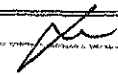


7 JAN 25 9 51 AM

SENATE

COMMITTEE REPORT NO. 218

RECEIVED BY: 

Submitted by the Committee on Local Government on JAN 25 2007.

Re : House Bill No. 5973

Recommending its approval with amendments.

Sponsor : Senator Lim

MR. PRESIDENT:

The Committee on Local Government to which was referred House Bill No. 5973, introduced by Representatives Cari, Petilla, Marcos, Salapuddin, Gullas, Figueroa, Martinez, Wacnang, Amante, Nantes, Baculio and Pichay, entitled:

**"AN ACT
CONVERTING THE MUNICIPALITY OF BAYBAY IN THE PROVINCE OF LEYTE INTO
A COMPONENT CITY TO BE KNOWN AS THE CITY OF BAYBAY"**

has considered the same and has the honor to report it back to the Senate with the recommendation that it be approved with the following amendments:

1. On page 4, line 10, insert the phrase "SANGGUNIANG PANLUNGSOD OF THE" between the words "The" and "City";
2. On page 12, line 16, add a new sentence after the period (.), to read as follows:

"THE ELECTIVE MEMBERS OF THE SANGGUNIANG PANLUNGSOD SHALL POSSESS THE SAME QUALIFICATIONS AS THAT OF THE CITY MAYOR EXCEPT THAT CANDIDATES FOR SAID POSITION MUST BE AT LEAST EIGHTEEN (18) YEARS OF AGE ON ELECTION DAY."
3. On page 14, line 4, insert the phrase "CONSISTENT WITH THE SALARY STANDARDIZATION LAW," before the word "Determine" whose capital letter "D" is changed to a small letter "d";
4. On page 15, line 17, after the word "indebtedness", change the semi-colon (;) into period (.), and add the following sentences: "THE APPLICATION FOR LOANS OR OTHER FORMS OF INDEBTEDNESS AND THE TERMS AND CONDITIONS THEREOF SHALL, BEFORE APPROVAL, BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY. ONCE APPROVED, THE CONTRACT COVERING THE LOANS OR OTHER FORMS OF INDEBTEDNESS SHALL BE FURNISHED TO ANY CITY RESIDENT REQUESTING A COPY THEREOF UPON PAYMENT OF REASONABLE FEE.";
5. On the same page, line 22, after the word "projects", change the semi-colon (;) into period (.) and add the following sentences: "THE AUTHORIZATION TO FLOAT BONDS OR OTHER INSTRUMENTS OF INDEBTEDNESS SHALL BE PUBLISHED IN A NEWSPAPER OF GENERAL

CIRCULATION IN THE CITY. ONCE APPROVED, THE CONTRACT COVERING THE FLOATING OF BONDS OR OTHER INSTRUMENTS OF INDEBTEDNESS SHALL BE FURNISHED TO ANY CITY RESIDENT REQUESTING A COPY THEREOF UPON PAYMENT OF REASONABLE FEES."

6. On page 21, line 19, delete the parenthesis on the word "DepEd", and thereafter insert the phrase "THE COMMISSION ON HIGHER EDUCATION OR THE TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY,";
7. On page 25, lines 7 and 8, delete the phrase "and twice a month for the sangguniang barangay";
8. On page 29, line 24, delete the phrase "DISQUALIFICATIONS AND" from the title of Article VI;
9. Delete the entire Sec. 22 starting from page 29, line 25, up to page 30, line 13. Renumber the succeeding sections accordingly;
10. On page 30, amend the title and paragraph (a) of Section 23 to read as follows:

"SEC. 22. *Permanent Vacancy in the OfficeS of the City Mayor and the City Vice Mayor.* – (a) If a permanent vacancy occurs in the office of the city mayor, the city vice mayor [concerned] shall become the city mayor. If a permanent vacancy occurs in the office of the city vice mayor, the highest ranking sangguniang panlungsod member or, in case of his permanent incapacity, the second highest ranking sangguniang panlungsod member shall become the [city mayor or] city vice mayor[, as the case may be]. **IF PERMANENT VACANCIES OCCUR IN BOTH THE OFFICES OF THE CITY MAYOR AND THE CITY VICE MAYOR, THE FIRST AND SECOND HIGHEST RANKING SANGGUNIANG PANLUNGSOD MEMBERS, OR IN CASE OF PERMANENT INCAPACITY OF ONE OR BOTH OF THEM, THE NEXT HIGHEST RANKING SANGGUNIANG PANLUNGSOD MEMBER OR MEMBERS, SHALL BECOME THE CITY MAYOR AND THE CITY VICE MAYOR, RESPECTIVELY.** Subsequent vacancies in said offices shall be filled automatically by the other sanggunian members according to their ranking as defined herein."

11. On page 33, line 25, delete the figure "57" and the words "under Book I" and in lieu thereof insert the figure "327";
12. On page 35, line 24, change the word "may" to "SHALL";
13. On page 40, line 11, delete the word "City", and in lieu thereof, insert the words "UNITS AND BARANGAYS";
14. On page 46, after line 21, insert the following a new paragraph (2), to read as follows:

"(2) IN ADDITION TO THE FOREGOING DUTIES AND FUNCTIONS, THE CITY ADMINISTRATOR SHALL;

(1) ASSIST IN THE COORDINATION OF THE WORK OF ALL THE OFFICIALS OF THE CITY UNDER THE SUPERVISION, DIRECTION AND CONTROL OF THE CITY MAYOR AND, FOR THIS PURPOSE, HE MAY CONVENE THE CHIEFS OF OFFICES AND OTHER OFFICIALS OF THE CITY;

(II) ESTABLISH AND MAINTAIN A SOUND PERSONNEL PROGRAM FOR THE CITY DESIGNED TO PROMOTE CAREER DEVELOPMENT AND UPHOLD THE MERIT PRINCIPLE IN THE LOCAL GOVERNMENT SERVICE; AND

(III) CONDUCT A CONTINUING ORGANIZATIONAL DEVELOPMENT OF THE CITY WITH THE END OF VIEW OF INSTITUTING EFFECTIVE ADMINISTRATIVE REFORMS;"

Renumber the succeeding paragraphs accordingly;

15. On page 47, line 8, after the period (.), insert the following sentence, "THE TERM OF THE CITY LEGAL OFFICER SHALL BE COTERMINOUS WITH THAT OF HIS APPOINTING AUTHORITY";

16. On the same page, after line 21, insert a new paragraph (3) to read as follows:

"(3) IN ADDITION TO THE FOREGOING DUTIES AND FUNCTIONS, THE CITY LEGAL OFFICER SHALL:

(I) REPRESENT THE CITY IN ALL CIVIL ACTIONS AND SPECIAL PROCEEDINGS WHEREIN THE CITY OR ANY OFFICIAL THEREOF, IN HIS OFFICIAL CAPACITY, IS A PARTY;

(II) WHEN REQUIRED BY THE CITY MAYOR OR SANGGUNIAN, DRAFT ORDINANCES, CONTRACTS, BONDS, LEASES AND OTHER INSTRUMENTS INVOLVING ANY INSTRUMENTS ALREADY DRAWN;

(III) RENDER HIS OPINION IN WRITING ON ANY QUESTION OF LAW WHEN REQUESTED TO DO SO BY THE CITY MAYOR OR SANGGUNIAN;

(IV) INVESTIGATE OR CAUSE TO BE INVESTIGATED ANY CITY OFFICIAL OR EMPLOYEE FOR ADMINISTRATIVE NEGLECT OR MISCONDUCT IN OFFICE AND RECOMMEND THE APPROPRIATE ACTION TO THE CITY MAYOR OR SANGGUNIAN, AS THE CASE MAY BE;

(V) INVESTIGATE OR CAUSE TO BE INVESTIGATED ANY PERSON, FIRM OR CORPORATION HOLDING ANY FRANCHISE OR EXERCISING ANY PUBLIC PRIVILEGE FOR FAILURE TO COMPLY WITH ANY TERM OR CONDITION IN THE GRANT OF SUCH FRANCHISE OR PRIVILEGE, AND RECOMMENDING APPROPRIATE ACTION TO THE CITY MAYOR OR SANGGUNIAN, AS THE CASE MAY BE;

(VI) WHEN DIRECTED BY THE CITY MAYOR OR SANGGUNIAN, INITIATE AND PROSECUTE, IN THE INTEREST OF THE CITY, ANY CIVIL ACTION ON ANY BOND, LEASE OR OTHER CONTRACT UPON ANY BREACH OR VIOLATION THEREOF; AND

(VII) REVIEW AND SUBMIT RECOMMENDATIONS ON ORDINANCES APPROVED AND EXECUTIVE ORDERS ISSUED BY COMPONENT UNITS AND BARANGAYS;"

Renumber the succeeding paragraphs accordingly;

17. On page 48, insert a new paragraph (3) between lines 23 and 24, to read as follows:

"(3) IN ADDITION TO THE FOREGOING DUTIES AND FUNCTIONS, THE CITY SOCIAL WELFARE AND DEVELOPMENT OFFICER SHALL:

(I) IDENTIFY THE BASIC NEEDS OF THE NEEDY, THE DISADVANTAGED AND THE IMPOVERISHED AND DEVELOP AND IMPLEMENT APPROPRIATE MEASURES TO ALLEVIATE THEIR PROBLEMS AND IMPROVE THEIR LIVING CONDITIONS;

(II) PROVIDE RELIEF AND APPROPRIATE CRISIS INTERVENTION FOR VICTIMS OF ABUSE AND EXPLOITATION AND RECOMMEND APPROPRIATE MEASURES TO DETER FURTHER ABUSE AND EXPLOITATION;

(III) ASSIST THE CITY MAYOR IN IMPLEMENTING THE BARANGAY LEVEL PROGRAM FOR THE TOTAL DEVELOPMENT AND PROTECTION OF CHILDREN UP TO SIX YEARS OF AGE;

(IV) FACILITATE THE IMPLEMENTATION OF WELFARE PROGRAMS FOR THE DIFFERENTLY-ABLED, ELDERLY, AND VICTIMS OF DRUG ADDICTION, THE REHABILITATION OF PRISONERS AND PAROLEES, THE PREVENTION OF JUVENILE DELINQUENCY AND SUCH OTHER ACTIVITIES WHICH WOULD ELIMINATE OR MINIMIZE THE ILL-EFFECTS OF POVERTY;

(V) INITIATE AND SUPPORT YOUTH WELFARE PROGRAMS THAT WILL ENHANCE THE ROLE OF THE YOUTH IN NATION-BUILDING; AND

(VI) COORDINATE WITH GOVERNMENT AGENCIES AND NONGOVERNMENTAL ORGANIZATIONS WHICH HAVE FOR THEIR PURPOSE THE PROMOTION AND PROTECTION OF ALL NEEDY, DISADVANTAGED, UNDERPRIVILEGED OR IMPOVERISHED GROUPS OR INDIVIDUALS, PARTICULARLY THOSE IDENTIFIED TO BE VULNERABLE AND HIGH-RISK TO EXPLOITATION, ABUSE AND NEGLECT;"

Renumber the succeeding paragraphs accordingly;

18. On page 49, between lines 23 and 24, insert a new paragraph (3), to read as follows:

"(3) IN ADDITION TO THE FOREGOING DUTIES AND FUNCTIONS, THE CITY VETERINARIAN SHALL;

(I) ADVISE THE CITY MAYOR ON ALL MATTERS PERTAINING TO THE SLAUGHTER OF ANIMALS FOR HUMAN CONSUMPTION AND THE REGULATION OF SLAUGHTER HOUSES;

(II) REGULATE THE KEEPING OF DOMESTIC ANIMALS;

(III) REGULATE AND INSPECT POULTRY, MILK AND DAIRY PRODUCTS FOR PUBLIC CONSUMPTION;

