


THIRTEENTH CONGRESS OF THE REPUBLIC }
OF THE PHILIPPINES }
Third Regular Session }

7 JAN 25 2007

SENATE

RECEIVED BY: 

COMMITTEE REPORT NO. 226

Submitted by the Committee on Local Government on JAN 25 2007

Re : House Bill No. 5991

Recommending its approval with amendments.

Sponsor : Senator Lim

MR. PRESIDENT:

The Committee on Local Government to which was referred House Bill No. 5991, introduced by Representatives Plaza, Cari, Petilla, Marcos, Salapuddin, Gullas, Figueroa, Martinez, Wacnang, Amante, Nantes, Baculio, and Pichay, entitled:

**"AN ACT
CONVERTING THE MUNICIPALITY OF BAYUGAN IN THE PROVINCE OF AGUSAN
DEL SUR INTO A COMPONENT CITY TO BE KNOWN AS THE CITY OF BAYUGAN"**

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, lines 16 to 25, delete references to assistant city accountant, assistant city engineer, assistant city health officer, assistant city civil registrar, city human resource development officer and a city building official";
2. On page 28, add a new Section 18 between lines 26 and 27, to read as follows:

"SEC. 18. REVIEW OF CITY ORDINANCES BY THE SANGGUNIANG PANLALAWIGAN. –
(A) WITHIN THREE (3) DAYS AFTER APPROVAL, THE SECRETARY TO THE SANGGUNIANG
PANLUNGSOD SHALL FORWARD TO THE SANGGUNIANG PANLALAWIGAN FOR REVIEW,
COPIES OF APPROVED ORDINANCES AND THE RESOLUTIONS APPROVING THE LOCAL
DEVELOPMENT PLANS AND PUBLIC INVESTMENT PROGRAMS FORMULATED BY THE
LOCAL DEVELOPMENT COUNCILS.

(B) IF THE SANGGUNIANG PANLALAWIGAN FINDS THAT SUCH AN ORDINANCE
OR RESOLUTION IS BEYOND THE POWER CONFERRED UPON THE SANGGUNIANG
PANLUNGSOD CONCERNED, IT SHALL DECLARE SUCH ORDINANCE OR RESOLUTION
INVALID IN WHOLE OR IN PART. THE SANGGUNIANG PANLALAWIGAN SHALL ENTER ITS
ACTION IN THE MINUTES AND SHALL ADVISE THE CORRESPONDING CITY AUTHORITIES
OF THE ACTION IT HAS TAKEN.

(C) IF NO ACTION HAS BEEN TAKEN BY THE SANGGUNIANG PANLALAWIGAN WITHIN THIRTY (30) DAYS AFTER SUBMISSION OF SUCH AN ORDINANCE OR RESOLUTION, THE SAME SHALL BE PRESUMED CONSISTENT WITH LAW AND THEREFORE VALID."

Renumber the succeeding Sections accordingly;

3. On page 30, line 11, change the title of Article VI to "SUCCESSION FOR ELECTIVE CITY OFFICIALS";
4. On the same page, delete the entire Sec. 21 from lines 12 to 27;
5. On page 31, amend the title and paragraph (a) of Section 22, 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."
6. On page 33, line 28, change the word "master's" to "COLLEGE";
7. On page 34, line 15, delete number "57" and the words "under Book I" and in lieu thereof, insert the figures "327";
8. On page 36, line 12, change the word "may" to "SHALL";
9. On the same page, line 19, change the word "three" to "FIVE";
10. On the same page, line 21, delete the word "other" between the words "such" and "compensation";
11. On page 38, line 5, insert the following phrase between the words "assessment" and "upon":
"RECORDS OF REAL PROPERTIES,"
12. On page 40, delete the entire Section 31;
13. On page 43, delete entire Section 35;
14. On pages 45 and 46, delete entire Section 37;
15. On pages 47 and 48, delete entire Section 39.

16. On pages 48 and 49, starting from line 25, amend paragraph (2) to read as follows:

“(2) In addition to the foregoing duties and functions, the city administrator shall:

(I) 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 IN VIEW OF INSTITUTING EFFECTIVE ADMINISTRATIVE REFORMS.”

17. On page 57, insert a new paragraph between lines 24 and 25, to read as follows:

(IV) RENDER ASSISTANCE FOR NATURAL RESOURCES-RELATED CONSERVATION AND UTILIZATION ACTIVITIES CONSISTENT WITH ECOLOGICAL BALANCE;”

18. On page 67, line 27, delete the phrase “graduate of a four-year course” and in lieu thereof, insert the phrase “HOLDER OF A COLLEGE DEGREE”.

Respectfully submitted:


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Chairman

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

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RODOLFO G. BIAZON

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Majority Leader

Hon. MANNY VILLAR
President
Senate of the Philippines
Pasay City



HOUSE OF REPRESENTATIVES

H. No. 5991

BY REPRESENTATIVES PLAZA, CARI, PETILLA, MARCOS, SALAPUDDIN,
GULLAS, FIGUEROA, MARTINEZ, WACNANG, AMANTE, NANTES,
BACULIO AND PICHAY, PER COMMITTEE REPORT NO. 2089

AN ACT CONVERTING THE MUNICIPALITY OF BAYUGAN IN THE
PROVINCE OF AGUSAN DEL SUR INTO A COMPONENT CITY
TO BE KNOWN AS THE CITY OF BAYUGAN

*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 Bayugan”.

5 SEC. 2. *The City of Bayugan.* – The Municipality of Bayugan is hereby
6 converted into a component city to be known as the City of Bayugan,
7 hereinafter referred to as the City, which shall comprise the present territory of
8 the Municipality of Bayugan, Province of Agusan del Sur. The territorial
9 jurisdiction of the City shall be within the present metes and bounds of the
10 Municipality of Bayugan.

11 The foregoing provision shall be without prejudice to the resolution by
12 the appropriate agency or forum of existing boundary disputes or cases

1 involving questions of territorial jurisdiction between the City and its adjoining
2 local government units: *Provided, That the territorial jurisdiction of the*
3 *disputed area or areas shall remain with the local government unit which has*
4 *existing administrative supervision over said area or areas until the final*
5 *resolution of the case.*

6 SEC. 3. *Corporate Powers of the City.* – The City constitutes a political
7 body corporate and as such is endowed with the attributes of perpetual
8 succession and possessed of the powers which pertain to a municipal
9 corporation to be exercised in conformity with the provisions of this Charter.

10 The City shall have the following corporate powers:

11 (a) To have continuous succession in its corporate powers;

12 (b) To sue and be sued;

13 (c) To have and use a corporate seal;

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

15 (e) To enter into contracts; and

16 (f) To exercise such other powers, prerogatives and authority as are
17 granted to corporations, subject to the limitations provided for in this Act and
18 other laws.

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

1 SEC. 5. *General Welfare Clause of the City.* – The City shall exercise
2 the powers expressly granted, those necessarily implied therefrom, as well as
3 powers necessary, appropriate or incidental for its efficient and effective
4 governance, and those which are essential to the promotion of the general
5 welfare.

6 Within its territorial jurisdiction, the City shall ensure and support,
7 among other things, preserve and enrich its culture, promote health and safety,
8 enhance the right of the people to a balanced ecology, encourage and support
9 the development of appropriate and self-reliant scientific and technological
10 capabilities, improve public morals, enhance economic prosperity and social
11 justice, promote full employment among their residents, maintain peace and
12 order, and preserve the comfort and convenience of their inhabitants.

13 SEC. 6. *Liability for Damages.* – Unless otherwise provided for by law,
14 the City of Bayugan shall be liable for injuries or damages to persons or
15 property arising from the act or omission of any of its officers or employees
16 while in the performance of their official functions.

17 SEC. 7. *Jurisdiction of the City.* – The jurisdiction of the City of
18 Bayugan, for police purpose only, shall be coextensive with its territorial
19 jurisdiction and, for the purpose of protecting and ensuring the purity of the
20 water supply of the City, such police jurisdiction shall also extend over all
21 territory within the drainage area of such water supply or within one hundred
22 meters (100 m.) of any reservoir, conduit, canal, aqueduct or pumping station
23 used in connection with the city water service.

24 The regional trial courts and the city courts of the City of Bayugan shall
25 have concurrent jurisdiction with the regional trial courts and the metropolitan
26 trial courts or city or municipal courts of the adjoining municipalities or cities
27 to try crimes and misdemeanors committed within said drainage area or within
28 said spaces of one hundred meters (100 m.).

1 be headed by a city schools division superintendent and a city prosecution
2 service to be headed by a city prosecutor.

3 (d) The sangguniang panlungsod of the City of Bayugan may:

4 (1) Maintain existing offices not mentioned in subsections (a), (b) and
5 (c) hereof;

6 (2) Create such other offices as may be necessary to carry out the
7 purposes of the City; or

8 (3) Consolidate the functions of any office with those of another in the
9 interest of efficiency and economy.

10 Unless otherwise provided herein, all appointive city officials of the City
11 shall be appointed by the city mayor with the concurrence of the majority of all
12 sangguniang panlungsod members, subject to civil service law, rules and
13 regulations. The sangguniang panlungsod shall act on the appointment within
14 fifteen (15) days from the date of its submission, otherwise the same shall be
15 deemed confirmed.

