions and exercise such other powers as may
12 be prescribed by law or ordinance.

13 **SEC. 53.** *The City Business Processing and Licensing Officer.* – The City
14 Business Processing and Licensing Officer must be a citizen of the Philippines, a resident
15 of the City of Malay, of good moral character, a holder of a college degree from a
16 recognized college or university, and a first-grade civil service eligible or its equivalent.
17 He must have acquired experience in business processing and licensing for at least five
18 (5) years immediately preceding the date of his appointment.

19
20 The City Business Processing and Licensing Officer shall take charge of the City
21 Business Processing and Licensing Department, and shall:

- 22 1. Provide effective systems, procedures and practices in the issuance and renewal
23 of business permits. It regulates the nature and/or operations of various business
24 activities within the City of Malay.
- 25 2. Issued Mayor's permits to businesses located in the City of Malay
- 26 3. Provide an effective system of conducting inspections and verifications of all
27 business establishments
- 28 4. Monitor and enforce existing laws, ordinances, policies, rules and regulations in
29 the operation of businesses and occupations in the city
- 30 5. Undertake intensive campaign against illegal business operations
- 31 6. Provide data and facts to the business sector and the public in general
- 32 7. File cases with the City Prosecutor's Office and/or appropriate courts for violation
33 of tax laws and ordinances
- 34 8. Develop plans and strategies and, upon approval thereof by the city mayor,
35 implement the same, which the city mayor is empowered to implement and
36 which the Sangguniang Panlungsod is empowered to provide; and
37

1 9. Perform such other duties and functions and exercise such other powers as may
2 be prescribed by law or ordinance.

3 **SEC. 54.** *The City Economic Enterprise Development Officer.* – The City
4 Economic Enterprise Development Officer must be a citizen of the Philippines, a resident
5 of the City of Malay, of good moral character, a holder of a college degree from a
6 recognized college or university, and a first-grade civil service eligible or its equivalent.
7 He must have acquired experience in economic enterprise development services for at
8 least five (5) years immediately preceding the date of his appointment.

9
10 The City Economic Enterprise Development Officer shall take charge of the City
11 Economic Enterprise and Development Department, and shall exercise the following
12 powers and functions:

- 13 1. Exercise managerial control over the operations of various economic enterprise
14 unit as well as its support services units.
- 15 2. Advise the City Mayor, the City Market Committee, and other special bodies that
16 may thereafter be legally constituted, on all matters involving economic enterprises
17 and development.
- 18 3. Develop policies and formulate rules and regulations, standards, and procedures
19 to improve and enhance revenue generation based on sound financial concept and
20 principles for adequate delivery of services, subject to the approval of the
21 Sangguniang Panlungsod.
- 22 4. Prepare the annual budget of each Economic Enterprise and the Department as
23 a whole.
- 24 5. Exercise management and supervision over all units and personnel under the City
25 Economic Enterprise Office.
- 26 6. Exercise such other powers and perform such other duties and function as may
27 be prescribed by law or ordinance incidental and necessary to this position.

28
29 **SEC. 55.** *The City Chief Transportation Regulation Officer.* – The City Chief
30 Transportation Regulation Officer must be a citizen of the Philippines, a resident of the
31 City of Malay, of good moral character, a holder of a master's degree from a recognized
32 college or university, and a first grade civil service eligible or its equivalent. He must
33 have acquired experience in transportation regulation for at least five (5) years
34 immediately preceding the date of his appointment.

35
36 The City Transportation Regulation Officer shall take charge of the City
37 Transportation Regulation Department, and shall:

- 1 1. Develop plans and strategies and, upon approval thereof by the City Mayor,
2 implement the same, which the City Mayor is empowered to implement and
3 which the Sangguniang Panlungsod is empowered to provide;
- 4 2. Implement the provision of City Traffic Code, and;
- 5 3. Perform such other duties and functions and exercise such other powers as may
6 be prescribed by law or ordinance.

7
8 **SEC. 56.** *The City Disaster Risks Reduction Management Officer.* – The City
9 Disaster Risks Reduction Management Officer must be a citizen of the Philippines, a
10 resident of the City of Malay, of good moral character, a holder of a college degree from
11 a recognized college or university, and a first-grade civil service eligible or its equivalent.
12 He must have acquired experience in disaster risks reduction management for at least
13 five (5) years immediately preceding the date of his appointment.

14
15 The City Disaster Risks Reduction Management Officer shall take charge of the
16 City Disaster Risks Reduction Management Department, and shall:

- 17 1. Set the direction, development, implementation and coordination of disaster risk
18 management programs within their territorial jurisdiction;
- 19 2. Design, program and coordinate disaster risk reduction and management
20 activities consistent with the National Council's standards and guidelines;
- 21 3. Facilitate and support risk assessments and contingency planning activities at the
22 local level;
- 23 4. Consolidate local disaster risk information which includes natural hazard,
24 vulnerabilities, and climate change risk, and maintain a local risk map;
- 25 5. Organize and conduct training, orientation, and knowledge management
26 activities on disaster risk reduction and management at the local level;
- 27 6. Operate multi hazard early warning system, link to disaster risk reduction to
28 provide accurate and timely advice to national or local emergency response
29 organization and to the general public, through diverse mass media, particularly
30 radio, landline communication, and technologies for communication within rural
31 communities;
- 32 7. Formulate and implement a comprehensive and integral CDRRMP and CCCAP in
33 accordance with the national, regional and provincial framework, and policies on
34 disaster risk reduction in close coordination with the Local Development Councils
35 (LDCs)
- 36 8. Prepare and submit to the local Sanggunian through the CDRRMC and the LDC
37 the Annual CDRRMO Plan and Budget, the proposed programming of the