(IV) ENFORCE ALL LAWS AND REGULATIONS FOR THE PREVENTION OF CRUELTY TO ANIMALS; AND

(V) TAKE THE NECESSARY MEASURES TO ERADICATE, PREVENT OR CURE ALL FORMS OF ANIMAL DISEASES;"

Renumber the succeeding paragraphs accordingly;

19. On page 50, line 15, change the word "three" to "FIVE";

20. On page 51, after line 2, insert a new phrase, to read as follows:

"(3) IN ADDITION TO THE FOREGOING DUTIES AND FUNCTIONS, THE CITY GENERAL SERVICES OFFICER SHALL,"

20. On the same page, line 3, delete number "3" in parentheses and in lieu thereof, insert the small Roman numeral "I";

21. On the same page, between lines 5 and 6, insert the following paragraphs:

"(II) WITH THE APPROVAL OF THE CITY MAYOR, ASSIGN BUILDING OR LANDSPACE TO CITY OFFICIALS AND OTHER PUBLIC OFFICIALS WHO BY LAW, ARE ENTITLED TO SUCH SPACE;

(III) RECOMMEND TO THE CITY MAYOR THE REASONABLE RENTAL RATES FOR CITY PROPERTIES, WHETHER REAL OR PERSONAL, WHICH WILL BE LEASED TO PUBLIC OR PRIVATE ENTITIES BY THE CITY GOVERNMENT;

(IV) RECOMMEND TO THE CITY MAYOR REASONABLE RENTAL RATES OF PRIVATE PROPERTIES WHICH MAY BE LEASED FOR THE OFFICIAL USE OF THE CITY GOVERNMENT;

(V) MAINTAIN AND SUPERVISE JANITORIAL, SECURITY, GOVERNMENT PUBLIC BUILDINGS AND OTHER REAL PROPERTY, WHETHER OWNED OR LEASED BY THE CITY GOVERNMENT;

(VI) COLLATE AND DISSEMINATE INFORMATION REGARDING PRICES, SHIPPING AND OTHER COSTS OF SUPPLIES AND OTHER ITEMS COMMONLY USED BY THE CITY GOVERNMENT;

(VII) PERFORM ARCHIVAL AND RECORD MANAGEMENT WITH RESPECT TO RECORDS OF OFFICES AND DEPARTMENTS OF THE CITY GOVERNMENT; AND

(VIII) PERFORM ALL OTHER FUNCTIONS PERTAINING TO SUPPLY AND PROPERTY MANAGEMENT AND ENFORCE POLICIES ON RECORDS CREATION, MAINTENANCE AND DISPOSAL."

Renumber the succeeding paragraphs accordingly;

21. On page 52, after line 10, insert a new paragraph (3), to read as follows:

"(3) IN ADDITION TO THE FOREGOING DUTIES AND FUNCTIONS, THE CITY ENVIRONMENT AND NATURAL RESOURCES OFFICER SHALL:

(I) ESTABLISH, MAINTAIN, PROTECT AND PRESERVE COMMUNAL FORESTS, WATERSHEDS, TREE PARKS, MANGROVES, GREENBELTS, COMMERCIAL FORESTS AND SIMILAR FOREST PROJECTS, LIKE INDUSTRIAL TREE FARMS AND AGRO-FORESTRY PROJECTS;

(II) PROVIDE EXTENSION SERVICE TO BENEFICIARIES OF FOREST DEVELOPMENT PROJECTS AND RENDER ASSISTANCE FOR NATURAL RESOURCES-RELATED CONSERVATION AND UTILIZATION ACTIVITIES CONSISTENT WITH ECOLOGICAL BALANCE;

(III) MANAGE AND MAINTAIN SEEDBANKS AND PRODUCE SEEDLINGS FOR FOREST AND TREE PARKS;

(IV) PROMOTE THE SMALL-SCALE MINING AND UTILIZATION OF MINERAL RESOURCES, PARTICULARLY THE MINING OF GOLD; AND

(V) COORDINATE WITH GOVERNMENT AGENCIES AND NONGOVERNMENTAL ORGANIZATIONS IN THE IMPLEMENTATION OF MEASURES TO PREVENT AND CONTROL LAND, AIR AND WATER POLLUTION, WITH THE ASSISTANCE OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES;"

Renumber the succeeding paragraphs accordingly;

22. On page 53, after line 11, insert a new paragraph (3), to read as follows:

"(3) IN ADDITION TO THE FOREGOING DUTIES AND FUNCTIONS, THE CITY ARCHITECT SHALL:

(I) PREPARE AND RECOMMEND FOR CONSIDERATION OF THE SANGGUNIANG PANLUNGSOD THE ARCHITECTURAL PLAN AND DESIGN FOR THE CITY OR A PART THEREOF, INCLUDING THE RENEWAL OF SLUMS AND BLIGHTED AREAS, LAND RECLAMATION ACTIVITIES, THE GREENING OF LAND, AND APPROPRIATE PLANNING OF MARINE AND FORESHORE AREAS;

(II) REVIEW AND RECOMMEND FOR APPROPRIATE ACTION OF THE SANGGUNIANG PANLUNGSOD OR CITY MAYOR THE ARCHITECTURAL PLANS AND DESIGN SUBMITTED BY GOVERNMENT AND NON-GOVERNMENT ENTITIES OR INDIVIDUALS, PARTICULARLY THOSE UNDEVELOPED, UNDERDEVELOPED AND POORLY-DESIGNED AREAS; AND

(III) COORDINATE WITH GOVERNMENT AND NON-GOVERNMENT ENTITIES AND INDIVIDUALS INVOLVED IN THE AESTHETICS AND THE MAXIMUM UTILIZATION OF LAND AND WATER WITHIN THE JURISDICTION OF THE CITY, COMPATIBLE WITH ENVIRONMENTAL INTEGRITY AND ECOLOGICAL BALANCE;"

Renumber the succeeding paragraphs accordingly;

23. On page 54, line 1, change the word "or" between the words "television" and "broadcast" to a comma (,) and insert the phrase "OR OTHER FORMS OF MASS" between the words "broadcast" and "media";

24. On the same page, after line 16, insert a new paragraph (3), to read as follows:

"(3) IN ADDITION TO THE FOREGOING DUTIES AND FUNCTIONS, THE CITY INFORMATION OFFICER SHALL:

(I) PROVIDE RELEVANT, ADEQUATE AND TIMELY INFORMATION TO THE CITY AND ITS RESIDENTS;

(II) FURNISH INFORMATION AND DATA ON THE CITY TO GOVERNMENT AGENCIES OR OFFICES AS MAY BE REQUIRED BY LAW OR ORDINANCE AND NON-GOVERNMENTAL ORGANIZATIONS TO BE FURNISHED TO SAID AGENCIES AND ORGANIZATIONS; AND

(III) MAINTAIN EFFECTIVE LIAISON WITH THE VARIOUS SECTORS OF THE COMMUNITY ON MATTERS AND ISSUES THAT AFFECT THE LIVELIHOOD AND THE QUALITY OF LIFE OF THE INHABITANTS AND ENCOURAGE SUPPORT FOR PROGRAMS OF THE LOCAL AND NATIONAL GOVERNMENT;"

Renumber the succeeding paragraphs accordingly;

25. On page 55, after line 20, insert a new paragraph (3), to read as follows:

"(3) IN ADDITION TO THE FOREGOING DUTIES AND FUNCTIONS THE CITY COOPERATIVES OFFICER SHALL;

(I) ASSIST IN THE ORGANIZATION OF COOPERATIVES;

(II) PROVIDE TECHNICAL AND OTHER FORMS OF ASSISTANCE TO EXISTING COOPERATIVES TO ENHANCE THEIR VIABILITY AS AN ECONOMIC ENTERPRISE AND SOCIAL ORGANIZATION; AND

(III) ASSIST COOPERATIVES IN ESTABLISHING LINKAGES WITH GOVERNMENT AGENCIES AND NON-GOVERNMENT ORGANIZATIONS INVOLVED IN THE PROMOTION AND INTEGRATION OF THE CONCEPT OF COOPERATIVES IN THE LIVELIHOOD OF THE PEOPLE AND OTHER COMMUNITY ACTIVITIES;"

Renumber the succeeding paragraphs accordingly;

26. On page 56, after line 25, insert a new paragraph (3), to read as follows:

"(3) IN ADDITION TO THE FOREGOING DUTIES AND FUNCTIONS, THE CITY POPULATION OFFICER SHALL:

(I) ASSIST THE CITY MAYOR IN THE IMPLEMENTATION OF THE CONSTITUTIONAL PROVISIONS RELATIVE TO POPULATION DEVELOPMENT AND THE PROMOTION OF RESPONSIBLE PARENTHOOD;

(II) ESTABLISH AND MAINTAIN AN UPDATED DATA BANK FOR PROGRAM OPERATIONS, DEVELOPMENT PLANNING AND AN EDUCATIONAL PROGRAM TO ENSURE THE PEOPLE'S PARTICIPATION IN AND UNDERSTANDING OF POPULATION DEVELOPMENT; AND

(III) IMPLEMENT APPROPRIATE TRAINING PROGRAMS RESPONSIVE TO THE CULTURAL HERITAGE OF THE INHABITANTS; AND"

Renumber the succeeding paragraphs accordingly;

27. On page 57, line 25, delete the word "considered" and in lieu thereof, insert the word "CONDUCTED"; and
28. On page 59, line 10, delete the phrase "graduate of a four-year course" and in lieu thereof, insert the phrase "HOLDER OF A COLLEGE DEGREE"; and
29. On the same page, line 15, after the period (.), add the following sentence:

"LIKEWISE, THE CITY SHALL ENSURE THAT PROPER SEPARATE DETENTION CENTERS FOR JUVENILES AND WOMEN ARE PROVIDED FOR."

Respectfully submitted:


ALFREDO S. LIM
Chairman

AQUILINO Q. PIMENTEL JR.
Minority Leader
and Vice-Chairman

Members:

RODOLFO G. BIAZON

COMPANERA PIA S. CAYETANO

FRANKLIN M. DRILON

JUAN PONCE ENRILE

RICHARD J. GORDON

MANUEL "LITO" M. LAPID

RAMON B. MAGBAYSAY JR.

RALPH G. RECTO

RAMON BONG REVILLA JR.

JINGGOY EJERCITO ESTRADA

PANFILO M. LACSON

M.A. MADRIGAL

SERGIO OSMEÑA III

Ex-Officio Members:

JUAN M. FLAVIER
President Pro-Tempore

FRANCIS PANGILINAN
Majority Leader

Hon. MANNY VILLAR
President
Senate of the Philippines
Pasay City



HOUSE OF REPRESENTATIVES

H. No. 5973

BY REPRESENTATIVES CARL PITHILA, MARCOS, SALAPUDDIN, GUILAS,
FIGUEROA, MARTINEZ, WACNANG, AMANTE, NANTES, BACULIO AND
PICHAY, PER COMMITTEE REPORT NO 2079

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

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

1 ARTICLE I

2 GENERAL PROVISIONS

3 SECTION 1. *Title* This Act shall be known as the "Charter of the City
4 of Baybay."

5 SEC. 2 *The City of Baybay* ¹ The Municipality of Baybay shall be
6 converted into a component city to be known as the City of Baybay.
7 hereinafter referred to as the City, which shall comprise the present territory of
8 the Municipality of Baybay, Province of Leyte. The territorial jurisdiction of
9 the City shall be within the present metes and bounds of the Municipality of
10 Baybay.

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

8 SEC. 3. *Corporate Powers of the City.* The City constitutes a
9 political body corporate and as such is endowed with the attributes of
10 perpetual succession and possessed of the powers which pertain to a municipal
11 corporation to be exercised in conformity with the provision of this Charter
12 The City shall have the following corporate powers:

- 13 (a) To have a continuous succession in its corporate name,
14 (b) To sue and be sued;
15 (c) To have and use a corporate seal;
16 (d) To acquire, hold and convey real or personal property;
17 (e) To enter into any contracts and/or agreements, and
18 (f) To exercise such other powers, prerogatives or authority subject to
19 the limitations provided in this Act or laws.