16 ARTICLE III

17 THE CITY MAYOR AND CITY VICE MAYOR

18 SEC. 9 *The City Mayor.* – (a) The city mayor shall be the chief
19 executive of the City. He shall be elected at large by the qualified voters of the
20 City. No person shall be eligible for the position of city mayor unless, at the
21 time of election, he is at least twenty-one (21) years of age, a resident of the
22 City for at least one year prior to his election and a qualified voter therein. He
23 shall hold office for three years, unless sooner removed, and shall receive a
24 minimum monthly compensation corresponding to Salary Grade Thirty (30) as
25 prescribed under Republic Act No. 6758, otherwise known as the Salary
26 Standardization Law, and the implementing guidelines issued pursuant thereto
27 and such other compensation, emoluments and allowances as may be
28 determined by law.

1 (b) The city mayor, as the chief executive of the city government, shall
2 exercise such powers and perform such duties and functions as provided
3 herein:

4 (1) Exercise those powers expressly granted to him by law, those
5 necessarily implied therefrom as well as powers necessary, appropriate or
6 incidental for the efficient and effective governance of the City and those
7 which are essential to the promotion of the general welfare. Pursuant thereto,
8 he shall:

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

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

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

19 (iv) Initiate and propose legislative measures to the sangguniang
20 panlungsod and, as may be deemed necessary, provide such information and
21 data needed or requested by said sanggunian in the performance of its
22 legislative functions;

23 (v) Appoint all officials and employees whose salaries and wages are
24 wholly or mainly paid out of city funds and whose appointments are not
25 otherwise provided for in the Local Government Code of 1991, as well as
26 those he may be authorized by law to appoint;

1 (vi) Represent the City in all its business transactions and sign on its
2 behalf all bonds, contracts, obligations and such other documents upon the
3 authority of the sangguniang panlungsod or pursuant to law or ordinance;

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

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

9 (ix) Allocate and assign office space to the City and other officials
10 and employees who, by law or ordinance, are entitled to such space in the city
11 hall and other buildings owned or leased by the city government, including the
12 offices and officials created therein;

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

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

23 (xii) Furnish copies of executive orders issued by him to the provincial
24 governor within seventy-two (72) hours after their issuance;

25 (xiii) Visit component barangays of the City at least once every six
26 months to deepen his understanding of the problems and conditions, listen and
27 give appropriate counsel to local officials and inhabitants of general laws and
28 ordinances which especially concern them, and otherwise conduct visits and

1 inspections to ensure that the governance of the City will improve the quality
2 of life of the inhabitants;

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

6 (xv) Authorize official trips of city officials and employees outside of
7 the City for a period not exceeding thirty (30) days;

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

15 (xvii) Authorize payments for medical care, necessary transportation,
16 subsistence, hospital or medical fees of city officials and employees who are
17 injured while in the performance of their official duties and functions, subject
18 to the availability of funds;

19 (xviii) Solemnize marriages;

20 (xix) Conduct an annual palarong panlungsod which shall feature
21 traditional sports and disciplines included in national and international games,
22 in coordination with the Department of Education (DepEd), the Philippine
23 Sports Commission and other related agencies; and

24 (xx) Submit to the provincial governor the following reports: an annual
25 report containing a summary of all matters pertinent to the management,
26 administration and development of the City and all information and data
27 relative to its political, social and economic condition; and supplemental
28 reports when unexpected events and situations arise at any time during the

1 year, particularly when man-made and natural disasters or calamities affect the
2 general welfare of the City;

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

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

10 (ii) Call conventions, conferences, seminars or meetings of elective or
11 appointive officials of the City, including national officials and employees
12 stationed in or assigned to the City, at such time and place and on such subject
13 he may deem important for the promotion of the general welfare of the local
14 government unit and its inhabitants;

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

17 (iv) Be entitled to carry the necessary firearms within his territorial
18 jurisdiction after the procurement of necessary permit/s and/or license/s from
19 duly constituted authorities;

20 (v) Act as the deputized representative of the National Police
21 Commission, formulate the peace and order plan of the City and, upon its
22 approval, implement the same and as such, exercise general and operational
23 control and supervision over the local police forces in the City in accordance
24 with Republic Act No. 6975, otherwise known as the Philippine National
25 Police Law; and

26 (vi) Call upon the appropriate law enforcement agencies to suppress
27 disorder, riot, lawless violence, rebellion or sedition, or apprehend violators of

1 the law when public interest so requires and the city police forces are
2 inadequate to cope with the situation or the violators;

3 (3) Initiate and maximize the generation of resources and revenues
4 and apply the same to the implementation of development plans, program
5 objectives and priorities, particularly the resources and revenues programmed
6 for agro-industrial development and the provision of basic services and,
7 relative thereto, shall:

8 (i) Require each head of an office or department to prepare and
9 submit an estimate of appropriations for the ensuing calendar year, in
10 accordance with the budget preparation process and in accordance with the
11 provisions of the Local Government Code of 1991 and other relevant laws;

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

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

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

21 (v) Issue permits, not requiring approval from any national agency, for
22 the holding of activities for any charitable or welfare purpose, excluding
23 prohibited games of chance or shows contrary to law, public policy and public
24 morals;

25 (vi) Require owners of illegally constructed houses, buildings or
26 structures to obtain the necessary permits, subject to such fines and penalties as
27 may be imposed by law or ordinance, or to make necessary changes in the

1 construction or to order the demolition or removal of said houses, buildings or
2 structures within the period prescribed by law or ordinance;

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

5 (viii) Provide efficient and effective property and supply management in
6 the City and protect the funds, credits, rights and other properties of the City;
7 and

8 (ix) Institute or cause to be instituted administrative or judicial
9 proceedings for violation of ordinances in the collection of taxes, fees or
10 charges and for the recovery of funds and property; and cause the City to be
11 defended against all suits to ensure that its interests, resources and rights shall
12 be adequately protected;

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

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

20 (ii) Coordinate the implementation of technical services, including
21 public works and infrastructure programs, rendered by national offices and
22 provincial office; and

23 (5) Perform such other duties and functions and exercise such other
24 powers as provided for under the Local Government Code of 1991, and those
25 that are prescribed by other relevant laws or by ordinance.

26 SEC. 10. *The City Vice Mayor.* – (a) There shall be a city vice mayor
27 who shall be elected in the same manner as the city mayor and shall, at the time
28 of his election, possess the same qualifications as the city mayor. He shall hold

1 office for three years, unless sooner removed, and shall receive a minimum
2 monthly compensation corresponding to Salary Grade Twenty-six (26) as
3 prescribed under the Salary Standardization Law and the implementing
4 guidelines issued pursuant thereto, and such other compensation, emoluments
5 and allowances as may be determined by law.

6 (b) The city vice mayor shall:

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

10 (2) Subject to civil service law, rules and regulations, appoint all
11 officials and employees, including the secretary of the sangguniang
12 panlungsod, except those whose manner of appointment is specially provided
13 for in the Local Government Code of 1991;

14 (3) Assume the office of the city mayor for the unexpired term of the
15 latter in the event of permanent vacancy as provided for in Section 44 of the
16 Local Government Code of 1991;

17 (4) Exercise the powers and perform the duties and functions of the city
18 mayor in case of temporary vacancy; and

19 (5) 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 other relevant laws or by ordinance.

22 ARTICLE IV

23 THE SANGGUNIANG PANLUNGSOD

24 SEC. 11. *The Sangguniang Panlungsod.* – (a) The sangguniang
25 panlungsod, as the legislative body of the City, shall be composed of the city
26 vice mayor as the presiding officer, ten (10) regular sanggunian members, the
27 president of the city chapter of the liga ng mga barangay, the president of the
28 panlungsod na pederasyon ng mga sangguniang kabataan, the sectoral

1 representatives and such other members as may be provided for by law. They
2 shall hold office for three years, unless sooner removed.

3 (b) In addition thereto, there shall be three sectoral representatives: one
4 from the women; and as shall be determined by the sangguniang panlungsod
5 within ninety (90) days prior to the holding of the local elections, one from the
6 agricultural or industrial workers; and one from the other sectors, including the
7 urban poor, the indigenous cultural communities or disabled persons.

8 (c) The regular members of the sangguniang panlungsod, the sectoral
9 representatives and other members as may be allowed by law shall be elected
10 or appointed in the manner as may be provided for by law. The elective
11 members of the sangguniang panlungsod shall possess the same qualifications
12 as that of the city mayor and the city vice mayor except that candidates for the
13 said position must be at least eighteen (18) years of age on election day.

14 (d) They shall receive a minimum monthly compensation
15 corresponding to Salary Grade Twenty-five (25) as prescribed under the Salary
16 Standardization Law and the implementing guidelines issued pursuant thereto,
17 and such other compensation, emoluments and allowances as may be
18 determined by law.