- 1 CDRRMF, other dedicated disaster risk reduction and management resources,
2 and other regular funding source/s and budgetary support of the
3 CDRRMO/BDRRMC;
- 4 9. Conduct continuous disaster monitoring and mobilize instrumentalities and
5 entities of the LGUs. CSOs, private group and organized volunteers, to utilize
6 their facilities and resources for the protection and preservation of life and
7 properties during emergencies in accordance with existing policies and
8 procedures;
- 9 10. Identify, assess and manage the hazards vulnerabilities and risks that may occur
10 in their locality;
- 11 11. Disseminate information and raise public awareness about those hazards,
12 vulnerabilities and risks, their nature, effects, early warning signs and counter
13 measures;
- 14 12. Identify and implement cost effective risk reduction measures/strategies;
- 15 13. Maintain a database of human resource, equipment, directories, and location of
16 critical infrastructures and their capacities such as hospitals and evacuations
17 centers;
- 18 14. Develop, strengthen and operationalize mechanisms for partnership or
19 networking with the private sector, CSOs, and volunteer groups;
- 20 15. Take all necessary steps on a continuing basis to maintain, provide or arrange
21 the provision of or to otherwise make available, suitably-trained and competent
22 personnel for effective civil defense and disaster risk reduction and management
23 in its area;
- 24 16. Organize, train, equip and supervise the local emergency response teams and
25 the ACDVs, ensuring that humanitarian aid workers are equipped with basic skills
26 to assist mothers to breastfeed;
- 27 17. Respond to and manage the adverse effects of emergencies and carry out
28 recover activities in the affected area, ensuring that there is an efficient
29 mechanism for immediate delivery of food, shelter and medical supplies for
30 women and children, endeavor to create a special place where internally-
31 displaced mothers and children can find help with breastfeeding. feed and care
32 for their babies and give support to each other;
- 33 18. Within its area, promote and raise public awareness and compliance with the Act
34 and legislative provisions relevant to the purpose of the Act;
- 35 19. Serve as the secretariat and executive arm of the CDRRMC;
- 36 20. Coordinate other disaster risk reduction and management activities;

1 21. Establish linkage/network with other LGUs for disaster risk reduction and
2 emergency response purposes;

3 22. Recommend through the CDRRMC the enactment of local ordinances consistent
4 with the requirements of this Act;

5 23. Implement policies, approved plans and programs of the CDRRMC consistent
6 with the policies and guidelines laid down in the Act;

7 24. Establish a City/Barangay Disaster Risk Reduction and Management Operations
8 Center;

9 25. Prepare and submit, through the CDRRMC and the LDC, the report on the
10 utilization of the CDRRMF and other dedicated disaster risk reduction and
11 management resources to the local Commission on Audit (CO) for city level and
12 internal audit for municipal and component city level, copy Operations Officer of the
13 DILG; and

14 26. Act on the other matters that may be authorized by the CDRRMC.

15 27. Develop plans and strategies and, upon approval thereof by the City Mayor,
16 implement the same, which the City Mayor is empowered to implement and which
17 the Sangguniang Panlungsod is empowered to provide; and

18 28. Perform such other duties and functions and exercise such other powers as may
19 be prescribed by law or ordinance.

20
21 **SEC. 57. *The City Tourism Officer.*** – The City Tourism Officer must be a citizen
22 of the Philippines, a resident of the City of Malay, of good moral character, a holder of
23 a college degree in tourism, business, law, economic, marketing, public administration
24 or other related fields from a recognized college or university, and a first grade civil
25 service eligible or its equivalent. He must have acquired experience in cultural and
26 tourism services for at least five (5) years immediately preceding the date of his
27 appointment.

28
29 The City Tourism Officer shall take charge of the City Tourism Office, and shall:

30 1. Initiate and implement the city government's activities related to culture and
31 tourism.

32 2. Acts on referrals/ instructions of the City Mayor on activities pertaining to culture,
33 tourism, and historical matters; handles projects related to tourism;

34 3. Takes charge of the preservation and promotion of the cultural heritage of the
35 city and of the nation in general by implementing projects related to culture;
36

- 1 4. Encourages the organization of cultural group in City of Malay through periodic
2 competitions, exhibitions, and performances, both for public benefit and for the
3 discovery, development, and presentation of individual and group talents;
- 4 5. Formulates plans programs, and projects related to the commemoration of
5 historical events in City of Malay and other commemorative activities celebrated
6 in the country.
- 7 6. Formulate programs related to cultural projects and the commemoration of
8 historical events
- 9 7. Handle projects related to the promotion of tourism in the city
- 10 8. Serve as a channel in the establishment and sustenance of sister-city relations
- 11 9. Supervise the registration of tourism-oriented and tourism-related
12 establishments
- 13 10. Develop plans and strategies and, upon approval thereof by the city mayor,
14 implement the same, which the city mayor is empowered to implement and
15 which the Sangguniang Panlungsod is empowered to provide; and
- 16 11. Perform such other duties and functions and exercise such other powers as may
17 be prescribed by law or ordinance.

18
19 **SEC. 58. *The City Building Official.*** – The City Building Official must be a citizen
20 of the Philippines, a resident of the City of Malay, of good moral character, a holder of
21 a college degree from a recognized college or university, and a licensed Civil Engineer
22 or registered Architect and a member of good standing of a duly accredited organization
23 of his profession for not less than two years. He must have acquired experience in for
24 at least five (5) years in building design and construction immediately preceding the
25 date of his appointment.

26
27 The City Building Official shall take charge of the City Building Office, and shall:

- 28 1. Implements the National Building Code of the Philippines, its referral codes and
29 other laws and ordinances related thereto;
- 30 2. Processes and issues building permits, including ancillary and auxiliary permit
31 applications for all types of structures as required under the code;
- 32 3. Conducts inspection of on-going and completed structures as a requirement in
33 the processing and issuance of occupancy and other final permits related thereto;
- 34 4. Conducts annual inspection of building and other structures to ensure compliance
35 to safety standards to prevent unnecessary loss of life and property;
- 36

- 1 5. Processes and issues excavation permits for public utilities; plans, design and
2 imposes building regulatory measures and parameters needed to enhance the
3 city development plans and programs.
- 4 6. Develop plans and strategies and, upon approval thereof by the City Mayor,
5 implement the same, which the City Mayor is empowered to implement and
6 which the Sangguniang Panlungsod is empowered to provide; and
- 7 7. Perform such other duties and functions and exercise such other powers as may
8 be prescribed by law or ordinance.