20 SEC. 4. *General Powers* -- The City shall have a common seal and
21 may alter the same at pleasure. It shall exercise the powers to levy taxes; to
22 close and open roads, streets, alleys, parks or squares; to take, purchase,
23 receive, hold, lease, convey and dispose of real and personal property for the
24 general interests of the City, to expropriate or condemn private property for
25 public use; to contract and be contracted with; to sue and be sued; to prosecute
26 and defend to final judgment and execution suits wherein the City is involved
27 or interested in; and to exercise all the powers as are granted to corporations
28 or as hereinafter conferred.

1 city engineer, a city health officer, a city civil registrar, a city administrator, a
2 city legal officer, a city social welfare and development officer, a city
3 veterinarian and a city general services officer.

4 (b) In addition thereto, the city mayor may appoint a city environment
5 and natural resources officer, a city architect, a city information officer, a city
6 cooperatives officer, a city population officer and a city agriculturist.

7 (c) There shall be established in the City, a city fire station to be
8 headed by a city fire marshal, a city jail to be headed by a city jail warden and
9 a city school division to be headed by a city school division superintendent.

10 (d) The City of Baybay may.

11 (1) Maintain existing offices not mentioned in subsections (a) and (b)
12 hereof;

13 (2) Create such other offices as may be necessary to carry out the
14 purposes of the City, or

15 (3) Consolidate the functions of any office with those of another in the
16 interest of efficiency and economy

17 (e) Unless otherwise provided herein, heads of departments and offices
18 shall be appointed by the city mayor with the concurrence of the majority of
19 all the members of the sangguniang panlungsod, subject to civil service law,
20 rules and regulations. The sangguniang panlungsod shall act on the
21 appointment within fifteen (15) days from the day of its submission, otherwise
22 the same shall be deemed confirmed.

23 ARTICLE III

24 THE CITY MAYOR AND CITY VICE-MAYOR

25 SEC. 8. *The City Mayor.* - (a) The city mayor shall be the chief
26 executive of the City. He shall be elected at large by the qualified voters of the
27 City. No person shall be eligible for the position of city mayor unless at the
28 time of the election he is at least twenty-one (21) years of age, an actual

1 resident of the City for at least one year prior to his election, and a qualified
2 voter therein. He shall hold office for three years, unless sooner removed, and
3 shall receive a minimum monthly compensation corresponding to Salary
4 Grade thirty (30) as prescribed under Republic Act No. 6758, otherwise
5 known as the Salary Standardization Law, and the implementing guidelines
6 issued pursuant thereto.

7 The City mayor, as the chief executive of the city government, shall
8 exercise such powers and perform such duties and functions as provided
9 herein.

10 (b) For efficient, effective and economical governance, the purpose of
11 which is the general welfare of the City and its inhabitants, the city mayor
12 shall:

13 (1) Exercise those powers expressly granted to him by law, those
14 necessarily implied therefrom, as well as powers necessary, appropriate or
15 incidental for the efficient and effective governance of the City, and those
16 which are essential to the promotion of the general welfare:

17 (i) Determine the guidelines of city policies and be responsible to the
18 sangguniang panlungsod for the program of government;

19 (ii) Direct the formulation of the city development plan, with the
20 assistance of the city development council, and upon approval thereof by the
21 sangguniang panlungsod, implement the same;

22 (iii) Present the program of government and propose policies and
23 projects for the consideration of the sangguniang panlungsod at the opening of
24 the regular session of the sangguniang panlungsod every calendar year and as
25 often as may be deemed necessary as the general welfare of the inhabitants and
26 the needs of the city government may require;

27 (iv) Initiate and propose legislative measures to the sangguniang
28 panlungsod and as often as may be deemed necessary, provide such

1 information and data needed or requested by said sanggunian in the
2 performance of its legislative functions;

3 (v) Appoint all officials and employees whose appointments are not
4 otherwise provided for in this Act, as well as those he may be authorized by
5 law to appoint;

6 (vi) Represent the City in all its business transactions and sign on its
7 behalf all bonds, contracts and obligations, and such other documents upon
8 authority of the sanggunian pantlungsod or pursuant to law or ordinance;

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

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

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

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

22 (xi) Examine the books, records and other documents of all offices,
23 officials, agents or employees of the City and, in aid of his executive powers
24 and authority, require all national officials and employees stationed in or
25 assigned to the City to make available to him such books, records and other
26 documents in their custody except those classified by law as confidential,

27 (xii) Furnish copies of executive orders issued by him to the Office of
28 the President and the Office of the Secretary of the Department of the Interior

1 and Local Government (DILG) within seventy-two (72) hours after their
2 issuance;

3 (xiii) Visit component barangays of the City at least once every six
4 months to deepen his understanding of problems and conditions, listen and
5 give appropriate counsel to local officials and inhabitants of general laws and
6 ordinances which especially concern them, and otherwise conduct visits and
7 inspections to ensure that the governance of the City will improve the quality
8 of life of the inhabitants,

9 (xiv) Act on leave applications of officials and employees appointed by
10 him and the commutation of the monetary value of their leave credits in
11 accordance with law;

12 (xv) Authorize official trips of city officials and employees outside of
13 the City for a period not exceeding thirty (30) days: *Provided*, That the trips
14 abroad or for a longer period may be authorized in accordance with the Local
15 Government Code of 1991;

16 (xvi) Call upon any national official or employee stationed in or
17 assigned to the City to advise him on matters affecting the City and to make
18 recommendations thereon; coordinate with said officials and employees in the
19 formulation and implementation of plans, programs and projects; and, when
20 appropriate, initiate an administrative or judicial action against a national
21 government official or employee who may have committed an offense in the
22 performance of his official duties while stationed in or assigned to the City,

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

27 (xviii) Solemnize marriages, any provision of law to the contrary
28 notwithstanding;

1 (xix) Conduct an annual *palorong panlungsod*, which shall feature
2 traditional sports and disciplines included in *national and international* games,
3 in *coordination with* the Department of Education (DepEd); and

4 (xx) Submit to the provincial governor the following reports: (a) an
5 annual report containing a summary of all matters pertinent to the
6 management, administration, and development of *the City and* all information
7 and data relative to its political, social and economic conditions, and, (b)
8 supplemental reports when *unexpected* events and situations arise at any time
9 during the year, particularly when man-made or natural disasters or calamities
10 affect the general welfare of the City

11 (2) Enforce all laws and ordinances relative to the governance of the
12 City and in the exercise of its *appropriate* corporate powers, as well as
13 *implement* all approved policies, programs, projects, services and activities of
14 the City:

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

18 (ii) Call *conventions, conferences, seminars or meetings* of elective or
19 appointive officials of the City, including national officials and employees
20 stationed in or assigned to the City, at such time and place and on such subject
21 as he may deem important for the promotion of the *general welfare of the local*
22 *government unit and its inhabitants*;

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

25 (iv) Be entitled to carry the necessary firearms within his territorial
26 jurisdiction;

27 (v) Act as the deputized representative of the National Police
28 Commission. Formulate the peace and order plan of the City and, upon its

1 approval, implement the same; and as such exercise the general and
2 operational control and supervision over the police forces in the City in
3 accordance with Republic Act No. 6975, otherwise known as the Philippine
4 National Police Law; and

5 (vi) Call upon the appropriate law enforcement agencies to suppress
6 disorder, riot, lawless violence, rebellion or sedition, or apprehend violators of
7 the law when public interest so requires and the city police forces are
8 inadequate to cope with the situation of the violators.

9 (3) Initiate and maximize the generation of resources, and revenues,
10 and apply the same to the implementation of development plans, program
11 objectives and priorities, particularly those resources and revenues
12 programmed for agro-industrial development and countryside growth and
13 progress.

14 (i) Require each head of an office or department to prepare and submit
15 an estimate of appropriations for the ensuing calendar year, in accordance with
16 the budget preparation process enshrined under Republic Act No. 7160,
17 otherwise known as the Local Government Code of 1991;

18 (ii) Prepare and submit to the sanggunian for approval the executive
19 and supplemental budgets of the City for the ensuing calendar year in the
20 manner provided for under the Local Government Code of 1991;

21 (iii) Ensure that all taxes and other revenues of the City are collected,
22 and that city funds are applied to the payment of expenses and settlement of
23 obligations of the City, in accordance with law or ordinance;

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

27 (v) Issue permits, without need of approval therefore from any national
28 agency, for the holding of activities for any charitable or welfare purpose.

1 excluding prohibited games of chance or shows contrary to law, public policy
2 and public morals;

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

9 (vii) Adopt adequate measures to safeguard and conserve land,
10 mineral, forest and other resources of the City;

11 (viii) Provide efficient and effective property and supply management
12 in the City and protect the funds, credits, rights and other properties of the
13 City; and

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

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

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

25 (ii) Coordinate the implementation of technical services, including
26 public works and infrastructure programs, rendered by national offices

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

4 (c) During his incumbency, the city mayor shall hold office in the city
5 hall.

6 SEC. 9. *The City Vice Mayor* – There shall be a city vice mayor who
7 shall be elected in the same manner as the city mayor and shall at the time of
8 his election, possess the same qualifications as the city mayor. He shall hold
9 office for three years, unless sooner removed, and shall receive a monthly
10 compensation corresponding to Salary Grade twenty-six (26) as prescribed
11 under the Salary Standardization Law and the implementing guidelines issued
12 pursuant thereto.

13 *The city vice mayor shall:*

14 (a) Be the presiding officer of the sangguniang panlungsod and sign all
15 warrants drawn on the city treasury for all expenditures appropriated for the
16 operation of the sangguniang panlungsod;

17 (b) Subject to civil service law, rules and regulations, appoint all
18 officials and employees of the sangguniang panlungsod, except those whose
19 manner of appointment is specifically provided for under existing laws.

20 (c) Assume the office of the city mayor for the unexpired term of the
21 latter in the event of permanent vacancy;

22 (d) Exercise the powers and perform the duties and functions of the
23 city mayor in cases of temporary vacancy; and

24 (e) Perform such other duties and functions and exercise such other
25 powers as provided for under the Local Government Code of 1991, and those
26 that are prescribed by law or ordinance

ARTICLE IV

THE SANGGUNIANG PANLUNGSOD

1
2
3 SEC 10 *Composition.* - (a) The sangguniang panlungsod, the
4 legislative body of the City, shall be composed of the city vice mayor as
5 presiding officer, the regular sanggunian members, the president of the city
6 chapter of the liga ng mga barangay, the president of the panlungsod na
7 pederasyon ng mga sangguniang kabataan and the sectoral representatives, as
8 members.

9 (b) In addition thereto, there shall be three sectoral representatives: one
10 from the women; and, as shall be determined by the sangguniang panlungsod
11 within ninety (90) days prior to the holding of the local elections, one from the
12 agricultural or industrial workers, and one from the other sectors, including the
13 urban poor or disabled persons.

14 (c) The regular members of the sangguniang panlungsod and the
15 sectoral representatives shall be elected in the manner as may be provided for
16 by law.

17 SEC. 11. *Powers, Duties, Functions and Compensation.* - (a) The
18 sangguniang panlungsod, as the legislative body of the City, shall enact
19 ordinances, approve resolutions and appropriate funds for the general welfare
20 of the City and its inhabitants pursuant to Section 16 of the Local Government
21 Code and in the proper exercise of the corporate powers of the City as
22 provided for under Section 22 of the Local Government Code, and shall.