19 (e) The sangguniang panlungsod shall:

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

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

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

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

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

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

17 (vi) Protect the environment. To this end, it shall set aside a reasonable
18 amount from its development funds for the purpose of maintaining and
19 enhancing the ecological balance of the City. It may also impose appropriate
20 penalties for acts which endanger the environment, such as dynamite fishing
21 and other forms of destructive fishing, illegal logging and smuggling of logs,
22 smuggling of natural resources, products and of endangered species of flora
23 and fauna, and other activities which result in pollution, acceleration of
24 eutrophication of rivers and other bodies of water, or of ecological imbalance,
25 the fines for which shall be used exclusively for the advancement of ecological
26 protection;

1 (vii) Subject to the provisions of the Local Government Code of 1991
2 and other pertinent laws, determine the powers and duties of officials and
3 employees of the City;

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

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

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

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

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

26 (xiii) Provide for group insurance or additional insurance coverage for
27 all barangay officials, including members of barangay tanod brigades and other
28 service units, with public or private insurance companies;

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, city-wide growth and
4 progress and the provision of basic services and, relative thereto, the
5 sangguniang panlungsod shall:

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

10 (ii) Subject to the provisions of Book II of the Local Government
11 Code of 1991 and applicable laws and, upon the majority vote of all the
12 members of the sangguniang panlungsod, enact ordinances levying taxes, fees
13 and charges, prescribing the rates thereof for general and specific purposes,
14 and granting tax exemptions, incentives or reliefs;

15 (iii) Subject to the provisions of Book II of the Local Government
16 Code of 1991 and applicable laws and, upon the majority vote of all the
17 members of the sangguniang panlungsod, authorize the city mayor to negotiate
18 and contract loans and other forms of indebtedness. The application for loans
19 or other forms of indebtedness and the terms and conditions thereof shall,
20 before approval, be published in a newspaper of general circulation in the City.
21 Once approved, the contract covering the loans or other forms of indebtedness
22 shall be furnished to any city resident requesting a copy thereof upon payment
23 of reasonable fees;

24 (iv) Subject to the provisions of Book II of the Local Government
25 Code of 1991 and applicable laws and, upon the majority vote of all members
26 of the sangguniang panlungsod, enact ordinances authorizing the floating of
27 bonds or other instruments of indebtedness for the purpose of raising funds to
28 finance development projects. The authorization to float bonds or other

1 instruments of indebtedness shall be published in a newspaper of general
2 circulation in the City. Once approved, the contract covering the floating of
3 bonds or other instruments of indebtedness shall be furnished to any city
4 resident requesting a copy thereof upon payment of reasonable fees;

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

10 (vi) *Prescribe reasonable limits and restraints on the use of property*
11 *within the jurisdiction of the City;*

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

15 (viii) *Reclassify lands within the jurisdiction of the City, subject to*
16 *pertinent provisions of the Local Government Code of 1991;*

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

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

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

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

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

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

15 (xv) Regulate the inspection, weighing and measuring of articles of
16 commerce;

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

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

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

1 (iii) Provide for and set the conditions under which public utilities
2 owned by the City shall be operated by the city government and prescribe the
3 conditions under which the same may be leased to private persons or entities,
4 preferably cooperatives;

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

8 (v) Authorize and license the establishment, operation and
9 maintenance of cockpits and regulate cockfightings and the commercial
10 breeding of gamecocks;

11 (vi) Subject to the guidelines prescribed by the Department of
12 Transportation and Communications (DOTC), regulate the operation of
13 tricycles and grant franchises for the operation thereof within the territorial
14 jurisdiction of the City; and

15 (vii) Upon approval by a majority vote of all the members of the
16 sangguniang panlungsod, grant a franchise to any person, partnership,
17 corporation or cooperative to do business within the City; establish, construct,
18 operate and maintain ferries, wharves, markets or slaughterhouses; or
19 undertake such other activities within the City as may be allowed by existing
20 laws: *Provided*, That cooperatives shall be given preference in the grant of
21 such franchise;

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

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

26 (ii) With the concurrence of a majority of the members of the
27 sangguniang panlungsod constituting a quorum, deny the entry of legalized

1 gambling by ordinance into any part of the City or regulate its location within
2 the City;

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

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

11 (v) Regulate the establishment, operation and maintenance of cafes,
12 restaurants, beerhouses, hotels, motels, inns, pension houses, lodging houses
13 and other similar establishments, including tourist guides and transports;

14 (vi) Regulate the sale, giving away or dispensing of any intoxicating
15 malt, *vino*, mixed or fermented liquors at any retail outlets;

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

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

27 (ix) Provide for the impounding of stray animals; regulate the keeping of
28 animals in homes or as part of a business and the slaughter, sale or disposition

1 of the same; and adopt measures to prevent and penalize cruelty to animals,
2 subject to existing laws, rules and regulations; and

3 (x) Regulate the establishment, operation and maintenance of funeral
4 parlors and the burial or cremation of the dead, subject to existing laws, rules
5 and regulations;

6 (5) Approve ordinances which shall ensure the efficient and effective
7 delivery of basic services and facilities as provided for under the Local
8 Government Code of 1991 and, in addition to said services and facilities, shall:

9 (i) Provide for the establishment, maintenance, protection and
10 conservation of communal forests and watersheds, tree parks, greenbelts,
11 mangroves and other similar forest development projects;

12 (ii) Establish markets, slaughterhouses or animal corrals and authorize
13 the operation thereof by the city government; and regulate the construction and
14 operation of private markets, talipapas or other similar buildings and
15 structures;

16 (iii) Authorize the establishment, maintenance and operation by the
17 city government of ferries, wharves and other structures intended to accelerate
18 productivity related to marine and seashore or offshore activities;

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

22 (v) Regulate the use of streets, avenues, alleys, sidewalks, bridges,
23 parks and other public places, and approve the construction, improvement,
24 repair and maintenance of the same; establish bus and vehicle stops and
25 terminals, or regulate the use of the same by privately-owned vehicles which
26 serve the public; regulate garages and the operation of conveyances for hire;
27 designate stands to be occupied by public vehicles when not in use; regulate

1 the putting up of signs, signposts, awnings and awning posts on the streets; and
2 provide for the lighting, cleaning and sprinkling of streets and public places;

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

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

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

26 (ix) Regulate the placing, stringing, attaching, installing, repair and
27 construction of all gas mains, electric, telegraph and telephone wires, conduits,
28 meters and other apparatus; and provide for the correction, condemnation or

1 removal of the same when found to be dangerous, defective or otherwise
2 hazardous to the welfare of the inhabitants;

3 (x) Subject to the availability of funds and the existing laws, rules and
4 regulations, establish or maintain and/or provide for the operation of a city
5 college, vocational and technical schools and similar post-secondary
6 institutions and, with the approval of the Department of Education (DepEd),
7 the Commission on Higher Education or the Technical Education and Skills
8 Development Authority, as the case may be, and subject to existing laws on
9 tuition fees, fix and collect reasonable tuition fees and other school charges in
10 educational institutions supported by the city government;

11 (xi) Ensure the physical maintenance of educational institutions under
12 the operational control of the City and the provision of books and other capital
13 equipment for the same;

14 (xii) Establish a scholarship fund for the poor but deserving students in
15 schools located within its jurisdiction or for students residing within the City;

16 (xiii) Approve measures and adopt quarantine regulations to prevent
17 the introduction and the spread of diseases;

18 (xiv) Provide for an efficient and effective system of solid waste and
19 garbage collection and prohibit littering and the placing or throwing of
20 garbage, refuse and other filth and wastes; and, for this purpose, provide for
21 incentive schemes for industries engaged in the recycling of waste and
22 garbage;

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

1 (xvi) Establish and provide for the maintenance and improvement of
2 jails and detention centers, institute a sound jail management program,
3 including a continuing education and training program for jail personnel
4 assigned or detailed in jails and detention centers within the jurisdiction of the
5 City, and the provision of separate detention centers for women and minors;

6 (xvii) Establish a city council whose purpose is the promotion of culture
7 and the arts, coordinate with government agencies and nongovernmental
8 organizations and, subject to the availability of funds, appropriate funds for the
9 support and development of the same;

10 (xviii) Establish a city council for the elderly which shall formulate
11 policies and adopt measures mutually beneficial to the elderly and to the
12 community; provide incentives for nongovernmental agencies and entities and,
13 subject to the availability of funds, appropriate funds to support programs and
14 projects for the benefit of the elderly; and

15 (xix) Perform for a social housing fund for the provision of housing for
16 the poor and, for this purpose, may allocate a reasonable amount annually for
17 the acquisition of land and development of the same; and

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

21 ARTICLE V

22 PROCESS OF LEGISLATION

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

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

27 (1) The organization of the sanggunian and the election of its officers
28 as well as the creation of standing committees which shall include, but shall not

1 be limited to, the committees on appropriations, women and family, human
2 rights, youth and sports development, environmental protection and
3 cooperatives; the general jurisdiction of each committee; and the election of
4 the chairman and the members of each committee;

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

6 (3) The legislative process;

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

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

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

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

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

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

3 In the *absence* of specific constitutional or statutory provisions
4 applicable to this situation, “conflict of interest” *refers in general* to one where
5 it may be reasonably deduced that a member of a sanggunian may not act in the
6 public interest due to *some private*, pecuniary or other personal considerations
7 that may tend to affect his judgment to the prejudice of the service or the
8 public.

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

13 (1) Disclosure shall be made before the member participates in the
14 deliberations on the ordinance or resolution under consideration: *Provided,*
15 That if the member did not participate during the deliberations, the disclosure
16 shall be made before voting on the ordinance or resolution on second and third
17 readings; and

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

21 SEC. 14. *Sessions.* – (a) On the first day of the session immediately
22 following the election of its members, the sangguniang panlungsod shall, by
23 resolution, fix the day, time and place of its sessions. The minimum number of
24 regular sessions shall be once a week.