9
10 **SEC. 59. *The City Internal Auditor.*** – The City Internal Auditor must be a citizen
11 of the Philippines, a resident of the City of Malay, of good moral character, a holder of
12 a master's degree and a graduate from an accredited college or university with a
13 Bachelor's Degree in Accounting, Auditing, or a closely related field, professional-level
14 experience as an Accountant or Auditor with a government entity or a public accounting
15 firm. He must have acquired experience in internal auditing for at least five (5) years
16 immediately preceding the date of his appointment.

17 The City Internal Auditor shall take charge of the City Internal Audit Office, and shall:

- 18 1. Responsible for planning and directing the financial and fiscal compliance,
19 program, operational, and computer audits of city programs and related
20 agencies;
- 21 2. Responsible for independent audit of the management of city departments,
22 offices and programs, analysis of financial management practices, and
23 surveillance of municipal fiscal contracts. practice and of policies established
24 by city management. This class performs related work as required.
25 Qualifications of the City Internal Auditor are the following:
- 26 3. Ascertaining the reliability and integrity of financial and operational
27 information and means used to identify measures, classify and report such
28 information.
- 29 4. Ascertaining the extent of compliance with established policies, and
30 applicable laws and regulations, and reviewing the system established to
31 ensure compliance with government policies, plans and procedures, laws
32 and regulation which could have a significant impact on operations;
- 33 5. Ascertaining the extent to which the assets and other resources of the
34 institutions are accounted for and safeguarded from losses of all kinds;
- 35 6. Reviewing and evaluating the soundness, adequacy and application of
36 accounting, financial and other operating controls and promoting the most
37 effective control at reasonable cost;

- 1 7. Reviewing operations or programs to ascertain whether or not results are
- 2 consistent with established objectives and goals and whether or not such
- 3 programs are being carried out as planned;
- 4 8. Evaluating the quality of performance of groups/individual in carrying out
- 5 their assigned responsibilities; and
- 6 9. Recommending corrective actions on operational deficiencies observed.
- 7 10. Pre-audit of vouchers and countersignature of checks;
- 8 11. Inspection of deliveries, although the internal auditor may, as part of his
- 9 examination, observe inspection;
- 10 12. Preparation of treasury and bank reconciliation statements
- 11 13. Development and installation of systems and procedures; however, in
- 12 exceptional cases, the internal auditor may assist by the way of giving
- 13 suggestions preferably during the development stage; and
- 14 14. Taking physical inventories; however, the internal auditor may review the
- 15 plans in advance and observe the test-check the accuracy of counting, costing
- 16 and summarizing.

17 **SEC. 60.** *The City Sports and Development Officer.* – The City Sports
18 Development Officer must be a citizen of the Philippines, a resident of the City of Malay,
19 of good moral character, a holder of a college degree from a recognized college or
20 university, and a first-grade civil service eligible or its equivalent. He must have acquired
21 experience in Sports Development or in any related field for at least five (5) years
22 immediately preceding the date of his appointment.

23
24 The City Sports Development Officer shall receive such compensation,
25 emoluments and allowances as may be determined by law.

26
27 The City Sports and Development Officer shall take charge of the City Sports
28 Development and Games Office, and shall.

- 29 1. Develop plans and strategies and, upon approval thereof by the City
- 30 Mayor, implement the same, particularly those which have to do with youth
- 31 and sports programs and projects which the City Mayor is empowered to
- 32 implement and which the Sangguniang Panlungsod is empowered to
- 33 provide; and
- 34 2. Perform such other duties and functions and exercise such other powers
- 35 as may be prescribed by law or ordinance.
- 36

37

1 **SEC. 61. *The City Public Order and Safety Officer.*** – The City Public Order and
2 Safety Officer must be a citizen of the Philippines, a resident of the City of Malay, of
3 good moral character, a holder of a college degree from a recognized college or
4 university, and a first-grade civil service eligible or its equivalent. He must have acquired
5 experience in Public Safety Management for at least five (5) years immediately
6 preceding the date of his appointment.

7
8 The City Public Safety Officer shall take charge of the Public Safety Department,
9 and shall:

- 10 1. Develop plans and strategies and, upon approval thereof by the City Mayor,
11 implement the same, particularly those relating to public safety which the
12 City Mayor is empowered to implement and which the Sangguniang
13 Panlungsod is empowered to provide;
- 14 2. Provide public security
- 15 3. Augment auxiliary services on traffic management
- 16 4. Formulate plans and programs that improve public safety
- 17 5. Undertake protective and disaster relief services
- 18 6. Clear sidewalks of illegal vendors and obstructions.
- 19 7. Perform such other duties and functions and exercise such other powers as
20 may be prescribed by law or ordinance.

21
22 **SEC. 62. *The City Trade and Industry Officer.*** – The City Trade and Industry
23 Officer must be a citizen of the Philippines, a resident of the City of Malay, of good
24 moral character, a holder of a college degree in Business, Accountancy, Economics or
25 any related course from a recognized college or university. and a first-grade civil service
26 eligible or its equivalent. He must have acquired experience in business or any related
27 field for at least five (5) years immediately preceding the date of his appointment.

28
29 The City Trade and Industry Officer shall receive such compensation,
30 emoluments and allowances as may be determined by law.

31
32 The City Trade and Industry Officer shall take charge of the Trade and Industry
33 Department, and shall:

- 34 1. Formulate measures for the consideration of the Sangguniang Panlungsod and
35 provide technical assistance to the City Mayor in carrying out measures to ensure
36 the delivery of basic services and provision of adequate facilities relative to trade
37 and industry;

- 1 2. Develop plans and strategies and, upon approval thereof by the City Mayor,
2 implement the same, particularly those which have to do with trade, commerce,
3 industry and economic promotion; and
- 4 3. Perform such other duties and functions and exercise such other powers as may
5 be prescribed by law or ordinance.