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

25 (i) Review all ordinances approved by the sangguniang barangay and
26 executive orders issued by the punong barangay to determine whether these
27 are within the scope of the prescribed powers of the sanggunian and of the
28 punong barangay;

1 (ii) Maintain peace and order by enacting measures to prevent and
2 suppress lawlessness, disorder, riot, violence, rebellion or sedition and impose
3 penalties for the violation of said ordinance;

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

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

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

20 (vi) Protect the environment. To this end, it may set aside at least ten
21 percent (10%) of its development funds for the purpose of maintaining and
22 enhancing ecological balance of the City. It may also impose appropriate
23 penalties for acts which endanger the environment, such as dynamite fishing
24 and other forms of destructive fishing, illegal logging, smuggling of logs,
25 smuggling of natural resources products and of endangered species of flora
26 and fauna, slash-and-burn farming and such other activities which result in
27 pollution, acceleration of or eutrophication of rivers and lakes or of ecological
28 imbalance;

1 (vii) Subject to the provisions of the Local Government Code and
2 pertinent laws, determine the powers and duties of officials and employees of
3 the City;

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

8 (ix) Authorize the payment of compensation to a qualified person not in
9 the government service who fills up a temporary vacancy in a concurrent
10 capacity at the rate authorized by law;

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

17 (xi) When the finances of the city government allow, provide for
18 additional allowances and other benefits to judges, prosecutors, public
19 elementary and high school teachers, and other national government officials
20 stationed in or assigned to the City;

21 (xii) Provide legal assistance to barangay officials who, in the
22 performance of their official duties or on the occasion thereof, have to initiate
23 judicial proceedings or defend themselves against legal actions; and

24 (xiii) Provide for group insurance or additional insurance coverage for
25 all barangay officials, including members of barangay tanod brigades and
26 other service units, with public or private insurance companies, when the
27 finances of the city government allow said coverage.

1 (2) *Generate and maximize the use of resources and revenues for the*
2 *development plans, program objectives and priorities of the City, with*
3 *particular attention to agro-industrial development and city-wide growth and*
4 *progress:*

5 (i) *Approve the annual and supplemental budgets of the city*
6 *government and appropriate funds for specific programs, projects, services*
7 *and activities of the City, or for other purposes not contrary to law, in order to*
8 *promote the general welfare of the City and its inhabitants;*

9 (ii) *Subject to the provisions of Book II of the Local Government Code*
10 *and the applicable laws, and upon the majority vote of all the members of the*
11 *sangguniang panlungsod, enact ordinances levying taxes, fees and charges,*
12 *prescribing the rates thereof for general and specific purposes, and granting*
13 *tax exemption, incentive or relief;*

14 (iii) *Subject to the provisions of Book II of the Local Government Code*
15 *and upon the majority vote of all the members of the sangguniang panlungsod,*
16 *authorize the city mayor to negotiate and contract loans and other forms of*
17 *indebtedness;*

18 (iv) *Subject to the provisions of Book II of the Local Government Code*
19 *and applicable laws, and upon the majority vote of all the members of the*
20 *sangguniang panlungsod, enact ordinances authorizing the floating of bonds or*
21 *other instruments of indebtedness, for the purpose of raising funds to finance*
22 *development projects;*

23 (v) *Appropriate funds for the construction and maintenance or the*
24 *rental of buildings for the use of the City and, upon the majority vote of all the*
25 *members of the sangguniang panlungsod, authorize the city mayor to lease to*
26 *private parties such public buildings held in a proprietary capacity, subject to*
27 *existing laws, rules and regulations;*

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

3 (vii) Adopt a comprehensive land-use plan for the City and that the
4 formulation, adoption or modification of said plan shall be in coordination
5 within the approved provincial comprehensive land-use plan;

6 (viii) Reclassify lands within the jurisdiction of the City, subject to the
7 pertinent provisions of the Local Government Code.

8 (ix) Enact integrated zoning ordinances in consonance with the
9 approved comprehensive land-use plan, subject to existing laws, rules and
10 regulations, establish fire limits or zones, particularly in populous centers; and
11 regulate the construction, repair or modification of buildings within said fire
12 limits or zones in accordance with the provisions of the Fire Code;

13 (x) Subject to national law, process and approve subdivision plans for
14 residential, commercial or industrial purposes and other development
15 purposes, and to collect processing fees and other charges, the proceeds of
16 which shall accrue entirely to the City: *Provided, however,* That where
17 approval of a national agency or office is required, said approval shall not be
18 withheld for more than thirty (30) days from receipt of the application. Failure
19 to act on the application within the period stated above shall be deemed as
20 approval thereof;

21 (xi) With the concurrence of at least two-thirds (2/3) of all the
22 members of the sangguniang panlungsod, grant tax exemptions, incentives or
23 reliefs to entities engaged in community growth-inducing industries, subject to
24 the provisions of the Local Government Code;

25 (xii) Grant loans or provide grants to other local government units or to
26 national, provincial and city charitable, benevolent or educational institutions.
27 *Provided,* That said institutions are operated and maintained within the City;

1 (xiii) Regulate the numbering of residential, commercial and other
2 buildings; and

3 (xiv) Regulate the inspection, weighing and measuring of articles of
4 commerce.

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

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

12 (ii) Regulate or fix license fees for any business or practice of
13 profession within the City and the conditions under which the license for said
14 business or practice of profession may be revoked and enact ordinances
15 levying taxes thereon;

16 (iii) Provide for and set the terms and conditions under which public
17 utilities owned by the City shall be operated by the city government and
18 prescribe the conditions under which the same may be leased to private
19 persons or entities, preferably cooperatives,

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

23 (v) Any law to the contrary notwithstanding, authorize and license the
24 establishment, operation and maintenance of cockpits, and regulate
25 cockfighting and commercial breeding of gamecocks: *Provided*, That existing
26 rights should not be prejudiced;

27 (vi) Subject to the guidelines prescribed by the Department of
28 Transportation and Communications, regulate the operation of tricycles and

1 grant franchises for the operation thereof within the territorial jurisdiction of
2 the City; and

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

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

13 (i) Declare, prevent or abate any nuisance;

14 (ii) With the concurrence of a majority of the members of the
15 sangguniang panlungsod, a quorum being present, deny the entry of legalized
16 gambling by ordinance into any part of the City or regulate its location in the
17 City;

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

24 (iv) Regulate the disposal of clinical and other wastes from hospitals,
25 clinics and other similar establishments;

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

1 (vi) Regulate the sale, giving away or dispensing of any intoxicating
2 malt, *vinno*, mixed or fermented liquors at any retail outlets;

3 (vii) Regulate the establishment and provide for the inspection of
4 steam boilers or any heating device in buildings and the storage of
5 inflammable and highly combustible materials within the City;

6 (viii) Regulate the establishment, operation and maintenance of any
7 entertainment or amusement facilities, including the theatrical performances,
8 circuses, billiard pools, public dancing schools, public dance halls, sauna
9 baths, massage parlors and other places for entertainment or amusement;
10 regulate such other events or activities for amusement or entertainment,
11 particularly those which tend to disturb the community or annoy the
12 inhabitants, or require the suspension or suppression of the same; or prohibit
13 certain forms of amusement or entertainment in order to protect the social and
14 moral welfare of the community;

15 (ix) Provide for the impounding of stray animals; regulate the keeping
16 of animals in homes or as part of a business, and the slaughter, sale or
17 disposition of the same; and adopt measures to prevent and penalize cruelty to
18 animals; and

19 (x) Regulate the establishment, operation and maintenance of funeral
20 parlors and the burial or cremation of the dead, subject to existing laws, rules
21 and regulations.

22 (5) Approve ordinances which shall ensure the efficient and effective
23 delivery of the basic services and facilities as provided for under the Local
24 Government Code and, in addition to said services and facilities, shall

25 (i) Provide for the establishment, maintenance, protection and
26 conservation of tree parks and greenbelts;

27 (ii) Establish markets, slaughterhouses or animal corrals and authorize
28 the operation thereof by the city government; and regulate the construction and

1 operation of private markets, talipapas or other similar buildings and
2 structures;

3 (iii) Authorize the establishment, maintenance and operation by the city
4 government of ferries, wharves and/ or other structures intended to accelerate
5 productivity related to marine life in the preservation thereof;

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

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

16 (vi) Regulate traffic on all streets and bridges, prohibit encroachments
17 or obstacles thereon and, when necessary in the interest of public welfare,
18 authorize the removal of encroachments and illegal constructions in public
19 places;

20 (vii) Subject to existing laws, establish and provide for the
21 maintenance, repair and operation of an efficient waterworks system to supply
22 water for the inhabitants and to purify the source of the water supply; regulate
23 the construction, maintenance, repair and use of hydrants, pumps, cisterns and
24 reservoirs; protect the purity and quantity of the water supply of the City and,
25 for this purpose, extend the coverage of appropriate ordinances over all
26 territory within the drainage area of said water supply and within one hundred
27 meters (100 m.) of the reservoir, canal, conduit, aqueduct, pumping station or

1 watershed used in connection with the water service; and regulate the
2 consumption, use or wastage of water and fix and collect charges therefor:

3 (viii) Regulate the drilling and excavation of the ground for the laying
4 of water, gas, sewer and other pipes and the construction, repair and
5 maintenance of public drains, sewers, cesspools, tunnels and similar structures;
6 regulate the placing of poles and the use of crosswalks, curbs and gutters;
7 adopt measures to ensure public safety against open canals, manholes, live
8 wires and other similar hazards to life and property; and regulate the
9 construction and use of private water closets, privies and other similar
10 structures in buildings and homes;

11 (ix) Regulate the placing, stringing, attaching, installing, repair and
12 construction of all gas mains, electric telegraph and telephone wires, conduits,
13 meters and other apparatus; and provide for the correction, condemnation or
14 removal of the same when found to be dangerous to the welfare of the
15 inhabitants;

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

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

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

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

1 (xiv) Provide for the care of disabled persons, paupers, the aged, the
2 sick, persons of unsound mind, abandoned minors, juvenile delinquents, drug
3 dependents, abused children and the youth below eighteen (18) years of age,
4 and subject to the availability of funds, establish and provide for the operation
5 of centers and facilities for the said needy and disadvantaged persons.

6 (xv) Establish and provide for the maintenance and improvement of
7 jails and detention centers, institute a sound jail management program and
8 appropriate funds for the subsistence of detainees and convicted prisoners in
9 the City;

10 (xvi) Establish a city council whose purpose is the promotion of culture
11 and the arts, coordinate with government agencies and nongovernmental
12 organizations and, subject to the availability of funds, appropriate funds for
13 the support and development of the same; and

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

19 (6) Perform such other duties and functions and exercise such other
20 powers as provided for under the Local Government Code of 1991, and those
21 that are prescribed by law or ordinance.

22 (b) The members of the sangguniang panlungsod of the City of Baybay
23 shall receive a minimum monthly compensation corresponding to Salary
24 Grade twenty-five (25) as prescribed under the Salary Standardization Law
25 and the implementing guidelines issued pursuant thereto.

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ARTICLE V

PROCESS OF LEGISLATION

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3 SEC. 12. *Internal Rules of Procedure.* – (a) On the first regular session
4 following the election of its members and within ninety (90) days thereafter,
5 the sangguniang panlungsod shall adopt or update its existing rules of
6 procedure.

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

8 (1) The organization of the sanggunian and the election of its officers
9 as well as the creation of standing committees which shall include, but shall
10 not be limited to, the committees on appropriations, revenues, *engineering and*
11 public works, education and health, women and family, human rights, youth
12 and sports development, environmental protection, peace and order and traffic,
13 and cooperatives, the general jurisdiction of each committee; and the election
14 of the chairman and members of each committee;

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

16 (3) The legislative process;

17 (4) The parliamentary procedures which include the conduct of
18 members during sessions;

19 (5) The discipline of members for disorderly behavior and absences
20 without justifiable cause for *four consecutive sessions for which they may be*
21 censured, reprimanded or excluded from the session, suspended for not more
22 than sixty (60) days, or expelled: *Provided,* That the penalty of suspension or
23 expulsion shall require the concurrence of at least two-thirds (2/3) vote of all
24 the sanggunian members: *Provided, further,* That the member convicted by
25 final judgment to imprisonment of *at least one year for any crime involving*
26 moral turpitude shall be automatically expelled from the sanggunian.