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

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

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

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

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

10 (e) The sanggunian shall keep a journal and a record of its proceedings
11 which may be published upon a resolution of the sangguniang panlungsod.

12 SEC. 15. *Quorum.* – (a) A majority of all the members of the sanggunian
13 who have been elected and qualified shall constitute a quorum to transact
14 official business. Should a question of quorum be raised during a session, the
15 presiding officer shall immediately proceed to call the roll of the members and
16 thereafter announce the result.

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

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

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

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

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

15 (b) The city mayor shall have the power to veto any particular item or
16 items of an appropriations ordinance, an ordinance or resolution adopting a
17 local development plan, any public investment program or an ordinance
18 directing the payment of money or creating liability. In such case, the vetoed
19 item or items shall not take effect unless the sangguniang panlungsod overrides
20 the veto in the manner herein provided; otherwise, the item or items in the
21 appropriations ordinance of the previous year corresponding to those vetoed, if
22 any, shall be deemed enacted.

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

27 SEC. 18. *Review of Barangay Ordinances by the Sangguniang*
28 *Panlungsod.* – (a) Within ten (10) days after their enactment, the sangguniang

1 barangay shall furnish copies of all barangay ordinances to the sangguniang
2 panlungsod for review as to whether the ordinances are consistent with law and
3 city or municipal ordinances.

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

7 (c) If the sangguniang panlungsod finds the barangay ordinances
8 inconsistent with law or city ordinances, the sangguniang panlungsod shall,
9 within thirty (30) days from receipt thereof, return the same with its comments
10 and recommendations to the sangguniang barangay concerned for adjustment,
11 amendment or modification, in which case, the effectivity of the barangay
12 ordinance is suspended until such time as the revision called for is effected.

13 *SEC. 19. Enforcement of Disapproved Ordinances or Resolutions.* - Any
14 attempt to enforce any ordinance or any resolution approving the local
15 development plan and the public investment program after disapproval thereof
16 shall be sufficient ground for the suspension or dismissal of the official or
17 employee concerned.

18 *SEC. 20. Effectivity of Ordinances or Resolutions.* - (a) Unless
19 otherwise stated in the ordinance or the resolution approving the local
20 development plan and the public investment program, the same shall take
21 effect after ten (10) days from the date a copy thereof is posted in a bulletin
22 board at the entrance of the city hall of Bayugan and in at least two other
23 conspicuous places in the City of Bayugan.

24 (b) The secretary of the sangguniang panlungsod shall cause the
25 posting of an ordinance or a resolution in the bulletin board at the entrance of
26 the city hall and in at least two conspicuous places in the City of Bayugan not
27 later than five days after approval thereof. The text of the ordinance or the
28 resolution shall be disseminated and posted in Filipino or English and in the

1 language or dialect understood by majority of the people in the City, and the
2 secretary of the sangguniang panlungsod shall record such fact in a book kept
3 for the purpose, stating the dates of approval and posting.

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

10 ARTICLE VI

11 DISQUALIFICATION AND SUCCESSION OF ELECTIVE CITY OFFICIALS

12 SEC. 21. *Disqualifications of Elective Public City Officials* – The
13 following persons are disqualified from running for any elective position in the
14 City:

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

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

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

21 (d) *Those with dual citizenship*;

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

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

27 (g) The insane or feeble-minded.

1 SEC. 22. *Permanent Vacancy in the Offices of the City Mayor and the*
2 *City Vice Mayor.* – (a) If a permanent vacancy occurs in the office of the city
3 mayor, the city vice mayor concerned shall become the city mayor. If a
4 permanent vacancy occurs in the office of the city vice mayor, the highest
5 ranking sangguniang panlungsod member or in case of his permanent
6 incapacity, the second highest ranking sangguniang panlungsod member shall
7 become the city vice mayor, as the case may be. Subsequent vacancies in the
8 said offices shall be filled in automatically by the other sanggunian members
9 according to their ranking as defined herein.

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

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

14 For purposes of this Act, a permanent vacancy arises when an elective
15 local official fills in a higher vacant office, refuses to assume office, fails to
16 qualify, dies, is removed from office, voluntarily resigns or is otherwise
17 permanently incapacitated to discharge the functions of his office.

18 For purposes of succession as provided for in this Act, ranking in the
19 sanggunian shall be determined on the basis of the proportion of votes obtained
20 by each winning candidate to the total number of registered voters in the City
21 in the immediately preceding local election.

22 SEC. 23. *Permanent Vacancies in the Sangguniang Panlungsod.* –
23 Permanent vacancies in the sangguniang panlungsod where automatic
24 succession as provided above does not apply shall be filled by appointments in
25 the following manner:

26 (a) The provincial governor shall make the aforesaid appointments;

27 (b) Only the nominee of the political party under which the sanggunian
28 member concerned had been elected shall be appointed in the manner herein

1 provided. The appointee shall come from the same political party as that of the
2 sanggunian member who caused the vacancy and shall serve the unexpired
3 term of the vacant office.

4 In the appointment herein mentioned, a nomination and a certificate of
5 membership of the appointee from the highest official of the political party
6 concerned are conditions *sine qua non*, and any appointment without such
7 nomination and certification shall be null and void *ab initio* and shall be a
8 ground for administrative action against the official responsible therefor;

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

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

16 SEC. 24. *Temporary Vacancy in the Office of the City Mayor.* – (a)
17 When the city mayor is temporarily incapacitated to perform his duties for
18 physical or legal reasons such as, but not limited to, leave of absence, travel
19 abroad and suspension from office, the city vice mayor shall automatically
20 exercise the powers and perform the duties and functions of the city mayor,
21 except the power to appoint, suspend or dismiss employees which can only be
22 exercised if the period of temporary incapacity exceeds thirty (30) working
23 days.

24 (b) Said temporary incapacity shall terminate upon submission to the
25 sangguniang panlungsod of a written declaration by the city mayor that he has
26 reported back to office. In case where the temporary incapacity is due to legal
27 cause, the city mayor shall also submit necessary documents showing that the
28 said legal cause no longer exists.

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

7 (d) In the event, however, that the city mayor fails or refuses to issue
8 such authorization, the city vice mayor or the highest ranking sangguniang
9 panlungsod member, as the case may be, shall have the right to assume the
10 powers, duties and functions of the said office on the fourth (4th) day of
11 absence of the city mayor, subject to the limitations provided for in subsection
12 (c) hereof.

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

17 ARTICLE VII

18 THE APPOINTIVE OFFICIALS OF THE CITY:

19 THEIR QUALIFICATIONS, POWERS AND DUTIES

20 SEC. 25. *The Secretary to the Sangguniang Panlungsod.* – (a) There
21 shall be a secretary to the sangguniang panlungsod who shall be a career
22 official with the rank and salary equal to a head of a department or office, who
23 shall be appointed by the city mayor with the concurrence of the majority of all
24 sangguniang panlungsod members, subject to civil service law, rules and
25 regulations.

26 (b) No person shall be appointed secretary to the sangguniang
27 panlungsod unless he is a citizen of the Philippines, a resident of the City, of
28 good moral character, a holder of a master's degree preferably in law,

1 commerce or public administration from a recognized college or university and
2 a first grade civil service eligible or its equivalent.

3 (c) The secretary of the sangguniang panlungsod shall receive such
4 compensation, emoluments and allowances as may be determined by law.

5 (d) The secretary to the sanggunian shall take charge of the office of
6 the sangguniang panlungsod and shall:

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

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

12 (3) Forward to the city mayor for approval copies of ordinances
13 enacted by the sangguniang panlungsod, duly certified by the presiding officer;

14 (4) Forward to the sangguniang panlalawigan copies of duly approved
15 ordinances in the manner provided for in Sections 56 and 57 under Book I of
16 the Local Government Code of 1991;

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

20 (6) Record in a book kept for the purpose all ordinances and
21 resolutions enacted or adopted by the sangguniang panlungsod, with the dates
22 of passage and publication thereof;

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

25 (8) Translate into the dialect used by the majority of the inhabitants all
26 ordinances and resolutions immediately after their approval and cause the
27 publication of the same together with the original version in the manner
28 provided for under the Local Government Code of 1991;

1 (9) Take custody of the local archives and, where applicable, the local
2 library and annually account for the same; and

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

6 SEC. 26. *The City Treasurer.* – (a) The city treasurer shall be
7 appointed by the Secretary of Finance from a list of at least three ranking
8 eligible recommendees of the city mayor, subject to civil service law, rules and
9 regulations.

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

13 (c) No person shall be appointed city treasurer unless he is a citizen of
14 the Philippines, a resident of the City; of good moral character, a holder of a
15 college degree preferably in commerce, public administration or law from a
16 recognized college or university and a first grade civil service eligible or its
17 equivalent. He must have acquired experience in treasury or accounting service
18 for at least five years.

