


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

7 JAN 25 P7 37

SENATE

RECEIVED BY: 

COMMITTEE REPORT NO. 228

Submitted by the Committee on Local Government on JAN 25 2007

Re : House Bill No. 5990

Recommending its approval with amendments.

Sponsor : Senator Lim

MR. PRESIDENT:

The Committee on Local Government to which was referred House Bill No. 5990, introduced by Representatives Libanan, Cari, Petilla, Marcos, Salapuddin, Gullas, Figueroa, Martinez, Wacnang, Amante, Nantes, Baculio and Pichay, entitled:

**"AN ACT
CONVERTING THE MUNICIPALITY OF BORONGAN IN THE PROVINCE OF EASTERN
SAMAR INTO A COMPONENT CITY TO BE KNOWN AS THE CITY OF BORONGAN"**

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

1. On page 4, line 19, insert the words " SANGGUNIANG PANLUNGSOD OF THE" between the words "The" and "City";
2. On page 8, line 11, insert the words "THE COMMISSION ON HIGHER EDUCATION (CHED) OR THE PHILIPPINE SPORTS COMMISSION (PSC)" between the word "(DepEd)" and semi-colon (;);
3. On page 14, line 10, insert the phrase "CONSISTENT WITH THE SALARY STANDARDIZATION LAW," before the word "Determine" whose letter "D" is changed to a small letter "d";
4. On page 15, line 24, change the semi-colon (;) after the word "indebtedness" to a period (.) and thereafter add the following sentences: "THE APPLICATION FOR LOANS OR OTHER FORMS OF INDEBTEDNESS AND THE TERMS AND CONDITIONS THEREOF SHALL, BEFORE APPROVAL, BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY. ONCE APPROVED, THE CONTRACT COVERING THE LOANS OR OTHER FORMS OF INDEBTEDNESS SHALL BE FURNISHED TO ANY CITY RESIDENT REQUESTING A COPY THEREOF, UPON PAYMENT OF REASONABLE FEES;"

5. On page 16, line 2, change the semi-colon (;) after the word "projects" to a period (.), and thereafter add the following sentences: "THE AUTHORIZATION TO FLOAT BONDS AND OTHER INSTRUMENTS OF INDEBTEDNESS SHALL BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY. ONCE APPROVED, THE CONTRACT COVERING THE FLOATING OF BONDS OR OTHER INSTRUMENTS OF INDEBTEDNESS SHALL BE FURNISHED TO ANY CITY RESIDENT REQUESTING A COPY THEREOF UPON PAYMENT OF REASONABLE FEES;"
6. On page 25, lines 16 and 17, delete the phrase "and twice a month for the sangguniang barangay";
7. On page 30, lines 4 and 5, change the title of Article VI to "SUCCESSION FOR ELECTIVE CITY OFFICIALS";
8. On the same page, delete the entire Sec. 22 from lines 6 to 20;
9. On the same page up to page 31, amend the title and paragraph (a) of Section 23, to read as follows:

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

10. On page 33, line 18, change the word "master's" with the word "COLLEGE";
11. On page 34, line 8, change the number "56" with the number "54";
12. On the same page, insert a new paragraph (5) between lines 9 and 10, to read as follows:

"(5) FORWARD TO THE DEPARTMENT OF BUDGET AND MANAGEMENT (DBM) COPIES OF APPROPRIATION ORDINANCES PASSED BY THE SANGGUNIANG PANLUNGSOD AS PROVIDED FOR UNDER SECTION 326 OF THE LOCAL GOVERNMENT CODE;"

Re-number succeeding paragraphs accordingly;

13. On page 36, line 14, change the word "three" to "FIVE";
14. On page 49, insert a new paragraph (e) between lines 16 and 17, to read as follows:

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

Renumber succeeding paragraphs accordingly;

15. On page 50, insert a new subsection (3) after line 22, to read as follows:

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

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

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

(III) ASSIST THE CITY MAYOR IN IMPLEMENTING THE BARANGAY LEVEL PROGRAM FOR THE TOTAL DEVELOPMENT AND PROTECTION OF CHILDREN UP TO SIX (6) YEARS OF AGE;

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

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

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

Renumber the succeeding paragraphs accordingly;

16. On page 58, insert new paragraphs after line 27, to read as follows:

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

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

Renumber the succeeding paragraphs accordingly;

17. On page 61, line 14, replace the conjunction "or" with a comma (,), and insert the phrase "OR OTHER FORMS OF MASS" between the words "broadcast" and "media";
18. On page 64, line 28, delete the phrase "graduate of a four-year course" and in lieu thereof, insert the phrase "HOLDER OF A COLLEGE DEGREE";
19. On page 65, line 5, add a new sentence after the period (.), to read as follows: "LIKEWISE, THE CITY SHALL ENSURE THAT PROPER SEPARATE DETENTION CENTERS FOR JUVENILES AND WOMEN ARE PROVIDED FOR."