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

1 Sec. 13. *Full Disclosure of Financial and Business Interests of*
2 *Sangguniang Panlungsod Members* -- (a) Every sangguniang panlungsod
3 member shall, upon assumption to office, make a full disclosure of his
4 business and financial interests. He shall also disclose any business, financial,
5 professional relationship or any relation by affinity or consanguinity within the
6 fourth civil degree, which he may have with any person, firm or entity affected
7 by any ordinance or resolution under consideration by the sanggunian of which
8 he is a member, which relationship may result in conflict of interests. Such
9 relationship shall include:

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

12 (2) Contracts or agreements with any person or entity which the
13 ordinance or resolution under consideration may affect

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

20 (b) The disclosure required under this Act shall be made in writing and
21 submitted to the secretary of the sanggunian or the secretary of the committee
22 of which he is a member. The disclosure shall, in all cases, form part of the
23 record of the proceedings and shall be made in the following manner:

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

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

4 SEC. 14. *Sessions.* – (a) On the first day of the session immediately
 5 following the election of its members, the sangguniang panlungsod shall, by
 6 resolution, fix the day, time and place of its sessions. The minimum number of
 7 regular sessions shall be once a week for the sangguniang panlungsod and
 8 twice a month for the sangguniang barangay

9 (b) When the public interest so demands, special sessions may be
 10 called by the city mayor or by a majority of the members of the sanggunian.

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

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

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

22 (e) The sangguniang panlungsod shall keep a journal and record of its
 23 proceedings, which may be published upon resolution of the majority of its
 24 members.

25 SEC. 15. *Quorum.* – (a) A majority of all the members of the
 26 sanggunian who have been elected and qualified shall constitute a quorum to
 27 transact official business. Should a question of quorum be raised during a

1 session, the presiding officer shall immediately proceed to call the roll of the
2 members and thereafter announce the results.

3 (b) Where there is no quorum, the presiding officer may declare a
4 recess until such time a quorum is constituted, or a majority of the members
5 present may adjourn from day to day and may compel the immediate
6 attendance of any member absent without justifiable cause by designating a
7 member of the sanggunian, to be assisted by a member or members of the
8 police force assigned in the territorial jurisdiction of the City of Baybay, to
9 arrest the absent member and present him at the session.

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

14 SEC. 16. *Approval of Ordinances* – (a) Every ordinance enacted by
15 the sangguniang panlungsod shall be presented to the city mayor. If the city
16 mayor approves the same, he shall affix his signature on each and every page
17 thereof; otherwise, he shall veto it and return the same with his objections to
18 the sanggunian, which may proceed to reconsider the same. The sanggunian
19 may override the veto of the city mayor by two-thirds (2/3) vote of all its
20 members, thereby making the ordinance or resolution effective for all legal
21 intents and purposes.

22 (b) The veto shall be communicated by the city mayor to the
23 sanggunian within ten (10) days; otherwise, the ordinance shall be deemed
24 approved as if he had signed it.

25 SEC. 17. *Veto Power of the City Mayor*. – (a) The city mayor may veto
26 any ordinance of the sangguniang panlungsod on the ground that it is *ultra*
27 *vires* or prejudicial to the public welfare, stating his reasons thereof in writing.

1 (b) The city mayor shall have the power to veto *any particular item or*
2 items of an appropriations ordinance, an ordinance or resolution adopting a
3 local development plan, any public investment program or an ordinance
4 directing the payment of money or creating liability. In such case, the veto
5 shall not affect the item or items which are not objected to. The vetoed item
6 or items shall not take effect unless the sangguniang panlungsod overrides the
7 veto in the manner herein provided, otherwise, the item or items in the
8 appropriations ordinance of the previous year corresponding to those vetoed,
9 if any, shall be deemed enacted.

10 (c) The city mayor may veto an ordinance or resolution only once.
11 The sanggunian may override the veto of the city mayor by two-thirds (2/3)
12 vote of all its members, thereby making the ordinance effective even without
13 the approval of the city mayor.

14 SEC. 18. *Review of City Ordinances by the Sangguniang*
15 *Panlalawigan.* – (a) Within three days after approval, the secretary to the
16 sangguniang panlungsod shall forward to the *sangguniang panlalawigan* for
17 review, copies of approved ordinances and the resolutions approving the local
18 development plans and public investment programs formulated by the local
19 development councils.

20 (b) Within thirty (30) days after receipt of copies of such ordinances
21 and resolutions, the sangguniang panlalawigan shall examine the documents or
22 transmit them to the provincial attorney or the provincial prosecutor for
23 prompt examination. The provincial attorney or the provincial prosecutor
24 shall, within a period of ten (10) days from the receipt of the documents,
25 inform the sangguniang panlalawigan in writing of his comments or
26 recommendations, which may be considered by the sangguniang panlalawigan
27 in making its decision.

1 (c) If the sangguniang panlalawigan finds that such an ordinance or
2 resolution is beyond the power conferred upon the sangguniang panlungsod
3 concerned, it shall declare such ordinance or resolution invalid in whole or in
4 part. The sangguniang panlalawigan shall enter its action in the minutes and
5 shall advise the corresponding city authorities of the action it has taken.

6 (d) If no action has been taken by the sangguniang panlalawigan within
7 thirty (30) days after submission of such an ordinance or resolution, the same
8 shall be presumed consistent with law and therefore valid

9 *SEC. 19. Review of Barangay Ordinances by the Sangguniang*
10 *Panlungsod.* – (a) Within ten (10) days after its enactment, the sangguniang
11 barangay shall furnish copies of all barangay ordinances to the sangguniang
12 panlungsod for review as to whether the ordinance is consistent with law and
13 city ordinances.

14 (b) If the sangguniang panlungsod fails to take action on barangay
15 ordinances within thirty (30) days from receipt thereof, the same shall be
16 deemed approved.

17 (c) If the sangguniang panlungsod finds the barangay ordinances
18 inconsistent with law or city ordinances, the sangguniang panlungsod shall,
19 within thirty (30) days from receipt thereof, return the same with its comments
20 and recommendations to the sangguniang barangay concerned for adjustment,
21 amendment or modification; in which case, the effectivity of the barangay
22 ordinance is suspended until such time as the revision called for is effected

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

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

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

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

7 (d) Those with dual citizenship;

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

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

13 (g) The insane or feeble-minded.

14 SEC. 23. *Permanent Vacancy in the Office of the City Mayor and the*
15 *City Vice Mayor.* – (a) If a permanent vacancy occurs in the office of the city
16 mayor, the city vice mayor concerned shall become the city mayor. If a
17 permanent vacancy occurs in the office of the city vice mayor, the highest
18 ranking sangguniang panlungsod member or, in case of his permanent
19 incapacity, the second highest ranking sangguniang panlungsod member shall
20 become the city mayor or the city vice mayor, as the case may be. Subsequent
21 vacancies in the said offices shall be filled automatically by the other
22 sanggunian members according to their ranking as defined herein.

23 (b) A tie between or among the highest ranking sangguniang
24 panlungsod members shall be resolved by drawing of lots.

25 (c) The successors as defined herein shall serve only the unexpired
26 terms of their predecessors.

27 (d) For purposes of this Act, a permanent vacancy arises when an
28 elective local official fills a higher vacant office, refuses to assume office, fails

1 to qualify, dies, is removed from office, voluntarily resigns or is otherwise
2 permanently incapacitated to discharge the functions of his office.

3 (e) For purposes of succession as provided in this Act, ranking in the
4 sanggunian shall be determined on the basis of the proportion of votes
5 obtained by each winning candidate to the total number of registered voters in
6 the City immediately preceding local election

7 *Sec. 24. Permanent Vacancies in the Sanggunian* - Permanent
8 vacancies in the sangguniang panlungsod where automatic succession as
9 provided above does not apply shall be filled by appointments in the following
10 manner:

11 (a) The governor shall make the aforesaid appointments;

12 (b) Only the nominee of the political party under which the sanggunian
13 member concerned had been elected shall be appointed in the manner herein
14 provided. The appointee shall come from the political party as that of the
15 sanggunian member who caused the vacancy and shall serve the unexpired
16 term of the vacant office. In the appointment herein mentioned, a nomination
17 and a certificate of membership of the appointee from the highest official of
18 the political party concerned are conditions *sine qua non*, and any appointment
19 without such nomination and certification shall be null and void *ab initio* and
20 shall be a ground for administrative action against the official responsible
21 therefor;

22 (c) In case the permanent vacancy is caused by a sanggunian member
23 who does not belong to any political party, the city mayor shall, upon the
24 recommendation of the sangguniang panlungsod, appoint a qualified person to
25 fill the vacancy; and

26 (d) In case of vacancy in the representation of the youth and the
27 barangay in the sangguniang panlungsod, said vacancy shall be filled
28 automatically by the official next-in-rank of the organization concerned.

1 Sec. 25. *Temporary Vacancy in the Office of the City Mayor* (a)

2 When the city mayor is temporarily incapacitated to perform his duties for
3 physical or legal reasons such as, but not limited to, leave of absence, travel
4 abroad and suspension from office, the city vice mayor or the highest ranking
5 sangguniang panlungsod member shall automatically exercise the powers and
6 perform the duties and functions of the city mayor, except the power to
7 appoint, suspend or dismiss employees which can only be exercised if the
8 period of temporary incapacity exceeds thirty (30) working days

9 (b) *Said temporary incapacity shall terminate upon submission to the*
10 *sangguniang panlungsod of a written declaration by the city mayor that he has*
11 *reported back to office. In case where the temporary incapacity is due to legal*
12 *cause, the city mayor shall also submit necessary documents showing the said*
13 *legal causes no longer exist.*

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

20 (d) *In the event, however, that the city mayor fails or refuses to issue*
21 *such authorization, the city vice mayor or the highest ranking sangguniang*
22 *panlungsod member, as the case may be, shall have the right to assume the*
23 *powers, duties and functions of the said office on the fourth day of absence of*
24 *the city mayor, subject to the limitations provided in subsection (c) hereof.*

25 (e) *Except as provided above, the city mayor shall, in no case,*
26 *authorize any local official to assume the powers, duties and functions of the*
27 *office, other than the city vice mayor or the highest ranking member of the*
28 *sangguniang panlungsod, as the case may be.*

ARTICLE VII

THE APPOINTIVE OFFICIALS OF THE CITY

1
2
3 SEC. 26. *The Secretary to the Sangguniang Panlungsod.* – (a) There
4 shall be a secretary to the sangguniang panlungsod who shall be a career
5 official with the rank and salary equal to a head of a department of office.

6 (b) No person shall be appointed secretary to the sangguniang
7 panlungsod unless he is a citizen of the Philippines, a resident of the City of
8 Baybay, of good moral character, a holder of a college degree preferably in
9 law, commerce or public administration from a recognized college or
10 university, and a first grade civil service eligible or its equivalent.

11 (c) The secretary to the sangguniang panlungsod shall take charge of
12 the office of the sangguniang panlungsod, and shall:

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

15 (2) Keep the seal of the City and affix the same with his signature to all
16 ordinances, resolutions and other official acts of the sangguniang panlungsod
17 and present the same to the presiding officer for his signature;

18 (3) Forward to the city mayor, for approval, copies of ordinances
19 enacted by the sangguniang panlungsod and duly certified by the presiding
20 officer;

21 (4) Forward to the Department of Budget and Management (DBM)
22 copies of the appropriation ordinances passed by the sangguniang panlungsod
23 as provided for under Section 326, Book II of the Local Government Code,

24 (5) Forward to the sangguniang panlalawigan copies of duly approved
25 ordinances in the manner provided in Sections 56 and 57 under Book I of the
26 Local Government Code;

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

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

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

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

13 (10) Take custody of the local archives, and where applicable, the local
14 library and annually account for the same; and

15 (11) Perform such other duties and functions and exercise such other
16 powers as provided for under the Local Government Code, and those that are
17 prescribed by law or ordinance.