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

21 (e) The city treasurer shall take charge of the city treasury office and
22 shall:

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

26 (2) Take custody and exercise proper management of the funds of the
27 City;

1 (3) Take charge of the disbursement of all funds of the City and other
2 funds, the custody of which may be entrusted to him by law or other competent
3 authority;

4 (4) Inspect private commercial and industrial establishments within the
5 jurisdiction of the City in relation to the implementation of tax ordinances,
6 pursuant to the provisions of the Local Government Code of 1991;

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

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

11 SEC. 27. *The Assistant City Treasurer.* – (a) The assistant city
12 treasurer may be appointed by the Secretary of Finance from a list of at least
13 three ranking eligible recommendees of the city mayor, subject to civil service
14 law, rules and regulations.

15 (b) No person shall be appointed assistant city treasurer unless he is a
16 citizen of the Philippines, a resident of the City, of good moral character, a
17 holder of a college degree preferably in commerce, public administration or
18 law from a recognized college or university and a first grade civil service
19 eligible or its equivalent. He must have acquired at least three years experience
20 in treasury or accounting.

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

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

1 SEC. 28. *The City Assessor.* – (a) The city assessor must be a citizen
2 of the Philippines, a resident of the City, of good moral character, a holder of a
3 college degree preferably in civil or mechanical engineering, commerce or any
4 other related course from a recognized college or university and a first grade
5 civil service eligible or its equivalent. He must have acquired experience in
6 real property assessment work or in any related field for at least five years
7 immediately preceding the date of his appointment.

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

10 (c) The city assessor shall take charge of the city assessor's office and
11 shall:

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

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

17 (3) Establish a systematic method of real property assessment;

18 (4) Install and maintain real property identification and accounting
19 systems;

20 (5) Prepare, install and maintain a system of tax mapping, showing
21 graphically all properties subject to assessment and gather all data concerning
22 the same;

23 (6) Conduct frequent physical surveys to verify and determine
24 whether all real properties within the City are properly listed in the assessment
25 rolls;

26 (7) Exercise the functions of appraisal and assessments primarily for
27 taxation purposes of all real properties in the City;

1 (8) Prepare a schedule of the fair market value of the different classes
2 of real properties in accordance with the provisions of the Local Government
3 Code of 1991;

4 (9) Issue, upon the request of any interested party, certified copies of
5 assessment upon payment of a service charge or fee to the city treasurer;

6 (10) Submit every semester a report of all assessments as well as
7 cancellation and modification of assessment to the city mayor and the
8 sangguniang panlungsod; and

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

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

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

21 (c) The assistant city assessor shall assist the city assessor and
22 perform such other duties as the latter may assign to him. He shall have the
23 authority to administer oaths on all declarations of real property for purposes
24 of assessment.

25 SEC. 30. *The City Accountant.* – (a) The city accountant must be a
26 citizen of the Philippines, a resident of the City, of good moral character and a
27 certified public accountant. He must have acquired experience in the treasury

1 or accounting service for at least five years immediately preceding the date of
2 his appointment.

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

5 (c) The city accountant shall take charge of both the office of the
6 accounting and internal audit services and shall:

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

8 (2) Prepare and submit financial statements to the city mayor and to
9 the sangguniang panlungsod;

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

12 (4) Certify to the availability of budgetary allotment from which
13 expenditures and obligations may be properly charged,

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

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

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

20 (8) Post individual disbursements to the subsidiary ledgers and index
21 cards;

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

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

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

1 (12) Prepare journals and the analyses of obligations and maintain and
2 keep all records and reports related thereto; and

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

6 SEC. 31. *The Assistant City Accountant.* – (a) The assistant city
7 accountant must be a citizen of the Philippines, a resident of the City, of good
8 moral character and a certified public accountant. He must have acquired
9 experience in assessment or in any related field for at least three years
10 immediately preceding the date of his appointment.

11 (b) The assistant city accountant shall assist the city accountant and
12 perform such other duties as the latter may assign to him.

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

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

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

24 (c) The city budget officer shall take charge of the city budget office
25 and shall:

26 (1) Prepare forms, orders and circulars embodying instructions on
27 budgetary and appropriations 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 proposed legislation
4 and submit comments and recommendations thereon;

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

7 (5) Submit periodic budgetary reports to the Department of Budget and
8 Management;

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

11 (7) Assist the sangguniang panlungsod in reviewing the approved
12 budgets of component barangays;

13 (8) Coordinate with the city planning and development officer in the
14 formulation of the development plan of the City; and

15 (9) Perform such other duties and functions and exercise such other
16 powers as provided for under the Local Government Code of 1991, and those
17 that are prescribed by law or 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 good moral character, a holder of a college degree
21 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 immediately preceding the date of his appointment.

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 and development officer shall take charge of the
2 city 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 implementations;

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 the consideration of the finance
16 committee of the City as provided for under the *Local Government Code of*
17 *1991*;

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

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

22 (9) Perform such other duties and functions and exercise such other
23 powers as provided for under the *Local Government Code of 1991*, and those
24 that are prescribed by law or 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 good moral character and a
27 licensed civil engineer. He must have acquired experience in the practice of his

1 profession for at least five years immediately preceding the date of his
2 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 the Local Government Code of 1991, and those
20 that are prescribed by law or ordinance.

21 SEC. 35. *The Assistant City Engineer.* – (a) The assistant city engineer
22 must be a citizen of the Philippines, a resident of the City, of good moral
23 character, a holder of a college degree preferably in civil or mechanical
24 engineering, commerce or any related course from a recognized college or
25 university and a first grade civil service eligible or its equivalent. He must have
26 acquired experience in assessment or in any related field for at least three years
27 immediately preceding the date of his appointment.

1 (b) The assistant city engineer shall assist the city engineer and
2 perform such other duties as the latter may assign to him.

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

5 *SEC. 36. The City Health Officer.* – (a) The city health officer must be
6 a citizen of the Philippines, a resident of the City, of good moral character and
7 a licensed medical practitioner. He must have acquired experience in the
8 practice of his profession for at least five years immediately preceding the date
9 of his appointment.

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

12 (c) The city health officer shall take charge of the office of the city
13 health services and shall:

14 (1) Supervise the personnel and staff of the said office, formulate
15 program implementation guidelines and rules and regulations for the operation
16 of the said office for the approval of the city mayor in order to assist him in the
17 efficient, effective and economical implementation of health services programs
18 geared to implement health-related projects and activities;

19 (2) Formulate measures for the consideration of the sangguniang
20 panlungsod and provide technical assistance and support to the city mayor in
21 carrying out activities to ensure the delivery of basic services and the provision
22 of adequate facilities relative to health services as provided for under Section
23 17 of the Local Government Code of 1991;

24 (3) Develop plans and strategies and, upon approval thereof by the
25 city mayor, implement the same, particularly those which have to do with
26 health programs and projects which the city mayor is empowered to implement
27 and which the sangguniang panlungsod is empowered to provide for under the
28 Local Government Code of 1991;

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

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

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

7 (iii) Execute and enforce all laws, ordinances and regulations relating
8 to health;

9 (iv) Recommend to the sangguniang panlungsod, through the local
10 health board, the passage of such ordinance as he may deem necessary for the
11 preservation of public health;

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

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

17 (vii) Conduct health information campaigns and render health
18 intelligence services; and

19 (viii) Coordinate with other government agencies and nongovernment
20 organizations involved in the promotion and delivery of health services;

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

24 (6) 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.

27 SEC. 37. *The Assistant City Health Officer.* – (a) The assistant city
28 health officer must be a citizen of the Philippines, a resident of the City, of

1 good moral character and a licensed medical practitioner. He must have
2 acquired experience in the practice of his profession or in any related field for
3 at least three years immediately preceding the date of his appointment.

4 (b) The assistant city health officer shall assist the city health officer
5 and perform such other duties as the latter may assign to him.

6 (c) The assistant city health officer shall receive a minimum monthly
7 compensation equivalent to Salary Grade Twenty-four (24) as prescribed under
8 the Salary Standardization Law and the implementing guidelines issued
9 pursuant thereto, and such other compensation, emoluments and allowances as
10 may be determined by law.

11 SEC. 38. *The City Civil Registrar.* – (a) The city civil registrar must be
12 a citizen of the Philippines, a resident of the City, of good moral character, a
13 holder of a college degree from a recognized college or university and a first
14 grade civil service eligible or its equivalent. He must have acquired experience
15 in civil registry work for at least five years immediately preceding the date of
16 his appointment.

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

19 (c) The city civil registrar shall be responsible for the civil registration
20 program in the City of Bayugan pursuant to the Civil Registry Law, the Civil
21 Code and other pertinent laws, rules and regulations issued to implement them.

22 (d) The city civil registrar shall take charge of the office of the city
23 civil registry and shall:

24 (1) *Develop plans and strategies and, upon approval thereof by the*
25 *city mayor, implement the same, particularly those which have to do with the*
26 *management and administration-related programs and projects which the city*
27 *mayor is empowered to implement and which the sangguniang panlungsod is*
28 *empowered to provide for under the Local Government Code of 1991;*

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

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

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

7 (iii) Transcribe and enter immediately upon receipt, all registrable
8 documents and judicial decrees affecting the civil status of persons in the
9 appropriate civil registry books;

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

12 (v) Issue certified transcript or copies of any certificate or registered
13 document upon payment of the required fees to the treasurer;

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

18 (vii) Coordinate with the National Statistics Office in conducting
19 educational campaigns for vital registration and assist in the preparation of
20 demographic and other statistics for the City of Bayugan; and

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

24 SEC. 39. *The Assistant City Civil Registrar* – (a) The assistant city
25 civil registrar must be a citizen of the Philippines, a resident of the City, of
26 good moral character and a holder of a college degree from a recognized
27 college or university and a first grade civil service eligible or its equivalent. He

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

3 (b) The assistant city civil registrar shall assist the city civil registrar
4 and perform such other duties as the latter may assign to him.