Respectfully submitted:


ALFREDO S. LIM
Chairman

may amend

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

Members:

may amend
RODOLFO G. BIAZON

COMPAÑERA PIA S. CAYETANO

FRANKLIN M. DRILON

JUAN PONCE ENRILE

RICHARD J. GORDON

MANUEL "LITO" M. LAPID

RAMON B. MAGSAYSAY JR.

RALPH G. RECTO

RAMON BONG REVILLA JR.

JINGGOY EJERCITO ESTRADA

PANFILO M. LACSON

M.A. MADRIGAL

SERGIO OSMEÑA III

Ex-Officio Members:

JUAN M. FLAVIER
President Pro-Tempore

may amend
FRANCIS N. PANGILINAN
Majority Leader

Hon. MANNY VILLAR
President
Senate of the Philippines
Pasay City

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

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

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

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

26 SEC. 5. *General Welfare Clause of the City.* – The City shall exercise
27 the powers expressly granted, those necessarily implied therefrom, as well as
28 powers necessary, appropriate or incidental for its efficient and effective

1 governance, and those which are essential to the promotion of the general
2 welfare.

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

10 SEC. 6. *Liability for Damages.* – The City and its officials shall not be
11 exempt from liability for death or injury to persons or damage to property.

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

19 The regional trial courts and the city courts of the City of Borongan
20 shall have concurrent jurisdiction with the regional trial courts and the
21 metropolitan trial courts or the city or municipal trial courts of the adjoining
22 municipalities over crimes and misdemeanors committed within the said
23 drainage area or within an area of one hundred meters (100 m.).

24 The court first taking jurisdiction of such offense shall thereafter retain
25 exclusive jurisdiction thereof. But any license that may be issued within the
26 said zone, area or space shall be granted by the proper authorities of the city or
27 municipality concerned and the fees arising therefrom shall accrue to the
28 treasury of the said city or municipality concerned and not to the City.

ARTICLE II

CITY OFFICIALS IN GENERAL

1
2
3 SEC. 8. *The Officials of the City of Borongan.* – (a) There shall be in
4 the City of Borongan: a city mayor, a city vice mayor, sangguniang
5 panlungsod members, a secretary to the sangguniang panlungsod, a city
6 treasurer and an assistant city treasurer, a city assessor and an assistant city
7 assessor, a city accountant, a city budget officer, a city planning and
8 development coordinator, a city engineer, a city health officer, a city civil
9 registrar, a city administrator, a city legal officer, a city social welfare and
10 development officer, a city veterinarian, a city general services officer, a city
11 agriculturist and a city cooperatives officer.

12 (b) In addition thereto, the city mayor may appoint an environment and
13 natural resources officer, a city architect, a city information officer and a city
14 population officer.

15 (c) The City shall establish a city fire station to be headed by a city fire
16 marshal, a city jail to be headed by a city jail warden, a city schools division to
17 be headed by a city schools division superintendent, and a city prosecution
18 service to be headed by a city prosecutor.

19 (d) The City of Borongan may:

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

22 (2) Create such other offices as may be necessary to carry out the
23 purposes of the city government; or

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

26 (e) Unless otherwise provided herein, heads of departments and offices
27 shall be appointed by the city mayor with the concurrence of the majority of all
28 the sangguniang panlungsod members, subject to civil service law, rules and

1 regulations. The sangguniang panlungsod shall act on the appointment within
2 fifteen (15) days from the day of its submission, otherwise the same shall be
3 deemed confirmed.

4 ARTICLE III

5 THE CITY MAYOR AND CITY VICE MAYOR

6 SEC. 9. *The City Mayor.* – (a) The city mayor shall be the chief
7 executive of the City. He shall be elected at large by the qualified voters of the
8 City. No person shall be eligible for the position of the city mayor unless at
9 the time of the election:

10 (1) He is at least twenty-one (21) years of age;

11 (2) An actual resident of the City for at least one year prior to his
12 election; and

13 (3) A qualified voter therein.

14 He shall hold office for three years, unless sooner removed, and shall
15 receive a minimum monthly compensation corresponding to Salary Grade
16 Thirty (30) as prescribed under Republic Act No. 6758 and the implementing
17 guidelines issued pursuant thereto and such other compensation, emoluments
18 and allowances as may be determined by law.