18 SEC. 27. *The City Treasurer.* – (a) The city treasurer shall be
19 appointed by the Secretary of Finance from a list of at least three ranking
20 *eligible recommendees of the city mayor*, subject to civil service law, rules and
21 regulations.

22 (b) The city treasurer shall be under the administrative supervision of
23 the city mayor, to whom he shall report regularly on the tax collection efforts
24 of the City.

25 (c) No person shall be appointed city treasurer unless he is a citizen of
26 the Philippines, a resident of the City of Baybay, of good moral character, a
27 holder of a college degree preferably in commerce, public administration or
28 law from a recognized college or university, and a first grade civil service

1 eligible or its equivalent. He must have acquired experience in treasury or
2 accounting service for at least five years.

3 (d) The city treasurer shall receive such compensation, emoluments
4 and allowances as may be determined by law.

5 (e) The city treasurer shall take charge of the city finance department,
6 and shall:

7 (1) Advise the city mayor, the sangguniang panlungsod and other local
8 government and national officials concerned regarding disposition of local
9 government funds and on such other matters relative to public finance,

10 (2) Take custody and exercise proper management of the funds of the
11 City;

12 (3) Take charge of the disbursement of all funds of the City and such
13 other funds the custody of which may be entrusted to him by law or other
14 competent authority;

15 (4) Inspect private commercial and industrial establishments within the
16 jurisdiction of the City in relation to the implementation of tax ordinances,
17 pursuant to the provisions of the Local Government Code;

18 (5) Maintain and update the tax information system of the City; and

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

23 *S.L.C. 28. The Assistant City Treasurer.* – (a) The assistant city
24 treasurer may be appointed by the Secretary of Finance from a list of at least
25 three ranking eligible recommendees of the city mayor, subject to civil service
26 law, rules and regulations.

27 (b) No person shall be appointed assistant city treasurer unless he is a
28 citizen of the Philippines, a resident of the City of Baybay, of good moral

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

5 (c) The assistant city treasurer shall receive such compensation,
6 emoluments and allowances as may be determined by law.

7 (d) The assistant city treasurer shall assist the city treasurer and
8 perform such other duties as the latter may assign him. He shall have authority
9 to administer oaths concerning notices and notifications to those delinquent in
10 the payment of the real property tax and concerning official matters relating to
11 the accounts of the city treasurer or otherwise arising from the offices of the
12 city treasurer and the city assessor.

13 *SEC. 29. The City Assessor.* -- (a) The city assessor must be a citizen of
14 the Philippines, a resident of the City of Baybay, of good moral character, a
15 holder of a college degree preferably in civil or mechanical engineering,
16 commerce or any other related course from a recognized college or university,
17 and a first grade civil service eligible or its equivalent. He must have acquired
18 experience in real property assessment work or in any related field for at least
19 five years immediately preceding the date of his appointment.

20 (b) The city assessor shall receive such compensation, emoluments and
21 allowances as may be determined by law.

22 (c) The city assessor shall take charge of the city assessment
23 department, and shall:

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

26 (2) Initiate, review and recommend changes in policies and objectives,
27 plans and programs, techniques, procedures and practices in the evaluation
28 and assessment of real properties for taxation purposes;

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

24 SEC. 30. *The Assistant City Assessor.* – (a) The assistant city assessor
25 must be a citizen of the Philippines, a resident of the City of Baybay, of good
26 moral character, a holder of a college degree preferably in civil or mechanical
27 engineering, commerce or any related course from a recognized college or
28 university, and a first grade civil service eligible or its equivalent. He must

1 have acquired experience in assessment or in any related field for at least three
2 years immediately preceding the date of his appointment.

3 (b) The assistant city assessor shall receive such compensation,
4 emoluments and allowances as may be determined by law.

5 (c) The assistant city assessor shall assist the city assessor and perform
6 such other duties as the latter may assign to him. He shall have the authority
7 to administer oaths and all declarations of all real property for purposes of
8 assessment

9 SEC. 31. *The City Accountant.* – (a) The city accountant must be a
10 citizen of the Philippines, a resident of the City of Baybay, of good moral
11 character and a certified public accountant. He must have acquired experience
12 in the treasury or accounting service for at least five years immediately
13 preceding the date of his appointment.

14 (b) The city accountant shall receive such compensation, emoluments
15 and allowances as may be determined by law.

16 (c) The city accountant shall take charge of both the office of the
17 accounting and internal audit services, and shall:

18 (1) *Install and maintain an internal audit system in the City;*

19 (2) Prepare and submit financial statements to the city mayor and to
20 the sangguniang panlungsod;

21 (3) Apprise the sangguniang panlungsod and other officials on the
22 financial condition and operations of the City;

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

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

27 (6) Prepare statements of cash advances, liquidations, salaries,
28 allowances, reimbursements and remittances pertaining to the City;

1 (7) Prepare statements of journal vouchers and liquidations of the same
2 and other adjustments related thereto,

3 (8) Post individual disbursements to the subsidiary ledger and index
4 cards;

5 (9) Maintain individual ledgers for officials and employees of the City
6 pertaining to payrolls and deductions;

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

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

11 (12) Prepare journals and the analysis of obligations and maintain and
12 keep all records and reports related thereto; and

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

17 SEC. 32. *The City Budget Officer.* – (a) The city budget officer must be
18 a citizen of the Philippines, a resident of the City of Baybay, of good moral
19 character, a holder of a college degree preferably in accounting, economics,
20 public administration or any related course from a recognized college or
21 university and a first grade civil service eligible or its equivalent. He must
22 have acquired experience in government budgeting or in any related field for
23 at least five years immediately preceding the date of his appointment.

24 (b) The city budget officer shall take charge of the city budget
25 department, and shall:

26 (1) Prepare forms, orders and circulars embodying instructions on
27 budgetary and appropriation matters for the signature of the city mayor;

1 (2) Review and consolidate the budget proposals of different
2 departments and offices of the City;

3 (3) Assist the city mayor in the preparation of the budget and during
4 budget hearings;

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

7 (5) Submit periodic budgetary reports to the DBM;

8 (6) Coordinate with the city treasurer, the city accountant and the city
9 urban development officer for the purpose of budgeting;

10 (7) Assist the sangguniang panlungsod in reviewing the approved
11 budgets of component City;

12 (8) Coordinate with the city urban development office in the
13 formulation of the development plan of the City; and

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

18 SEC. 33. *The City Planning and Development Officer* – (a) The city
19 planning and development officer must be a citizen of the Philippines, a
20 resident of the City of Baybay, of good moral character, a holder of a college
21 degree preferably in urban planning, development studies, economics, public
22 administration or any related course from a recognized college or university,
23 and a first grade civil service eligible or its equivalent. He must have acquired
24 experience in development planning or in any related field for at least five
25 years.

26 (b) The city planning and development officer shall receive such
27 compensation, emoluments and allowances as may be determined by law.

1 (c) The city planning development officer shall take charge of the city
2 planning and development coordinating office, and shall:

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

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

7 (3) Integrate and coordinate all sectoral plans and studies undertaken
8 by the different functional groups or agencies;

9 (4) Monitor and evaluate the implementation of the different
10 development programs, projects and activities in the City in accordance with
11 the approved development plan,

12 (5) Prepare comprehensive plans and other development planning
13 documents for the consideration of the local development council;

14 (6) Analyze the income and expenditure patterns and formulate and
15 recommend fiscal plans and policies for consideration of the finance
16 committee of the sangguniang panlungsod;

17 (7) Promote people's participation in development planning within the
18 City;

19 (8) Exercise supervision and control over the secretariat of the local
20 development council; and

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

25 SEC. 34. *The City Engineer.* – (a) The city engineer must be a citizen
26 of the Philippines, a resident of the City of Baybay, of good moral character
27 and a licensed civil engineer. He must have acquired experience in the

1 practice of his profession for at least five years immediately preceding the date
2 of his appointment.

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

5 (c) The city engineer shall take charge of the city engineering office,
6 and shall:

7 (1) Initiate, review and recommend changes in policies and objectives,
8 plans and programs, techniques, procedures and *practices in infrastructure*
9 *development and public works in general of the City;*

10 (2) Advise the city mayor on infrastructure, public works and other
11 engineering matters;

12 (3) Administer, coordinate, supervise and control the construction,
13 maintenance, improvement and repair of roads, bridges, other engineering and
14 *public works projects of the City;*

15 (4) Provide engineering services to the City, including investigation
16 and survey, engineering designs, feasibility studies and project management,
17 *and*

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

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

27 (b) The city health officer shall receive such compensation,
28 emoluments and allowances as may be determined by law.

1 (c) The city health officer shall take charge of the office of the city
2 health services, and shall:

3 (1) Supervise the personnel and staff of said office, formulate program
4 implementation guidelines and rules and regulations for the operation of the
5 said office for the approval of the city mayor in order to assist him in the
6 efficient, effective and economical implementation of health service program
7 geared to implement health-related projects and activities;

8 (2) Formulate measures for the consideration of the sangguniang
9 panlungsod and provide technical assistance and support to the city mayor in
10 carrying out activities to ensure the delivery of basic services and the
11 provisions of adequate facilities relative to health services as provided for
12 under Section 17 of the *Local Government Code*;

13 (3) Develop plans and strategies and, upon approval thereof by the city
14 mayor, implement the same, particularly those which have to do with health
15 programs and projects which the city mayor is empowered to implement and
16 which the sangguniang panlungsod is empowered to provide for under the
17 *Local Government Code*; and

18 (4) In addition to the foregoing duties and functions, the city health
19 officer shall:

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

22 (ii) Advise the city mayor and the sangguniang panlungsod on matters
23 pertaining to health;

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

26 (iv) Recommend to the sangguniang panlungsod through the local
27 health board, the passage of such ordinances as he may deem necessary for the
28 preservation of public health;

1 (v) Recommend the prosecution of any violation of sanitary laws,
2 ordinances or regulations;

3 (vi) Direct the sanitary inspection of all business establishments selling
4 food items or providing accommodation such as hotels, motels, lodging
5 houses, pension houses and *the like*, in accordance with the Sanitation Code;

6 (vii) Conduct health information campaigns and render health
7 intelligence services;

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

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

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

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

23 (b) The city civil registrar shall receive such compensation,
24 emoluments and allowances as may be determined by law.

25 (c) The city civil registrar shall be responsible for the civil registration
26 program in the City of Baybay, pursuant to the Civil Registry Law, the Civil
27 Code, and other pertinent laws, rules and regulations issued to implement
28 them.

1 (d) The city civil registrar shall take charge of the office of the city
2 civil registry, and shall:

3 (1) Develop plans and strategies and, upon approval thereof by the city
4 mayor, implement the same, particularly those which have to do with the
5 management and administration-related programs and projects which the city
6 mayor is empowered to implement and which the sangguniang panlungsod is
7 empowered to provide for under the Local Government Code;

8 (2) In addition to the foregoing duties and functions, the city civil
9 registrar shall:

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

12 (ii) File, keep and preserve in a secured place the books required by
13 law;

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

17 (iv) Transmit to the Office of the Civil Registrar-General, within the
18 prescribed period, duplicate copies of registered documents required by law;

19 (v) Issue certified transcripts or copies of any certificate or registered
20 documents upon payment of the required fees to the treasurer;

21 (vi) Receive applications for the issuance of a marriage license and,
22 after determining that the requirements and supporting certificates and
23 publication thereof for the prescribed period have been complied with, issue
24 the license upon payment of the authorized fee to the treasurer; and

25 (vii) Coordinate with the National Statistics Office in conducting
26 educational campaigns for vital registration and assist in the preparation of
27 demographic and other statistics for the City of Baybay.