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

7 SEC. 40. *The City Administrator.* – (a) The city administrator must be
8 a citizen of the Philippines, a resident of the City, of good moral character, a
9 holder of a college degree preferably in public administration, law or any other
10 related course from a recognized college or university and a first grade civil
11 service eligible or its equivalent. He must have acquired experience in
12 management and administrative work for at least five years immediately
13 preceding the date of his appointment.

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

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

18 (d) The city administrator shall take charge of the city administrator's
19 office and shall:

20 (1) Develop plans and strategies and, upon approval thereof by the
21 city mayor, implement the same, particularly those which have to do with the
22 management and administration-related programs and projects which the city
23 mayor is empowered to implement and which the sangguniang panlungsod is
24 empowered to provide for under the Local Government Code of 1991;

25 (2) In addition to the foregoing duties and functions, the city
26 administrator shall assist in the coordination of the work of all the officials of
27 the City under the supervision, direction and control of the city mayor and, for

1 this purpose, he may convene the chiefs of offices and other officials of the
2 City;

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

6 (4) Recommend to the sangguniang panlungsod and advise the city
7 mayor on all matters relative to the management and administration of the City;
8 and

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

12 SEC. 41. *The City Legal Officer.* – (a) *The city legal officer must be a*
13 *citizen of the Philippines, a resident of the City, of good moral character and a*
14 *member of the Philippine Bar. He must have practiced his profession for at*
15 *least five years immediately preceding the date of his appointment.*

16 (b) *The term of the city legal officer shall be coterminous with that of*
17 *his appointing authority.*

18 (c) *The city legal officer shall receive such compensation,*
19 *emoluments and allowances as may be determined by law.*

20 (d) *The city legal officer, the chief legal counsel of the City, shall take*
21 *charge of the office of the city legal service and shall:*

22 (1) *Formulate measures for the consideration of the sangguniang*
23 *panlungsod and provide legal assistance and support to the city mayor in*
24 *carrying out the delivery of basic services and the provision of adequate*
25 *facilities;*

26 (2) *Develop plans and strategies and, upon approval thereof by the*
27 *city mayor, implement the same, particularly those which have to do with*
28 *programs and projects related to legal services which the city mayor is*

1 empowered to implement and which the sangguniang panlungsod is
2 empowered to provide for under the Local Government Code of 1991;

3 (3) In addition to the foregoing duties and functions, the city legal
4 officer shall:

5 (i) Represent the City in all civil actions and special proceedings
6 wherein the City or any official thereof, in his official capacity, is a party:
7 *Provided*, That in actions or proceedings where the City is a party adverse to
8 the provincial government or to another component city or municipality, a
9 special legal officer may be employed to represent the adverse party;

10 (ii) When required by the city mayor or sanggunian, draft ordinances,
11 contracts, bonds, leases and other instruments involving any instruments
12 already drawn;

13 (iii) Render his opinion in writing on any question of law when
14 requested to do so by the city mayor or sanggunian;

15 (iv) Investigate or cause to be investigated any local official or
16 employee for administrative neglect or misconduct in office and recommend
17 the appropriate action to the city mayor or sanggunian, as the case may be;

18 (v) Investigate or cause to be investigated any person, firm or
19 corporation holding any franchise or exercising any public privilege for failure
20 to comply with any term or condition in the grant of such franchise or
21 privilege, and recommending appropriate action to the city mayor or
22 sangguniang panlungsod, as the case may be;

23 (vi) When directed by the city mayor or sanggunian, initiate and
24 prosecute, in the interest of the City, any civil action on any bond, lease or
25 other contract upon any breach or violation thereof; and

26 (vii) Review and submit recommendations on ordinances approved and
27 executive orders issued by component units;

1 (4) Recommend measures to the sangguniang panlungsod and advise
2 the city mayor on all matters related to upholding the rule of law;

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

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

9 SEC. 42. *The City Social Welfare and Development Officer.* -- (a) The
10 city social welfare and development officer must be a citizen of the
11 Philippines, a resident of the City, of good moral character, a duly licensed
12 social worker or a holder of a college degree preferably in sociology or any
13 other related course from a recognized college or university and a first grade
14 civil service eligible or its equivalent. He must have acquired experience in the
15 practice of social work for at least five years immediately preceding the date of
16 his appointment.

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

19 (c) The city social welfare and development officer shall take charge
20 of the office of the social welfare and development and shall;

21 (1) Formulate measures for the approval of the sangguniang
22 panlungsod and provide technical assistance and support to the city mayor in
23 carrying out measures to ensure the delivery of basic services and the provision
24 of adequate facilities relative to social welfare and development services;

25 (2) Develop plans and strategies and, upon approval thereof by the
26 city mayor, implement the same, particularly those which have to do with
27 social welfare programs and projects which the city mayor is empowered to

1 implement and which the sangguniang panlungsod is empowered to provide for
2 under the Local Government Code of 1991;

3 (3) In addition to the foregoing duties and functions, the city social
4 welfare and development officer shall:

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

8 (ii) Provide relief and appropriate crisis intervention for victims of
9 abuse and exploitation and recommend appropriate measures to deter further
10 abuse and exploitation;

11 (iii) Assist the city mayor in implementing the barangay level program
12 for the total development and protection of children up to six years of age;

13 (iv) Facilitate the implementation of welfare programs for the
14 differently-abled, the elderly and victims of drug addiction; the rehabilitation
15 of prisoners and parolees; the prevention of juvenile delinquency; and such
16 other activities which would eliminate or minimize the ill-effects of poverty;

17 (v) Initiate and support youth welfare programs that will enhance the
18 role of the youth in nation-building; and

19 (vi) Coordinate with government agencies and nongovernmental
20 organizations which have, for their purpose, the promotion and protection of
21 all needy, disadvantaged, underprivileged or impoverished groups or
22 individuals, particularly those identified to be vulnerable and high-risk to
23 exploitation, abuse and neglect;

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

27 (5) Recommend to the sangguniang panlungsod and advise the city
28 mayor on all other matters related to social welfare and development services

1 which will improve the livelihood and the living conditions of the inhabitants;
2 and

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

6 SEC. 43. *The City Veterinarian.* - (a) The city veterinarian must be a
7 citizen of the Philippines, a resident of the City, of good moral character and a
8 licensed doctor of veterinary medicine. He must have practiced his profession
9 for at least three years immediately preceding the date of his appointment.

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

12 (c) The city veterinarian shall take charge of the office of veterinary
13 services and shall:

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

18 (2) Develop plans and strategies and, upon approval thereof by the city
19 mayor, implement the same, particularly those which have to do with
20 veterinary-related activities which the city mayor is empowered to implement
21 and which the sangguniang panlungsod is empowered to provide for under the
22 *Local Government Code of 1991*;

23 (3) In addition to the foregoing duties and functions, the city
24 veterinarian shall:

25 (i) Advise the city mayor on all matters pertaining to the slaughter of
26 animals for human consumption and the regulation of slaughterhouses;

27 (ii) Regulate the keeping of domestic animals;

1 (iii) Regulate and inspect poultry, milk and dairy products for public
2 consumption;

3 (iv) Enforce all laws and regulations for the prevention of cruelty to
4 animals; and

5 (v) Take the necessary measures to eradicate, prevent or cure all
6 forms of animal diseases;

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

12 (5) Recommend to the sangguniang panlungsod and advise the city
13 mayor on all matters relative to veterinary services which will increase the
14 number and improve the quality of livestock, poultry and other domestic
15 animals used for work or human consumption; and

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

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

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

1 (c) The city general services officer shall take charge of the office of
2 the general services 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 provision
6 of adequate facilities which require general services expertise and technical
7 support services;

8 (2) Develop plans and strategies and, upon approval thereof by the
9 city mayor, implement the same, particularly those which have to do with the
10 general services supportive of the welfare of the inhabitants of the City which
11 the city mayor is empowered to implement and which the sangguniang
12 panlungsod is empowered to provide for under the Local Government Code of
13 1991;

14 (3) In addition to the foregoing duties and functions, the city general
15 services officer shall:

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

19 (ii) With the approval of the city mayor, assign building or land space
20 to local officials or other public officials who, by law, are entitled to space;

21 (iii) Recommend to the city mayor the reasonable rental rates for local
22 government properties, whether real or personal, which will be leased to public
23 or private entities, owned by the City;

24 (iv) Recommend to the city mayor reasonable rental rates for private
25 properties which may be leased for the official use of the City;

26 (v) Maintain and supervise janitorial, security, landscaping and other
27 related services in all local government public buildings and other real
28 property, whether owned or leased by the City;

1 (vi) Collate and disseminate information regarding prices, shipping and
2 other costs of supplies and other items commonly used by the City;

3 (vii) Perform archival and record management with respect to records
4 of offices and developments of the City; and

5 (viii) Perform all other functions pertaining to supply and property
6 management and enforce policies on records creation, maintenance and
7 disposal;

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

12 (5) Recommend to the sangguniang panlungsod and advise the city
13 mayor on all matters relative to general services; and

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

17 SEC. 45. *The City Environment and Natural Resources Officer.* - (a)
18 The city environment and natural resources officer must be a citizen of the
19 Philippines, a resident of the City, of good moral character, a holder of a
20 college degree preferably in environment, forestry, agriculture or any other
21 related course from a recognized college or university and a first grade civil
22 service eligible or its equivalent. He must have acquired experience in
23 environment and natural resources management, conservation and utilization
24 work for at least five years immediately preceding the date of his appointment.