6
7 **SEC. 63.** *The City Economic Investments and Incentives Promotion Officer.* –
8 The City Economic Investments and Incentives Promotion Officer must be a citizen of
9 the Philippines, a resident of the City of Malay, of good moral character, a holder of a
10 college degree from a recognized college or university, and a first-grade civil service
11 eligible or its equivalent. He must have acquired experience in economic investment
12 and incentives promotion for at least five (5) years immediately preceding the date of
13 his appointment.

14
15 The City Economic Investments and Incentives Promotion Officer shall take
16 charge of the City Economic Investments and Incentives Promotion department, and
17 shall:

- 18 1. Spur inclusive growth and development by stimulating entrepreneurship,
19 growing micro and small enterprises, and strengthening cooperatives through
20 appropriate organizational and business development program and service.
- 21 2. Oversee and facilitate the planning, delivery, coordination, consolidation, and
22 convergence of all stakeholder efforts to develop and promote micro and
23 small enterprises and entrepreneurship in the City of Malay.
- 24 3. Classify Micro and Small Enterprises according to its business activity,
25 product/services offered and target market.
- 26 4. Implementing arm of the Micro and Small Enterprises Development Council
27 (MSED Council)
- 28 5. Undertake planning, development, and monitoring of MSE and Cooperatives
29 programs
- 30 6. Function as the Technical Secretariat of the MSED Council
- 31 7. Evaluate Micro Enterprises covered by RA9178 or BMBE Law.
- 32 8. Develop a medium-term and long-term investment promotions and retention
33 plan to be approved by the board in coordination with the City Development
34 Council (CDC) and consistent with national investment policies. The plan shall
35 be broken down into annual investment programs to be integrated into the
36 local priorities for implementation;
- 37 9. Facilitate the efficient and effective operations of CEIPD through:

- 1 a. Compilation and processing of information, studies, and reports relevant to
- 2 the local economic environment and the identified investment priority areas.
- 3 b. Establishment and update of a data bank on general business information
- 4 and a web based information system to disseminate key messages,
- 5 procedures, and information necessary to attract and retain investments;
- 6 c. Preparation and updating of an operations manual specifying
- 7 processes, activities, roles and responsibilities for the administration of
- 8 investment promotion and retention. The operations manual shall
- 9 include a client/citizens charter specifying accountability and maximum
- 10 periods for the processing of documents for investments and code of
- 11 conduct for MEIPC management and staff;
- 12 d. Assist in: (1) securing licenses and permits; (2) identifying business or
- 13 joint venture partners, raw materials suppliers and possible business
- 14 sites; (3) sourcing skilled manpower and service providers; and (4)
- 15 facilitating the resolution of issues and concerns encountered by
- 16 business enterprises;
- 17 e. Undertake investment promotions activities based on value added in
- 18 relation to costs;
- 19 f. Develop and disseminate investments promotion collaterals, (i.e.
- 20 brochures, industry and project profiles, cost of doing business in the
- 21 LGU);
- 22 g. Respond to information needs of investors;
- 23 h. Conduct of marketing and investment targeting strategies such as
- 24 investment meetings, fairs, and missions;
- 25 i. Conduct briefings of potential investors whenever necessary;
- 26 j. Conduct follow through activities to convert potential investors to
- 27 actual locators in the LGU;
- 28 10. Receive, process and evaluate applications for registration and grant of local
- 29 incentives for approval of the board;
- 30 11. Render after-care services to all investment/business locators particularly the
- 31 registered enterprises;
- 32 12. Recommend to the board any modifications/amendments to existing
- 33 legislation and procedures on local investments for its appropriate action;
- 34 13. Establish cooperative undertakings with other LGUs, private sector, NGOs,
- 35 NGAs and other institutions as maybe necessary, useful, and incidental to the
- 36 effective and efficient implementation of the CEIC;
- 37 14. Monitor and supervise project implementation of registered enterprises.

- 1 15. Represent the city in trade and investments meetings, conferences,
2 conventions and other similar gatherings as maybe directed by the board;
3 16. Perform such other functions as may be necessary to implement the intent
4 of the Code.
5 17. Develop plans and strategies and, upon approval thereof by the City Mayor,
6 implement the same, which the City Mayor is empowered to implement and
7 which the Sangguniang Panlungsod is empowered to provide; and
8 18. Perform such other duties and functions and exercise such other powers as
9 may be prescribed by law or ordinance.

10
11 **SEC. 64. *The City Housing and Community Development and Resettlement***
12 *Officer.* – The City Housing and Community Development and Resettlement Officer must
13 be a citizen of the Philippines, a resident of the City of Malay, of good moral character,
14 a holder of a college degree from a recognized college or university, and a first-grade
15 civil service eligible or its equivalent. He must have acquired experience in housing and
16 community development and resettlement for at least five (5) years immediately
17 preceding the date of his appointment.

18 The City Housing and Community Development and Resettlement Officer shall
19 take charge of the City Housing and Community Development and Resettlement Office,
20 and shall:

- 21 1. Implement Republic Act No. 7279, otherwise known as the Urban
22 Development Housing Act of 1992 (UDHA), in coordination with the Social
23 Housing Finance Corporation, Housing and Urban Development Coordination
24 Council, the Department of Interior and Local Government and other government
25 agencies concerned, the private sector and other non-government particularly
26 focusing on socialized housing and resettlement programs for the city's
27 underprivileged and homeless constituents or informal settler families (ISFs);
28 2. To undertake programs that will ensure sustained development in the
29 resettlement areas or communities through continuing education, training,
30 providing health and welfare assistance through efficient, honest, and committed
31 delivery of public/basic services by its employees.
32 3. Develop plans and strategies and, upon approval thereof by the City Mayor,
33 implement the same, which the City Mayor is empowered to implement and
34 which the Sangguniang Panlungsod is empowered to provide; and
35 4. Perform such other duties and functions and exercise such other powers as
36 may be prescribed by law or ordinance.
37

1 **SEC. 65.** *The City Barangay and Community Relations Officer.* – The City
2 Barangay and Community Officer must be a citizen of the Philippines, a resident of the
3 City of Malay, of good moral character, a holder of a college degree from a recognized
4 college or university, and a first grade civil service eligible or its equivalent. He must
5 have acquired experience in barangay and community relations for at least five (5)
6 years immediately preceding the date of his appointment.