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

4 SEC. 37. *The City Administrator.* - (a) The city administrator must be
5 a citizen of the Philippines, a resident of the City of Baybay, of good moral
6 character, a holder of a college degree preferably in public administration, law
7 or any other related course from a recognized college or university, and a first
8 grade civil service eligible or its equivalent. He must have acquired
9 experience in management and administrative work for at least five years
10 immediately preceding the date of his appointment.

11 (b) The term of the city administrator is coterminous with that of his
12 appointing authority.

13 (c) The city administrator shall receive such compensation,
14 emoluments and allowances as may be determined by law.

15 (d) The city administrator shall take charge of the city administrator's
16 office, and shall:

17 (1) Develop plans and strategies and upon approval thereof by the city
18 mayor, implement the same particularly those which have to do with the
19 management and administration-related programs and projects which the city
20 mayor is empowered to implement and which the sangguniang panlungsod is
21 empowered to provide for under the Local Government Code,

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

25 (3) Recommend to the sangguniang panlungsod and advise the city
26 mayor on all matters relative to the management and administration of the
27 City; and

1 (4) Perform such other duties and functions and exercise such other
2 powers as provided for under the Local Government Code, and those that are
3 prescribed by law or ordinance.

4 SEC: 38. *The City Legal Officer.* – (a) The city legal officer must be a
5 citizen of the Philippines, a resident of the City of Baybay, of good moral
6 character, and a member of the Philippine Bar. He must have practiced his
7 profession for at least five years immediately preceding the date of his
8 appointment.

9 (b) The city legal officer shall receive such compensation, emoluments
10 and allowances as may be determined by law.

11 (c) The city legal officer, the chief legal counsel of the City, shall take
12 charge of the office of the city legal service, and shall:

13 (1) Formulate measures for the consideration of the sangguniang
14 panlungsod and provide legal assistance and support to the city mayor in
15 carrying out the delivery of basic services and the provision of adequate
16 facilities;

17 (2) Develop plans and strategies and upon approval thereof by the city
18 mayor, implement the same, particularly those which have to do with the
19 programs and projects related to legal services which the city mayor is
20 empowered to implement and which the sangguniang panlungsod is
21 empowered to provide;

22 (3) Recommend measures to the sangguniang panlungsod and advise
23 the city mayor on all matters related to upholding the rule of law;

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

1 (5) Perform such other duties and functions and exercise such other
2 powers as provided for under the Local Government Code, and those that are
3 prescribed by law or ordinance.

4 SEC. 39. *The City Social Welfare and Development Officer.* – (a) The
5 city social welfare and development officer must be a citizen of the
6 Philippines, a resident of the City of Baybay, of good moral character, a duly
7 licensed social worker or a holder of a college degree preferably in sociology
8 or any other related course from a recognized college or university, and a first
9 grade civil service eligible or its equivalent. He must have acquired
10 experience in the practice of social work for at least five years immediately
11 preceding the date of his appointment.

12 (b) The city social welfare and development officer shall receive such
13 compensation, *emoluments* and allowances as may be determined by law.

14 (c) The city social welfare and development officer shall take charge
15 of the office of the social welfare and development, and shall:

16 (1) Formulate measures for the approval of the *sangguniang*
17 *panlungsod* and provide *technical assistance* and support to the city mayor in
18 carrying out measures to ensure delivery of basic services and the provisions
19 of adequate facilities relative to social welfare and development services;

20 (2) Develop plans and strategies and upon approval thereof by the city
21 mayor, implement the same particularly those which have to do with social
22 welfare programs and projects which the city mayor is empowered to
23 implement and which the *sangguniang panlungsod* is empowered to provide;

24 (3) Be in the frontline of the delivery of services particularly those
25 which have to do with immediate relief and assistance during and in the
26 aftermath of man-made and natural disasters or calamities;

1 (4) Recommend to the sangguniang panlungsod and advise the city
2 mayor on all other matters related to social welfare and development services
3 which will improve the *livelihood and living conditions* of the inhabitants; and

4 (5) Perform such other duties and functions and exercise such other
5 powers as provided for under the Local Government Code, and those that are
6 prescribed by law or ordinance.

7 SEC. 40. *The City Veterinarian* – (a) The city veterinarian must be a
8 citizen of the Philippines, a resident of the City of Baybay, of good moral
9 character and a licensed doctor of veterinary medicine. He must have
10 practiced his profession for at least three years immediately preceding the date
11 of his appointment.

12 (b) The city veterinarian shall receive such compensation, *emoluments*
13 and allowances as may be determined by law.

14 (c) The city veterinarian shall take charge of the office of veterinary
15 services, and shall:

16 (1) Formulate measures for the consideration of the sangguniang
17 panlungsod and provide technical assistance and support to the city mayor in
18 carrying out measures to ensure the *delivery of basic services and the*
19 *provisions of adequate facilities.*

20 (2) Develop plans and strategies and, upon approval thereof by the city
21 mayor, implement the same, particularly those which have to do with
22 veterinary-related activities which the city mayor is empowered to implement
23 and which the sangguniang panlungsod is empowered to provide;

24 (3) *Be in the frontline of the veterinary-related activities, such as the*
25 *outbreak of highly-contagious and deadly diseases, and in situations resulting*
26 *in the depletion of animals for work and human consumption, particularly*
27 *those arising from and in the aftermath of man-made and natural disasters or*
28 *calamities;*

1 (4) Recommend to the sangguniang panlungsod and advise the city
2 mayor on all other matters relative to veterinary services which will increase
3 the number and improve the quality of livestock, poultry and other domestic
4 animals used for work or human consumption, and

5 (5) Perform such other duties and functions and exercise such other
6 powers as provided for under the Local Government Code, and those that are
7 prescribed by law or ordinance.

8 SEC. 41. *The City General Services Officer.* – (a) The city general
9 services officer must be a citizen of the Philippines, a resident of the City of
10 Baybay, of good moral character, a holder of a college degree in public
11 administration, business administration and management from a recognized
12 college or university, and a first grade civil service eligible or its equivalent.
13 He must have acquired experience in general services, including management
14 of supply, property, solid waste disposal and general sanitation for at least
15 three years immediately preceding the date of his appointment.

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

18 (c) The city general services officer shall take charge of the office on
19 general services, and shall:

20 (1) Formulate measures for the consideration of the sangguniang
21 panlungsod and provide technical assistance and support to the city mayor in
22 carrying out measures to ensure the delivery of basic services and the
23 provisions of adequate facilities which require general services expertise and
24 technical support services;

25 (2) Develop plans and strategies and, upon approval thereof by the city
26 mayor, implement the same, particularly those which have to do with general
27 services supportive of the welfare of the inhabitants of the City which the city

1 mayor is empowered to implement and which the sangguniang panlungsod is
2 empowered to provide;

3 (3) Take custody of and be accountable for all properties, real or
4 personal, owned by the City, and those granted to it in the form of donation,
5 reparation, assistance and counterpart of joint projects;

6 (4) Be in the frontline of general services related activities, such as the
7 possible or imminent destruction or damage to records, supplies, properties,
8 and structure materials or debris, particularly during and in the aftermath of
9 man-made and natural disasters or calamities;

10 (5) Recommend to the sangguniang panlungsod and advise the city
11 mayor on all other matters relative to general services; and

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

15 SEC. 42. *The City Environment and Natural Resources Officer.* – (a)
16 The city environment and natural resources officer must be a citizen of the
17 Philippines, a resident of the City of Baybay, of good moral character, a
18 holder of a college degree preferably in environment, forestry, agriculture or
19 any other related course from a recognized college or university, and a first
20 grade civil service eligible or its equivalent. He must have acquired
21 experience in the environment and natural resources management,
22 conservation and utilization work for at least five years immediately preceding
23 the date of his appointment.

24 (b) The city environment and natural resources officer shall receive
25 such compensation, emoluments and allowances as may be determined by law.

26 (c) The city environment and natural resources officer shall take
27 charge of the environment service department, and shall:

1 (1) Formulate measures for the consideration of the sangguniang
2 panlungsod and provide assistance and support to the city mayor in carrying
3 out measures to ensure the delivery of basic services and the provisions of
4 adequate facilities relative to environment and natural resources services as
5 provided for under Section 17 of the Local Government Code;

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 the
8 environment and natural resources programs and projects which the city mayor
9 is empowered to implement and which the sangguniang panlungsod is
10 empowered to provide;

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

15 (4) Recommend measures to the sangguniang panlungsod and advise
16 the city mayor on all matters relative to the protection, conservation, maximum
17 utilization, application of appropriate technology and other matters related to
18 the environment and natural resources; and

19 (5) Perform such other duties and functions and exercise such other
20 powers as provided for under the Local Government Code, and those that are
21 prescribed by law or ordinance.

22 SEC. 43. *The City Architect.* – (a) The city architect must be a citizen
23 of the Philippines, a resident of the City of Baybay, of good moral character,
24 and a duly licensed architect. He must have practiced his profession for at
25 least five years immediately preceding the date of his appointment.

26 (b) The city architect shall receive such compensation, emoluments
27 and allowances as may be determined by law.

1 (c) The city architect shall take charge of the office on the architectural
2 planning and design, and shall:

3 (1) Formulate measures for the consideration of the sangguniang
4 panlungsod and provide technical assistance and support to the city mayor in
5 carrying out measures to ensure the delivery of basic services and the
6 provisions of adequate facilities relative to architectural planning and design;

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
9 architectural planning and design programs and projects which the city mayor
10 is empowered to implement and which the sangguniang panlungsod is
11 empowered to provide for;

12 (3) Be in the frontline of the delivery of services involving
13 architectural planning and design, particularly those related to the redesigning
14 of spatial distribution of basic facilities and physical structures during and in
15 the aftermath of man-made and natural disasters or calamities;

16 (4) Recommend to the sangguniang panlungsod and advise the city
17 mayor on all matters relative to architectural planning and design as it relates
18 to the total socioeconomic development of the City; and

19 (5) Perform such other duties and functions and exercise such other
20 powers as provided for under the Local Government Code, and those that are
21 prescribed by law or ordinance.

22 *SEC. 44. The City Information Officer.* (a) The city information
23 officer must be a citizen of the Philippines, a resident of the City of Baybay, of
24 good moral character, a holder of a college degree preferably in journalism,
25 mass communication or any related course from a recognized college or
26 university, and a first grade civil service eligible or its equivalent. He must
27 have experience in writing articles and research papers, or writing for print,

1 television or broadcast media for at least five years immediately preceding the
2 date of his appointment.

3 (b) The city information officer shall receive such compensation,
4 emoluments and allowances as may be determined by law.

5 (c) The city information officer shall take charge of the city
6 information and community relations department, and shall.

7 (1) Formulate measures for the consideration of the sangguniang
8 panlungsod and provide technical assistance and support to the city mayor in
9 providing the information and research data required for the delivery of basic
10 services and the provisions of adequate facilities so that the public becomes
11 aware of said services and may fully avail of the same;

12 (2) Develop plans and strategies and, upon approval thereof by the city
13 mayor, implement the same, particularly those which have to do with public
14 information and research data to support programs and projects which the city
15 mayor is empowered to implement and which the sangguniang panlungsod is
16 empowered to provide;

17 (3) Be in the frontline in providing information during and in the
18 aftermath of man-made and natural disasters and calamities, with special
19 attention to the victims thereof, to help minimize injuries and casualties during
20 and after the emergency, and to accelerate relief and rehabilitation;

21 (4) Recommend to the sangguniang panlungsod and advise the city
22 mayor on all matters relative to public information and research data as it
23 relates to the total socioeconomic development of the City; and

24 (5) Perform such other duties and functions and exercise such other
25 powers as provided for under the Local Government Code, and those that are
26 prescribed by law or ordinance.