25 (b) The city environment and natural resources officer shall receive a
26 minimum monthly compensation equivalent to Salary Grade Twenty-six (26)
27 as prescribed under the Salary Standardization Law and the implementing

1 guidelines issued pursuant thereto, and such compensation, emoluments and
2 allowances as may be determined by law.

3 (c) The city environment and natural resources officer shall take charge
4 of the office of the environment and natural resources and shall:

5 (1) Formulate measures for the consideration of the sangguniang
6 panlungsod and provide assistance and support to the city mayor in carrying
7 out measures to ensure the delivery of basic services and the provision of
8 adequate facilities relative to environment and natural resources services as
9 provided for under Section 17 of the Local Government Code of 1991;

10 (2) Develop plans and strategies and, upon approval thereof by the city
11 mayor, implement the same, particularly those which have to do with the
12 environment and natural resources programs and projects which the city mayor
13 is empowered to implement and which the sangguniang panlungsod is
14 empowered to provide for under the Local Government Code of 1991;

15 (3) In addition to the foregoing duties and functions, the city
16 environment and natural resources officer shall:

17 (i) Establish, maintain, protect and preserve communal forests,
18 watersheds, tree parks, mangroves, greenbelts, commercial forests and similar
19 forest projects, like industrial tree farms and agro-forestry projects;

20 (ii) Provide extension service to beneficiaries of forest development
21 projects and render assistance for natural resources-related conservation and
22 utilization activities consistent with ecological balance;

23 (iii) Manage and maintain seedbanks and produce seedlings for forest
24 and tree parks;

25 (iv) Promote the small-scale mining and utilization of mineral
26 resources, particularly the mining of gold; and

27 (v) Coordinate with government agencies and nongovernmental
28 organizations in the implementation of measures to prevent and control land,

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

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

7 (5) Recommend to the sangguniang panlungsod and advise the city
8 mayor on all matters relative to the protection, conservation, maximum
9 utilization, application of appropriate technology and other matters related to
10 the environment and natural resources; and

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

14 . SEC. 46. *The City Architect.* – (a) The city architect must be a citizen
15 of the Philippines, a resident of the City, of good moral character and a duly
16 licensed architect. He must have practiced his profession for at least five years
17 immediately preceding the date of his appointment.

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

20 (c) The city architect shall take charge of the office of the architectural
21 planning and design and shall:

22 (1) Formulate measures for the consideration of the sangguniang
23 panlungsod and provide technical assistance and support to the city mayor in
24 carrying out measures to ensure the delivery of basic services and the provision
25 of adequate facilities relative to architectural planning and design;

26 (2) Develop plans and strategies and, upon approval thereof by the city
27 mayor, implement the same, particularly those which have to do with the
28 architectural planning and design programs and projects which the city mayor

1 is empowered to implement and which the sangguniang panlungsod is
2 empowered to provide for under the Local Government Code of 1991;

3 (3) In addition to the foregoing duties and functions, the city architect
4 shall:

5 (i) Prepare and recommend, for consideration of the sanggunian, the
6 architectural plan and design for the City or a part thereof, including the
7 renewal of slums and blighted areas, land reclamation activities, the greening
8 of land and the appropriate planning of marine and foreshore areas;

9 (ii) Review and recommend, for appropriate action of the sanggunian
10 or the mayor as the case may be, the architectural plans and designs submitted
11 by governmental and nongovernmental entities or individuals particularly those
12 for undeveloped, underdeveloped and poorly-designed areas; and

13 (iii) Coordinate with government, nongovernment entities and
14 individuals involved in the aesthetics and the maximum utilization of the land
15 and water within the jurisdiction of the City, compatible with environmental
16 integrity and ecological balance;

17 (4) Be in the frontline of the delivery of services involving the
18 architectural planning and design, particularly those related to the redesigning
19 of spatial distribution of basic facilities and physical structures during and in
20 the aftermath of man-made and natural disasters or calamities;

21 (5) Recommend to the sangguniang panlungsod and advise the city
22 mayor on all matters relative to architectural planning and design as it relates
23 to the total socioeconomic development of the City; and

24 (6) 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.

27 SEC. 47 *The City Information Officer.* – (a) The city information
28 officer must be a citizen of the Philippines, a resident of the City, of good

1 moral character, a holder of a college degree preferably in journalism or mass
2 communications or any related course from a recognized college or university
3 and a first grade civil service eligible or its equivalent. He must have acquired
4 experience in writing articles and research papers or writing for print,
5 television, broadcast and other forms of mass media for at least five years
6 immediately preceding the date of his appointment.

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

9 (c) The city information officer shall take charge of the office on public
10 information and shall:

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

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 public
18 information and research data to support programs and projects which the city
19 mayor is empowered to implement and which the sangguniang panlungsod is
20 empowered to provide for under the Local Government Code of 1991;

21 (3) In addition to the foregoing duties and functions, the city
22 information officer shall:

23 (i) Provide relevant, adequate and timely information to the City and
24 its residents;

25 (ii) Furnish information and data on the City to government agencies
26 or offices as may be required by law or ordinance and nongovernmental
27 organizations to be furnished to said agencies and organization; and

1 (iii) Maintain effective liaison with the various sectors of the
2 community on matters and issues that affect the livelihood and the quality of
3 life of the inhabitants and encourage support for programs of the local and
4 national governments;

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

9 (5) Recommend to the sangguniang panlungsod and advise the city
10 mayor on all matters relative to public information and research data as it
11 relates to the total socioeconomic development of the City; and

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

15 SEC. 48. *The City Cooperatives Officer.* – (a) The city cooperatives
16 officer must be a citizen of the Philippines, a resident of the City, of good
17 moral character, a holder of a college degree preferably in business
18 administration with special training on cooperatives or any related course from
19 a recognized college or university and a first grade civil service eligible or its
20 equivalent. He must have acquired experience in cooperatives development for
21 at least five years immediately preceding the date of his appointment.

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

24 (c) The city cooperatives officer shall take charge of the office for the
25 development of cooperatives and shall:

26 (1) Formulate measures for the consideration of the sangguniang
27 panlungsod and provide technical assistance and support to the city mayor in
28 carrying out measures to ensure the delivery of basic services and the provision

1 of facilities through the development of cooperatives and in providing access
2 to such services and facilities;

3 (2) 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 integration of cooperatives principles and methods in programs and projects
6 which the city mayor is empowered to implement and which the sangguniang
7 panlungsod is empowered to provide for under the Local Government Code of
8 1991;

9 (3) In addition to the foregoing duties and functions, the city
10 cooperatives officer shall:

11 (i) Assist in the organization of cooperatives;

12 (ii) Provide technical and other forms of assistance to existing
13 cooperatives to enhance their viability as an economic enterprise and social
14 organization; and

15 (iii) Assist cooperatives in establishing linkages with government
16 agencies and nongovernmental organizations involved in the promotion and
17 integration of the concept of cooperatives in the livelihood of the people and
18 other community activities;

19 (4) Be in the frontline of cooperatives organization, rehabilitation or
20 viability enhancement, particularly during and in the aftermath of man-made
21 and natural disasters or calamities, to aid in their survival and, if necessary,
22 subsequent rehabilitation;

23 (5) Recommend to the sangguniang panlungsod and advise the city
24 mayor on all other matters relative to cooperatives development and viability
25 enhancement which will improve the livelihood and the quality of life and
26 inhabitants; and

1 (6) 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 SEC. 49. *The City Population Officer.* - (a) The city population officer
5 must be a citizen of the Philippines, a resident of the City, of good moral
6 character, a holder of a college degree preferably with specialized training in
7 population development from a recognized college or university and a first
8 grade civil service eligible or its equivalent. He must have acquired experience
9 in the implementation of programs on population development or responsible
10 parenthood for at least five years immediately preceding the date of his
11 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 on
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 provision
19 of adequate facilities relative to the integration of the population development
20 and 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 and
24 projects which the city mayor is empowered to implement and which the
25 sangguniang panlungsod is empowered to provide for under the Local
26 Government Code of 1991;

27 (3) In addition to the foregoing duties and functions, the city
28 population officer shall:

1 (i) Assist the city mayor in the implementation of the constitutional
2 provisions relative to population development and the promotion of
3 responsible parenthood;

4 (ii) Establish and maintain an updated data bank for program
5 operations, development planning and an educational program to ensure
6 people's participation in and understanding of population development; and

7 (iii) Implement appropriate population training programs responsive to
8 the cultural heritage of the inhabitants; and

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

12 SEC. 50. *The City Agriculturist.* – (a) The city agriculturist must be a
13 citizen of the Philippines, a resident of the City, of good moral character, a
14 holder of a college degree preferably in agriculture or any other related course
15 from a recognized college or university and a first grade civil service eligible
16 or its equivalent. He must have practiced his profession in agriculture or
17 acquired the experience for at least five years preceding the date of his
18 appointment.