7
8 The City Barangay and Community Officer shall take charge of the City Barangay and
9 Community Relations Office, and shall:

10 1. Act as the Administrative and Operational Arm of the City Government on
11 barangay matters as one of the major conduits in attaining the goals and in
12 achieving the mission, vision and thrusts of the City Mayor towards the growth
13 and development of the barangays as well as in strengthening barangay
14 initiatives and actions in the delivery of necessary services to the constituents of
15 the City of Malay.

16 2. Designed programs such as Administrative and Barangay Benefits Assistance
17 Program, Barangay Information/ Awareness and Training Program, Monitoring
18 and Coordination Program, Barangay Technical and Legal Assistance Program,
19 and Special Task/Project Implementation Assistance Program.

20 3. Take charge of the issuance of certifications for elected barangay officials and
21 service records of barangay officials.

22 4. Develop plans and strategies and, upon approval thereof by the city mayor,
23 implement the same, which the city mayor is empowered to implement and
24 which the Sangguniang Panlungsod is empowered to provide; and

25 5. Perform such other duties and functions and exercise such other powers as
26 may be prescribed by law or ordinance.

27
28 **SEC. 66.** *The City Research and Development Officer.* – The City Research and
29 Development Officer must be a citizen of the Philippines, a resident of the City of Malay,
30 of good moral character, a holder of a college degree from a recognized college or
31 university, and a first grade civil service eligible or its equivalent. He must have acquired
32 experience in research and development for at least five (5) years immediately
33 preceding the date of his appointment.

34 The City Research and Development Officer shall take charge of the City
35 Research and Development Office, and shall:

36 1. Develop plans and strategies and, upon approval thereof by the City Mayor,
37 Implement the same, which the City Mayor is empowered to implement and
38 which the Sangguniang Panlungsod is empowered to provide;

39 2. Conduct extensive research for new products and develop new solutions that
40 could help boost the local economy;

- 1 3. Conduct extensive research not limited to natural plants, woods, grasses,
2 bamboos, coconuts, etc. present and abundant in the locality for possible product
3 development;
- 4 4. Research, design and evaluate materials, assemblies, processes and
5 equipment for continuous improvement of products and produce/harvests for
6 the benefit of local producers and farmers;
- 7 5. Transfer new technologies, products, and manufacturing process into and out
8 of the municipality.
- 9 6. Conduct other research and development that may support in the
10 advancement of science and technology not limited to engineering methods in
11 construction industry, machineries, refinery, mass transportation, medical
12 research, etc.; and
- 13 7. Perform such other duties and functions and exercise such other powers as
14 may be prescribed by law or ordinance.

15
16 **SEC. 67.** *The City Public Affairs and Information Services Officer.* – The City
17 Public Affairs and Information Services Officer must be a citizen of the Philippines, a
18 resident of the City of Malay, of good moral character, a holder of a college degree from
19 a recognized college or university, and a first-grade civil service eligible or its equivalent.
20 He must have acquired experience in public affairs and information services for at least
21 five (5) years immediately preceding the date of his appointment.

22
23 The City Public Affairs and Information Services Officer shall take charge of the
24 City Public Affairs and Information Services Office, and shall:

- 25
26 1. Develop and implement programs and necessary mechanisms pertaining to
27 the delivery of information relating to the plans, programs, policies,
28 achievements and official activities of the City Mayor and the city government;
- 29 2. Develop, manage and operate city government-owned controlled public
30 information/mass communications structure/facilities to provide the City Mayor
31 in particular and the city government in general, access to the people as an
32 alternative to mass media entities;
- 33 3. Set up and maintain a network of people and entities and system to ensure
34 that accurate information from the City Mayor and the city government is
35 effectively and efficiently relayed, delivered and disseminated to the public;
- 36 4. Manage, control, supervise or assist as may be necessary the various city
37 government units involved in information dissemination;
- 38 5. Coordinate and cultivate relations with the media; manage and administer the
39 city government's official news and information website and social media pages
40 and accounts;

- 1 6. Deals with the public, including the media, by advancing the city government's
- 2 mission, vision, goals and interests;
- 3 7. Explain how the city government's programs and policies impact the public;
- 4 Help the citizenry understand the city government's plans and actions;
- 5 9. Prepare and distribute information materials on behalf of the city government;
- 6 10. Monitor how the media reports on the city government as well as events and
- 7 developments impact the city and its people;
- 8 11. Respond to media inquiries, arrange interviews, and facilitate access to
- 9 information, resource persons and subject matter experts;
- 10 12. Correct erroneous information and try to improve the interpretation and
- 11 understanding of existing information;
- 12 13. Counter disinformation with the right information;
- 13 14. Engage the public through various media platforms/channels and encourage
- 14 people's participation in local governance and community development;
- 15 15. Provide sound advice and expertise to city officials on matters pertaining to
- 16 media and mass communications;
- 17 16. Develop plans and strategies and, upon approval thereof by the city mayor,
- 18 implement the same, which the city mayor is empowered to implement and
- 19 which the Sangguniang Panlungsod is empowered to provide; and
- 20 17. Perform such other duties and functions and exercise such other powers as
- 21 may be prescribed by law or ordinance.

22
23 **SEC. 68.** *The City Youth Development Officer.* – The Youth Development
24 Officer shall be preferably not more than 30 years old at the time of his or her
25 appointment; of good moral character; must have acquired experience in youth
26 development affairs or involvement in youth or youth serving organizations for at least
27 3 years and he or she shall be appointed by the local chief executive, but in no case is
28 he or she be within the fourth civil degree of consanguinity or affinity of the appointing
29 authority.

30
31 The office is responsible to promote and protect the physical, moral, spiritual,
32 intellectual and social well-being of Filipino youth, inculcating in them patriotism and
33 nationalism and encourage their involvement in public and civic affairs.