27 SEC. 45. *The City Cooperatives Officer.* – (a) The city cooperatives
28 officer must be a citizen of the Philippines, a resident of the City of Baybay, of

1 good moral character, a holder of a college degree preferably in business
2 administration with special training on cooperatives or any related course from
3 a recognized college or university, and a first grade civil service eligible or its
4 equivalent. He must have experience in cooperatives organization and
5 management for at least five years immediately preceding the date of his
6 appointment.

7 (b) The city cooperatives officer shall receive such compensation,
8 emoluments and allowances as may be determined by law.

9 (c) The city cooperatives officer shall take charge of the office for the
10 development of cooperatives, and shall:

11 (1) Formulate measures for consideration of the sangguniang
12 panlungsod and provide technical assistance and support to the city mayor in
13 carrying out measures to ensure the delivery of basic services and the
14 provision of facilities through the development of cooperatives and in
15 providing access to such services and facilities;

16 (2) Develop plans and strategies and, upon approval thereof by the city
17 mayor, implement the same, particularly those which have to do with the
18 integration of cooperative principles and methods in programs which the city
19 mayor is empowered to implement and which the sangguniang panlungsod is
20 empowered to provide;

21 (3) Be in the frontline of cooperative organization, rehabilitation or
22 viability enhancement, particularly during and in the aftermath of man-made
23 and natural disasters and calamities, to aid in their survival and, if necessary,
24 subsequent rehabilitation:

25 (4) Recommend to the sangguniang panlungsod and advise the city
26 mayor on all other matters relative to cooperatives development and viability
27 enhancement which will improve the livelihood and the quality of life of the
28 inhabitants, and

1 (5) Perform such other duties and functions and exercise such other
2 powers as *provided for* under the Local Government Code, and those that are
3 prescribed by law or ordinance.

4 SEC. 46. *The City Population Officer.* – (a) The city population officer
5 must be a citizen of the Philippines, a resident of the City of Baybay, of good
6 moral character, a holder of a college degree preferably with specialized
7 training in population development from a recognized college or university,
8 and a first grade civil service eligible or its equivalent. He must have
9 experience in the implementation of programs or population development or
10 responsible parenthood for at least five years immediately preceding the date
11 of his appointment.

12 (b) The city population officer shall receive such compensation,
13 emoluments and allowances as may be determined by law.

14 (c) The city population officer shall take charge of the office of the
15 population development, and shall:

16 (1) Formulate measures for the consideration of the sangguniang
17 panlungsod and provide technical assistance and support to the city mayor in
18 carrying out measures to ensure the delivery of basic services and the
19 provisions of adequate facilities relative to the integration of population
20 development principles and in providing access to said services and facilities;

21 (2) Develop plans and strategies and, upon approval thereof by the city
22 mayor, implement the same, particularly those which have to do with the
23 integration of population development principles and methods in programs
24 and projects which the city mayor is empowered to implement and which the
25 sangguniang panlungsod is empowered to provide; and

26 (3) Perform such other duties and functions and exercise such other
27 powers as provided for under the Local Government Code, and those that are
28 prescribed by law or ordinance.

1 SIC. 47. *The City Agriculturist* – (a) The city agriculturist must be a
2 citizen of the Philippines, a resident of the City of Baybay, of good moral
3 character, a holder of a college degree preferably in agriculture or any other
4 related course from a recognized college or university, and a first grade civil
5 service eligible or its equivalent. He must have practiced his profession in
6 agriculture or acquired the experience in a related field for at least five years
7 immediately preceding the date of his appointment.

8 (b) The city agriculturist shall receive such compensation, emoluments
9 and allowances as may be determined by law

10 (c) The city agriculturist shall take charge of the office for the
11 agricultural services, and shall:

12 (1) Formulate measures for the approval of the sangguniang
13 panlungsod and provide technical assistance and support to the city mayor in
14 carrying out measures to ensure the delivery of basic services and the
15 provisions of adequate facilities relative to agricultural services;

16 (2) Develop plans and strategies and, upon approval thereof by the city
17 mayor, implement the same, particularly those which have to do with
18 agricultural programs and projects which the city mayor is empowered to
19 implement and which the sangguniang panlungsod is empowered to provide;

20 (3) In addition to the foregoing duties and functions, the city
21 agriculturist shall:

22 (i) Ensure that maximum assistance and access to resources in the
23 production, processing and marketing of agricultural and aquacultural and
24 marine products are extended to farmers, fishermen and local entrepreneurs;

25 (ii) Conduct or cause to be considered location-specific agricultural
26 researches and assist in making available the appropriate technology arising
27 out of and disseminating information on basic research on crops, prevention

1 and control of plant diseases and pests, and other agricultural matters which
2 will maximize productivity;

3 (iii) Assist the city mayor in the establishment and the extension
4 services of demonstration farms or aquaculture and marine products;

5 (iv) Enforce rules and regulations relating to agriculture and
6 aquaculture; and

7 (v) Coordinate with government agencies and nongovernmental
8 organizations, which promote agricultural productivity through appropriate
9 technology compatible with environmental integrity.

10 (4) Be in the frontline of the delivery of basic agricultural services.
11 particularly those needed for the survival of the inhabitants during and in the
12 aftermath of man-made and natural disasters or calamities;

13 (5) Recommend to the sangguniang panlungsod and advise the city
14 mayor, on all other matters related to agriculture and aquaculture which will
15 improve the livelihood and living conditions of the inhabitants; and

16 (6) Perform such other duties and functions and exercise such other
17 powers as provided for under the Local Government Code, and those that are
18 prescribed by law or ordinance.

19 ARTICLE IX

20 THE CITY FIRE STATION SERVICE, THE CITY JAIL SERVICE, THE CITY SCHOOL
21 DIVISION AND THE CITY PROSECUTION SERVICE

22 SEC. 48. *The City Fire Station Service.* – There shall be established in
23 the City at least one fire station with adequate personnel, fire fighting facilities
24 and equipment, subject to the standards, rules and regulations that may be
25 promulgated by the Department of the Interior and Local Government (DILG).
26 The City shall provide the necessary land or site of the station.

27 The city fire station shall be responsible for the provision of various
28 emergency services such as the rescue and evacuation of injured people at fire-

1 related incidents and, in general, all fire prevention and suppression measures
2 to secure the safety of life and property of the citizenry.

3 *SEC. 49. The City Jail Service.* – (a) There shall be established and
4 maintained in the City a secured, clean, adequately equipped and sanitary jail
5 for the custody and safekeeping of prisoners, any fugitive from justice, or
6 person detained awaiting investigation or trial and/or violent mentally ill
7 person who endangers himself or the safety of others, duly certified as such by
8 the proper medical health officer, pending the transfer to a mental institution.

9 (b) The city jail service shall be headed by a city jail warden who must
10 be a graduate of a four-year course in psychology, psychiatry, sociology,
11 nursing, social work or criminology who shall assist in the immediate
12 rehabilitation of individuals or detention of prisoners. Great care must be
13 exercised so that human rights of these prisoners are respected and protected,
14 and their spiritual and physical well-being are properly and promptly attended
15 to.

16 *SEC. 50. The City School Division* – (a) There shall be established and
17 maintained by the DepEd a city school division of the City of Baybay whose
18 area of jurisdiction will cover all the school districts within the City.

19 (b) The city school division shall be headed by a division
20 superintendent who must possess the necessary qualifications required by the
21 DepEd.

22 *SEC. 51. The City Prosecution Service.* – (a) There shall be established
23 in the City a prosecution service to be headed by a city prosecutor and such
24 number of assistant prosecutors as may be necessary, who shall be
25 organizationally part of the Department of Justice (DOJ), and under the
26 supervision and control of the Secretary of Justice and whose qualifications,
27 manner of appointment, rank, salary and benefits shall be governed by existing
28 laws covering prosecutors in the DOJ,

1 (b) The city prosecutor shall handle the criminal prosecution in the
2 municipal trial courts in the City as well as in the regional trial courts for
3 criminal cases originating in the territory of the City, and shall render to or for
4 the City such services as are required by law, ordinance or regulation of the
5 DOJ.

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

12 ARTICLE X

13 TRANSITORY AND FINAL PROVISIONS

14 SEC. 52. *Municipal Ordinances Existing at the Time of the Approval*
15 *of this Act.* – All municipal ordinances of the Municipality of Baybay existing
16 at the time of the approval of this Act shall continue to be in force within the
17 City of Baybay until the sangguniang panlungsod ordinance shall provide
18 otherwise.

19 SEC. 53. *Plebiscite.* – The City of Baybay shall acquire corporate
20 existence upon the ratification of its creation by a majority of the votes cast by
21 *the qualified voters in a plebiscite to be conducted in the present Municipality*
22 *of Baybay within thirty (30) days from the approval of this Act.* The expenses
23 for such plebiscite shall be borne by the Municipality of Baybay. The
24 Commission on Elections shall conduct and supervise such plebiscite.

25 SEC. 54. *Officials of the City of Baybay.* – The present elective
26 officials of the Municipality of Baybay shall continue to exercise their powers
27 and functions until such time that a new election is held and the duly-elected
28 officials shall have already qualified and assumed their offices. The

1 appointive officials and employees if the City shall likewise continue
2 exercising their functions and duties and they shall be automatically absorbed
3 by the city government of the City of Baybay.

4 SEC. 55. *Succession Clause.* – The City of Baybay shall succeed to all
5 the assets, properties, liabilities and obligations of the Municipality of Baybay.

6 SEC. 56. *Election of Provincial Governor and Sangguniang*
7 *Panlalawigan Members of the Province of Leyte.* – The qualified voters of the
8 City of Baybay shall be qualified to vote and run for any elective position in
9 the elections for provincial governor, provincial vice governor, sangguniang
10 panlalawigan members and other elective officers for the Province of Leyte.

11 SEC. 57. *Jurisdiction of the Province of Leyte.* – The City of Baybay
12 shall, unless otherwise provided by law, continue to be under the jurisdiction
13 of the Province of Leyte.

14 SEC. 58. *Suspension of Increase in Rates of Local Taxes.* – No
15 increase in the rates of local taxes shall be imposed by the City within the
16 period of five years from its acquisition of corporate existence.

17 SEC. 59. *Representative District.* – Until otherwise provided by law,
18 the City of Baybay shall continue to be a part of the Fifth Congressional
19 District of the Province of Leyte.

20 SEC. 60. *Limitation.* – Within three years from the approval of this
21 Act, no new race track, jai-alai fronton, gambling casino or cockpit shall be
22 licensed or allowed to operate in the City.

23 SEC. 61. *Reservation.* – Nothing herein contained shall preclude the
24 determination by the appropriate agency or forum of boundary disputes or
25 cases involving questions of territorial jurisdiction between the City of Baybay
26 and any of the adjoining local government units even after the effectivity of
27 this Act.

1 SEC. 62. *Applicability of Laws.* – The provisions of Republic Act No.
2 7160, otherwise known as the Local Government Code of 1991, and other
3 laws pertaining to the Province of Leyte and such laws as are applicable to
4 cities shall govern the City of Baybay insofar as they are not inconsistent with
5 the provisions of this Act.

6 SEC. 63. *Exemption from Republic Act No. 9009.* – The City of
7 Baybay shall be exempted from the income requirement prescribed under
8 Republic Act No. 9009.

9 SEC. 64. *Separability Clause.* – If, for any reason or reasons, any part
10 or provisions of this Charter shall be held unconstitutional, invalid or
11 inconsistent with the Local Government Code of 1991, other parts or
12 provisions hereof which are not affected thereby shall continue to be in full
13 force and effect. Moreover, in cases where this Charter is silent or unclear, the
14 pertinent provisions of the Local Government Code shall govern, if so
15 provided therein.

16 SEC. 65. *Effectivity.* – This Act shall take effect fifteen (15) days after
17 its complete publication in at least two newspapers of general and local
18 circulations.

Approved,