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

21 (c) The city agriculturist shall take charge of the office for agricultural
22 services and shall:

23 (1) Formulate measures for the approval of the sangguniang
24 panlungsod and provide technical assistance and support to the city mayor in
25 carrying out measures to ensure the delivery of basic services and the provision
26 of adequate facilities relative to agricultural services;

27 (2) Develop plans and strategies and, upon approval thereof by the city
28 mayor, implement the same, particularly those which have to do with

1 agricultural programs and projects which the city mayor is empowered to
2 implement and which the sangguniang panlungsod is empowered to provide for
3 under the Local Government Code of 1991;

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

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

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

14 (iii) Assist the city mayor in the establishment and extension services of
15 demonstration farms on aquaculture and marine products;

16 (iv) Enforce rules and regulations relating to agriculture and
17 aquaculture; and

18 (v) Coordinate with government agencies and nongovernmental
19 organizations which promote agricultural productivity through appropriate
20 technology compatible with environmental integrity;

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

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

1 (6) 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 SEC. 51. *The City Tourism Officer.* - (a) The city tourism officer must
5 be a citizen of the Philippines, a resident of the City, of good moral character,
6 a holder of a college degree preferably with specialized training in tourism
7 development from a recognized college or university and a first grade civil
8 service eligible or its equivalent. He must have acquired experience in the
9 implementation of programs on tourism development for at least five years
10 immediately preceding the date of his appointment.

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

13 (c) The city tourism officer shall take charge of the city tourism office
14 and shall assist the city mayor and the local tourism council in developing and
15 implementing programs, and shall:

16 (1) Encourage the local government unit to enact local legislation
17 adopting the Department of Tourism accreditation standards for tourism
18 facilities and services;

19 (2) Ensure a pleasant experience and stay of tourists while at the same
20 time protecting the interests, welfare and rights of the City;

21 (3) Develop tourist products and destinations that will benefit the City
22 and its local community;

23 (4) Pursue the implementation of the national tourism master plan, the
24 national eco-tourism strategy and the area specific plans of the national and
25 local government units;

26 (5) Support the local government unit in promoting festivals, fiestas
27 and other tourism-related activities; and

1. (6) 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 ARTICLE VIII

5 THE CITY FIRE STATION SERVICE, THE CITY JAIL SERVICE, THE CITY
6 SCHOOLS DIVISION AND THE CITY PROSECUTION SERVICE

7 SEC. 52. *The City Fire Station Service.* -- (a) There shall be
8 established in the City at least one fire station with adequate personnel, fire
9 fighting facilities and equipment, subject to the standards, rules and regulations
10 that may be promulgated by the Department of the Interior and Local
11 Government. The City shall provide the necessary land or site of the station.

12 (b) The city fire station service shall be headed by a city fire marshal
13 whose qualifications shall be as those provided for under the Philippine
14 National Police law.

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

19 SEC. 53. *The City Jail Service.* -- (a) There shall be established and
20 maintained in the City a secured, clean and adequately equipped jail for the
21 custody and safekeeping of prisoners, any fugitive from justice or person
22 detained awaiting investigation or trial and/or transfer to the national
23 penitentiary, and/or violent mentally ill person who endangers himself or the
24 safety of others, duly certified as such by the proper medical health officer,
25 pending the transfer to a mental institution.

26 (b) The city jail service shall be headed by a city jail warden who must
27 be a graduate of a four-year course in psychology, psychiatry, sociology,
28 nursing, social work or criminology who shall assist in the immediate

1 rehabilitation of individuals or detention of prisoners. Great care must be
2 exercised so that the human rights of these prisoners are respected and
3 protected, and their spiritual and physical well-being are properly and promptly
4 attended to. Likewise, the City shall ensure that proper separate detention
5 centers for juveniles and women are provided for.

6 SEC. 54. *The City Schools Division.* – (a) The Department of
7 Education shall establish and maintain a city schools division of the City of
8 Bayugan whose area of jurisdiction will cover all the school districts within the
9 City.

10 (b) The city schools division shall be headed by a division
11 superintendent who must possess the necessary qualifications required by the
12 DepEd.

13 SEC. 55. *The City Prosecution Service.* – (a) There shall be established
14 in the City a prosecution service to be headed by a city prosecutor and such
15 number of assistant prosecutors, as may be necessary, who shall be
16 organizationally part of the Department of Justice (DOJ), and under the
17 supervision and control of the Secretary of Justice and whose qualifications,
18 manner of appointment, rank, salary and benefits shall be governed by existing
19 laws covering prosecutors in the DOJ.

20 (b) The city prosecutor shall handle the criminal prosecution in the
21 municipal trial courts in the City as well as in the regional trial courts for
22 criminal cases originating in the territory of the City and shall render to or for
23 the City such services as are required by law, ordinance or regulation of the
24 DOJ.

25 (c) The Secretary of Justice shall always assure the adequacy and
26 quality of prosecution service in the City and, for this purpose, shall, in the
27 absence or lack or insufficiency in number of city assistant prosecutors as
28 provided hereinabove, designate from among the assistant provincial

1 prosecutors a sufficient number to perform and discharge the functions of the
2 city prosecution service as provided hereinabove.

3 ARTICLE IX

4 TRANSITORY AND FINAL PROVISIONS

5 *SEC. 56. Municipal Ordinances Existing at the Time of the Approval of*
6 *This Act.* – All municipal ordinances of the Municipality of Bayugan existing
7 at the time of the approval of this Act shall continue to be in force and effect
8 within the City of Bayugan until the sangguniang panlungsod shall provide
9 otherwise.

10 *SEC. 57. Plebiscite.* – The City of Bayugan shall acquire corporate
11 existence upon the ratification of its creation by a majority of the votes cast by
12 the qualified voters in a plebiscite to be conducted in the present Municipality
13 of Bayugan within thirty (30) days from the approval of this Act. The expenses
14 for such plebiscite shall be borne by the Municipality of Bayugan. The
15 Commission on Elections shall conduct and supervise such plebiscite.

16 *SEC. 58. Officials of the City of Bayugan.* – The present elective
17 officials of the Municipality of Bayugan shall continue to exercise their powers
18 and functions until such time that a new election is held and the duly-elected
19 officials shall have already qualified and assumed their offices. The appointive
20 officials and employees of the Municipality of Bayugan shall likewise continue
21 exercising their functions and duties and they shall automatically be absorbed
22 by the city government of the City of Bayugan.

23 *SEC. 59. Succession Clause.* – The City of Bayugan shall succeed to
24 all the assets, properties, liabilities and obligations of the Municipality of
25 Bayugan.

26 *SEC. 60. Election of Provincial Governor and Sangguniang*
27 *Pantlalawigan Members of the Province of Agusan del Sur.* – The qualified
28 voters of the City of Bayugan shall qualify to vote and run for any elective

1 position in the elections for provincial governor, provincial vice governor,
2 sangguniang panlalawigan members and other elective offices for the Province
3 of Agusan del Sur.

4 SEC. 61. *Jurisdiction of the Province of Agusan del Sur.* – The City of
5 Bayugan shall, unless otherwise provided by law, continue to be under the
6 jurisdiction of the Province of Agusan del Sur.

7 SEC. 62. *Suspension of Increase in Rates of Local Taxes.* – No
8 increase in the rates of local taxes shall be imposed by the City within the
9 period of five years from its acquisition of corporate existence.

10 SEC. 63. *Representative District.* – Until otherwise provided by law,
11 the City of Bayugan shall continue to be part of the Lone Congressional
12 District of the Province of Agusan del Sur.

13 SEC. 64. *Applicability of Laws.* – The provisions of Republic Act No.
14 7160, otherwise known as the Local Government Code of 1991, and such laws
15 as are applicable to component cities shall govern the City of Bayugan insofar
16 as they are not inconsistent with the provisions of this Act.

17 SEC. 65. *Exemption from Republic Act No. 9009.* – The City of
18 Bayugan shall be exempted from the income requirement prescribed under
19 Republic Act No. 9009.

20 SEC. 66. *Separability Clause.* – If, for any reason or reasons, any part
21 or provision of this Charter shall be held unconstitutional, invalid or
22 inconsistent with the Local Government Code of 1991, the other parts or
23 provisions hereof which are not affected thereby shall continue to be in full
24 force and effect. Moreover, in cases where this Charter is silent or unclear, the
25 pertinent provisions of the Local Government Code shall remain govern, if so
26 provided therein.

27 SEC. 67. *Reservation.* – Nothing herein contained shall preclude the
28 determination by the appropriate agency or forum of boundary disputes or

1 cases involving questions of territorial jurisdiction between the City of
2 Bayugan and any of the adjoining local government units even after the
3 effectivity of this Act.

4 SEC. 68. *Repealing Clause.* - All laws, decrees, rules and regulations
5 or parts thereof which are inconsistent with the provisions of this Act are
6 hereby repealed, amended or modified accordingly.

7 SEC 69. *Effectivity.* - This Act shall take effect fifteen (15) days after
8 its complete publication in at least two newspapers of general and local
9 circulation.

Approved,

O