34
35 The City Youth Development Officer shall perform the following duties and
36 responsibilities:

- 37 1. Register and verify youth had youth-serving organizations;
- 38 2. Provide technical assistance to the city Youth Development Council (YDC) in
- 39 the formulation of the Youth Development Plan;

- 1 3. Facilitate the election of the DC representatives;
- 2 4. Serve as Secretariat to the YDC and as such, shall provide the necessary
- 3 administrative, operational, staff and technical staff to the YDC;
- 4 5. Conduct the mandatory and continuing training of SK officials and DC
- 5 members, pursuant to the programs jointly designed and implemented by the
- 6 National Youth Commission and the Department of the Interior and Local
- 7 Government;
- 8 6. Provide technical, logistical and other support in the conduct of the
- 9 mandatory and continuing training programs, and to such other programs of
- 10 the NYC and DILG;
- 11 7. Coordinate with the NYC with regard to the youth programs within their
- 12 jurisdiction and perform other functions as may be prescribed by law,
- 13 ordinance or as the local chief executive may require.

14 **SEC. 69.** *The City Information Technology Officer.* – The City Information
15 Technology Officer must be a citizen of the Philippines, a resident of the City of Malay,
16 of good moral character, a holder of a college degree preferably Information
17 Technology and Computer Engineering from a recognized college or university, and a
18 first-grade civil service eligible or its equivalent. He must have acquired experience in
19 public affairs and information services for at least five (5) years immediately preceding
20 the date of his appointment.
21

22 The City Information Technology Officer shall take charge of the City
23 Information Technology Development Office, and shall:

- 24 1. Provide for the city government's full range of infotech services and
- 25 requirements, from acquisition to programming to networking to archiving.
- 26 2. Establish a central electronic data center that consolidates and archives all
- 27 information pertinent to the city government's plans, programs and projects, to
- 28 establish a service bureau in support of that data center.
- 29 3. Handles database maintenance and systems support operations.
- 30 4. Provide support in the development of small to medium-sized office
- 31 automation and or computer applications;
- 32 5. Provide support in the enhancement of software applications/ systems to
- 33 reduce operating time or improve efficiency;
- 34 6. Provide support in preparing required documentation, including both program-
- 35 level and user-level documentation;
- 36

- 1 7. Develop plans and strategies and, upon approval thereof by the City Mayor,
2 implement the same, which the City Mayor is empowered to implement and
3 which the Sangguniang Panlungsod is empowered to provide;
- 4 8. Perform such other duties and functions and exercise such other powers as
5 may be prescribed by law or ordinance.

6
7 **SEC. 70. *The City Persons with Disability Affairs Officer.*** – The City Persons
8 with Disability Officer must be a citizen of the Philippines, a resident of the City of Malay,
9 of good moral character, a holder of a college degree from a recognized college or
10 university, and a first-grade civil service eligible or its equivalent. He must be a duly
11 accredited PWD organization with a track record of at least three (3) years. He must
12 have acquired a 5 experience in position/s involving management and supervision, 1
13 year of which is relevant to disability affairs.

14 The City Persons with Disability Affairs Officer shall take charge of the City
15 Person with Disability Office, and shall:

- 16 1. Formulate and implement policies, plans and programs for the promotion of
17 the welfare of persons with disabilities in coordination with concerned national
18 and local government agencies;
- 19 2. Coordinate and implement the provision of RA No. 10070, Batas Pambansa
20 Blg.344, otherwise known as the Accessibility Law, and other relevant laws at
21 the local level;
- 22 3. Represent persons with disabilities in meetings of local development councils
23 and other special bodies;
- 24 4. Recommend and enjoin the participation of Non-Government Organizations
25 (NGOs) and
26 People's Organization (POs) in the implementation of all disability-related laws
27 and policies:
28 Gather and compile relevant data on persons with disabilities in their localities;
- 29 6. Disseminate information including, but not limited to programs and activities
30 for persons with disabilities, statistics on persons with disabilities, including
31 children with disability, and training and employment opportunities for persons
32 with disabilities;
- 33 7. Submit reports to the office of their respective governor or city/municipal
34 mayor on the implementation of programs and services for the promotion of the
35 welfare of persons with disabilities in their respective areas of jurisdiction;
- 36 8. Ensure that policies, plans and programs for the promotion of welfare of
37 persons with disabilities are funded by both the national and local government;
- 38 9. Monitor fundraising activities being conducted for the benefit of persons with
39 disabilities:

- 1 10. Seek donations in cash or in kind from local or foreign donors to implement
- 2 an approved work plan for persons with disabilities, in accordance with existing
- 3 laws and regulations: and
- 4 11. Perform such other functions as maybe necessary for the promotion and
- 5 protection of the welfare of persons with disabilities;
- 6 12. Manage and oversee the efficient operations of the Persons with Disabilities
- 7 Affairs Office and general supervision of its personnel;
- 8 13. Develop, promote and monitor the implementation of policies, plans,
- 9 programs, and services for the development of persons with disabilities in
- 10 coordination with national and local government agencies;
- 11 14. Ensure representation of persons with disabilities in the local development
- 12 councils and other special bodies;
- 13 15. Build the capacity of non - government organizations and people's
- 14 organizations to participate in the implementation of all disability related laws
- 15 and policies;
- 16 16. Establish coordination with the province, city or municipality, as the case
- 17 maybe and ensure the inclusion of disability concerns in all local government
- 18 programs and services;
- 19 17. Network with local, national and international organizations and establish
- 20 partnership on disability programs and resource mobilizations;
- 21 18. Develop and submit to the concerned municipal/city mayor or governor an
- 22 Annual Work and Financial Plan;
- 23 19. Design and implement yearly work programs and projects in accordance with
- 24 R.A. 7277 (Magna Carta for Disabled Persons), Batas Pambansa 344
- 25 (Accessibility Law) and the UN
- 26 Convention on the Rights of PWDs (UNCRPD);
- 27 20. Advocate for equal opportunity and accessibility of PWDs the programs for
- 28 education, employment, health, socio-cultural and sports development;
- 29 21. Propose measures for the welfare of the person with disabilities (PWDs) as
- 30 approved by the Sangguniang Panlungsod;
- 31 22. Maintain and regularly update the list of PWDs and issue individual PWD
- 32 identification cards;
- 33 23. Organize the identified PWDs in every barangay and federate them in the
- 34 city;
- 35 24. Serve as consultative and advisory body in the issuance of building and
- 36 occupancy permits relative to the effective implementation of BF 344 also known
- 37 as the Accessibility Law; and
- 38 25. Monitor and report to the Department of Justice, the incidents violating the
- 39 RA 7277, BP 344, RA 10070, RA 10754 and PWD related laws.
- 40

1 **SEC. 71. *The Office of the Senior Citizen Affairs Head.*** – The OSCA HEAD must
2 be a citizen of the Philippines, a resident of the City of Malay, of good moral character,
3 able to read and write and at least a high school graduate. He must be physically and
4 mentally capable of performing the tasks of OSCA Head, a bonafide member of a duly
5 registered senior citizen's organization which has a track record of at least three
6 consecutive years;

7 The OSCA Head shall take charge of the Office of the Senior Citizens Affairs,
8 and shall.

- 9 1. In consultation with the City or Municipal Social Work and Development Officer
10 and duly registered senior citizen organizations, to plan, develop, implement,
11 consolidate, and monitor yearly work programs in pursuance of the objectives of
12 the Act and its Rules;
- 13 2. To draw up a list of available and required services which can be provided by
14 the registered federations and associations of senior citizens;
- 15 3. To maintain and regularly update on a quarterly basis the list of senior citizens
16 and to issue national uniform individual identification cards and purchase
17 booklets, free of charge, which shall be valid anywhere in the country;
- 18 4. To serve as a general information and liaison center the needs of the senior
19 citizens:
- 20 5. To monitor compliance of the provisions of the Act and its Rules particularly the
21 grant of special discounts and privileges to senior citizens;
- 22 6. To report to the Mayor, any person, natural or judicial; establishments, business,
23 entity, institution or agency found violating any provision of the Act and its Rules;
- 24 7. To facilitate the creation of a city or municipality coordinating and monitoring
25 board consisting of OSCA Head, the City or Municipal Social Work and
26 Development Officer and the presidents of concerned duly registered senior
27 citizens organizations to deliberate and act on the complaints;
- 28 8. To assist senior citizens in filling complaints or charges against any person,
29 natural or judicial; establishment, institution, or agency refusing to comply with
30 the privileges under the Act before the Department of Justice (DOJ), the
31 Provincial Prosecutor's Office, the regional or the municipal trial court, the
32 municipal trial court in cities, or the municipal circuit trial court;
- 33 9. To assist and coordinate with the concerned person, natural or judicial,
34 establishment, institution or agency in investigating fraudulent practices and
35 abuses of the discount and privileges exclusively granted to senior citizens; and
36 10. To establish linkages and work together with the accredited NGOs, people's
37 organizations, and the barangays in their respective areas.

38

1 **SEC. 72. *Benefits of Employees working in the City Government.*** – These are
2 benefits of city government employees apart from their regular salaries and wages. The
3 city government employee will be entitled to fringe benefits. These includes those
4 benefits that are relatively small in value and are not taxable and are called "*de minimis*
5 *benefits*".

6 These privileges furnished or offered to city employees to promote health,
7 goodwill, contentment, or efficiency of city employees. "*De minimis benefits*", like fringe
8 benefits, are granted by the city government on top of the employee's basic
9 compensation but are not considered as taxable compensation for income tax purposes
10 nor subject to the fringe benefit tax.

11
12 **SEC. 73. *The City Fire Station Service.*** –

- 13 a. There shall be established in the City at least one (1) fire station with adequate
14 personnel, firefighting facilities, and equipment, subject to the standards, rules
15 and regulations that may be promulgated by the DILG. The City shall provide the
16 necessary land or site of the station.
- 17 b. The city fire station shall be headed by a city fire marshal whose qualifications
18 shall be as those provided for under Republic Act No. 9263, as amended,
19 otherwise known as the "Bureau of Fire Protection and Bureau of Jan
20 Management and Penology Professionalization Act of 2004.
- 21 c. The city fire station shall be responsible for providing emergency services such
22 as the rescue and evacuation of injured people related to incidents and, in
23 general, all fire prevention and suppression measures to secure the safety of life
24 and property of the citizenry.

25 **SEC. 74. *The City Jail Service.*** –

- 26 (a) There shall be established and maintained in the city a secured, clean,
27 adequately equipped, and sanitary jail facility for the custody and
28 safekeeping of prisoners, any fugitive from justice, or person detained
29 awaiting investigation or trial and/or violent mentally ill person who
30 endangers himself or the safety of others, duly certified as such by the
31 proper Medical Health Officer, pending the transfer to a mental institution.

32
33 (b) The city jail service shall be headed by a City Jail Warden whose
34 qualifications shall be as those provided for under Republic Act No. 9263, as
35 amended, otherwise known as the "Bureau of Fire Protection and Bureau of Jail
36 Management and Penology Professionalization Act of 2004". One shall assist in
37 the immediate rehabilitation of individuals or detention of prisoners. Great care

1 must be exercised so that human rights of these prisoners are respected and
2 protected, and their spiritual and physical well-being are properly and promptly
3 attended to.
4

5 **SEC. 75. *The City School Division.* –**

6 (a) There shall be established and maintained by the DepED a city school
7 division of the City of Malay, headed by a City Schools Division
8 Superintendent.
9

10 (b) The City School Division shall be headed by a City Schools Division
11 Superintendent who must possess the necessary qualifications required by
12 the DepED.

13 **SEC. 76. *The City Prosecution Service.* –**

14
15 (a) There shall be established in the city a City Prosecution Service to be headed by
16 a City Prosecutor and such number of Assistant City Prosecutors, as may be
17 necessary, who shall be organizationally part of the Department of Justice (DOJ),
18 and under the supervision and control of the Secretary of Justice and whose
19 qualifications, manner of appointment, rank, salary and benefits shall be
20 governed by existing laws covering prosecutors in the DOJ.
21

22 (b) The City Prosecutor shall handle the criminal prosecution in the Municipal Trial
23 Courts in the city as well as in the Regional Trial Courts for criminal cases
24 originating in the territory of the city and shall render to or for the city such
25 services as are required by law, ordinance or regulation of the DOJ.

26 The Secretary of Justice shall always ensure the adequacy and the quality of
27 prosecution service in the city and for this purpose, shall, in the absence or lack or
28 insufficiency in number of Assistant City Prosecutors as provided hereinabove, designate
29 from among the Assistant Provincial Prosecutors a sufficient number to perform and
30 discharge the functions of the city prosecution service as provided hereinabove.
31

32 **SEC. 77. *Establishment of Extension or Satellite Offices.* –** There shall be
33 established in the City of Malay extension or satellite offices of the Registry of Deeds,
34 Land Transportation Office, Department of Human Settlements and Urban
35 Development, Government Service Insurance System, Social Security System, Philippine
36 Health Insurance and Overseas Workers Welfare Administration Office, which shall be
37 organizationally part of their respective national offices, and under the supervision and

1 control of their respective heads of national offices and whose qualifications, manner
2 of appointment, rank, salary and benefits shall be governed by existing laws covering
3 their respective departments or offices. They shall extend services and perform such
4 other functions as mandated by their, respective charters to the residents of the city
5 and its neighboring local government units:
6

7 **Article X**
8 **Reclamation of Foreshore Lands and Ownership of Waterwork System**
9 **Water Springs or Water Sources**
10

11 **SEC. 78. *Reclamation of Foreshore Lands.*** – The city alone shall have the
12 authority to reclaim foreshore lands, including submerged lands within its jurisdiction in
13 accordance with the provisions of Republic Act No. 1899: Provided, however, that
14 should the city desire to reclaim the said foreshore lands and submerged lands through
15 third parties, the contracts relating thereto shall become effective only when the said
16 contracts shall have been approved by the City Council and City Mayor.
17

18 **SEC. 79. *Ownership of Waterworks System, Water Springs or Water Sources,***
19 ***Roads, Streets, etc.*** – Notwithstanding the provision of Republic Act No. 1383 and other
20 existing laws, all existing waterworks belonging to the national government, water
21 springs and water sources shall be owned by the City of Malay and all revenues
22 therefrom shall accrue to the general fund of the city. All existing municipal, provincial
23 and national roads, streets, bridges, docks, piers, wharves, machineries, equipment and
24 other public works improvements shall be owned by the City of Malay except those that
25 are pre-owned by the Provincial Government, Philippine Port Authority and other
26 National Government Agencies unless turned over to the City Government of Malay.
27

28 **Article XI**
29 **Transitory and Final Provisions**
30

31 **SEC. 80. *Municipal Ordinances.*** – Existing Ordinances at the Time of the
32 Approval of this Act. All municipal ordinances of the Municipality of Malay existing at
33 the time of the approval of this Act shall continue to be in force within the City of Malay
34 until the Sangguniang Palungsod shall, by ordinance, provide otherwise.
35

36 **SEC. 81. *Tax Moratorium.*** – Upon the effectivity of this Act, the City of Malay
37 shall maintain a tax moratorium for five (5) years, wherein no increase in the rates of
38 taxes shall be imposed. Furthermore, it shall abide by the provisions of Republic Act No.
39 7160, otherwise known as the Local Government Code of 1991, which limit the authority
40 of local government units in adjusting tax rates which shall not be oftener than once

1 every five (5) years, but in no case shall such adjustment exceed ten percent (10%) of
2 the rates fixed under this Code.

3
4 **SEC. 82. *Plebiscite.*** – The City of Malay shall acquire corporate existence upon
5 the ratification of its creation by a majority of the votes cast by the qualified voters in
6 a plebiscite to be conducted in the present Municipality of Malay within sixty (60) days
7 from the approval of this Act. The expenses for such plebiscite shall be borne by the
8 Municipality of Malay. The Commission on Elections shall conduct and supervise such
9 plebiscite.

10
11 **SEC. 83. *Officials of the City of Malay.*** – The present elective officials of the
12 Municipality of Malay shall continue to exercise their powers and functions until such
13 time that a new election is held and the duly elected officials shall have already qualified
14 and assumed their offices. The appointive officials and employees of the city shall
15 likewise continue exercising their functions and duties and they shall be automatically
16 absorbed by the city government of Malay.

17
18 **SEC. 84. *Succession Clause.*** – The City of Malay shall succeed to all the assets,
19 properties, liabilities and obligations of the Municipality of Malay.

20
21 **SEC. 85. *Representative District.*** – Until otherwise provided by law, the City of
22 Malay shall continue to be a part of the Second Congressional District of the Province
23 of Aklan.

24
25 **SEC. 86. *Reservation.*** – Nothing herein contained shall preclude the
26 determination by the appropriate agency or forum of boundary disputes or cases
27 involving questions or territorial jurisdiction between the City of Malay and any of the
28 adjoining local government units even after the effectivity of this Act.

29
30 **SEC. 87. *Applicability of Laws.*** – The provisions of Republic Act No. 7160,
31 otherwise known as the Local Government Code of 1991, other laws pertaining to the
32 Province of Aklan, and such laws as are applicable to cities shall govern the City of
33 Malay insofar as they are not inconsistent with the provisions of this Act. Provided,
34 however, that the land requirement prescribed under Republic Act No. 9009 shall not
35 apply to the City of Malay.

36
37 **SEC. 88. *Separability Clause.*** – If, for any reason or reasons, any part or
38 provisions of this Charter shall be held unconstitutional, invalid, or inconsistent with the
39 Local Government Code of 1991, the other parts or provisions hereof which are not
40 affected thereby shall continue to be in full force and effect. Moreover, in cases where

1 this Charter is silent or unclear, the pertinent provisions of the Local Government Code
2 shall govern, if so, provided therein.

3
4 **SEC. 89. *Repealing Clause.*** – All laws, decrees, rules or regulations or parts
5 thereof inconsistent with the provisions of this Act are hereby repealed, amended, or
6 modified accordingly.

7
8 **SEC. 90. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days
9 following its publication in the Official Gazette or in two (2) newspapers of general
10 circulation.

Approved,