19 (b) The city mayor, as the chief executive of the city government, shall
20 exercise such powers and perform such duties and functions as provided for by
21 the Local Government Code of 1991 and other laws:

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

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

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

4 (iii) Present the program of government and propose policies and
5 projects for the consideration of the sangguniang panlungsod at the opening of
6 the regular session of the sangguniang panlungsod every calendar year and as
7 often as may be deemed necessary as the general welfare of the inhabitants and
8 the needs of the city government may require;

9 (iv) Initiate and propose legislative measures to the sangguniang
10 panlungsod and, as often as may be deemed necessary, provide such
11 information and data needed or requested by said sanggunian in the
12 performance of its legislative functions;

13 (v) *Appoint all officials and employees whose salaries and wages are*
14 *wholly or mainly paid out of city funds and whose appointments are not*
15 *otherwise provided for in this Act, as well as those he may be authorized by*
16 *law to appoint except those who are to be appointed by the city vice mayor as*
17 *provided for in Section 9 hereof;*

18 (vi) *Represent the City in all its business transactions and sign on its*
19 *behalf all bonds, contracts, obligations and such other documents with the*
20 *authority from the sangguniang panlungsod or pursuant to law or ordinance;*

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

23 (viii) *Determine the time, manner and place of payment of salaries or*
24 *wages of the city officials and employees, in accordance with law or ordinance;*

25 (ix) *Allocate and assign office space to the city officials and*
26 *employees who, by law or ordinance, are entitled to such space in the City hall*
27 *and other buildings owned or leased by the city government;*

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

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

11 (xii) Furnish copies of executive orders issued by him to the office of
12 the governor within seventy-two (72) hours after the issuance;

13 (xiii) Visit component barangays of the City at least once every six
14 months to deepen his understanding of problems and conditions, listen and
15 give appropriate counsel to local officials and inhabitants of general laws and
16 ordinances which especially concern them, and otherwise conduct visits and
17 inspections to ensure the governance of the City will improve the quality of life
18 of the inhabitants;

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

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

24 (xvi) Call upon any national official or employee stationed in or
25 assigned to the City to advise him on matters affecting the City and to make
26 recommendations thereon; coordinate with said officials and employees in the
27 formulation and the implementation of plans, programs and projects; and,
28 when appropriate, initiate an administrative or judicial action against a national

1 government official or employee who may have committed an offense in the
2 performance of his official duties while stationed in or assigned to the City;

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

7 (xviii) Solemnize marriages, any provision of law to the contrary
8 notwithstanding;

9 (xix) Conduct an annual palarong panlungsod which shall feature
10 traditional sports and disciplines included in national and international games,
11 in coordination with the Department of Education (DepEd); and

12 (xx) Submit to the provincial governor the following reports: an
13 annual report containing a summary of all matters pertinent to the management,
14 administration and development of the City and all information and data
15 relative to its political, social and economic conditions; and supplemental
16 reports when unexpected events and situations arise at any time during the
17 year, particularly when man-made and natural disasters or calamities affect the
18 general welfare of the City;

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

23 (i) Ensure that the acts of the city's component barangays and of its
24 officials and employees are within the scope of their prescribed powers, duties
25 and functions;

26 (ii) Call conventions, conferences, seminars or meetings of elective
27 or appointive officials of the City, including provincial and national officials
28 and employees stationed in or assigned to the City, at such time and place and

1 on such subject he may deem important for the promotion of the general
2 welfare of the local government unit and its inhabitants;

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

5 (iv) *Be entitled to carry the necessary firearms within his territorial*
6 *jurisdiction;*

7 (v) Act as the deputized representative of the National Police
8 Commission, formulate the peace and order plan of the City and, upon its
9 approval, implement the same and as such, exercise the general and operational
10 control and supervision over the police forces in the City in accordance with
11 Republic Act No. 6975; and

12 (vi) Call upon the appropriate law enforcement agencies to suppress
13 disorder, riot, lawless violence, rebellion or sedition or apprehend violators of
14 the law when public interest so requires and the City police forces are
15 inadequate to cope with the situation or the violators;

16 (3) Initiate and maximize the generation of resources and revenues
17 and apply the same to the implementation of development plans, program
18 objectives and priorities, particularly the resources and revenues programmed
19 for agro-industrial development and countryside growth and progress and,
20 relative thereto, shall:

21 (i) Require each head of an office or department to prepare and
22 submit an estimate of appropriations for the ensuing calendar year, in
23 accordance with the provisions of the Local Government Code of 1991;

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

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

4 (iv) Issue licenses and permits and suspend or revoke the same for any
5 violation of the conditions upon which said licenses or permits had been issued
6 pursuant to law and ordinance. This also includes the issuance of licenses and
7 permits to gambling operations authorized by law, subject to the ordinance of
8 the sangguniang panlungsod;

9 (v) Issue permits without need of approval therefor from any national
10 agency, for the holding of activities for any charitable or welfare purpose,
11 excluding prohibited games of chance and shows contrary to law, public policy
12 and public morals;

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

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

21 (viii) Provide efficient and effective property and supply management in
22 the City, and protect the funds, credits, rights and other properties of the City;
23 and

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

1 (4) Ensure the delivery of basic services and the provision of adequate
2 facilities and, in addition thereto:

3 (i) Ensure that the construction and repair of roads and highways
4 funded by the national government shall be, as far as practicable, carried out in
5 a spatially contiguous manner and in coordination with the construction and
6 repair of the roads and bridges of the City and of the province; and

7 (ii) Coordinate the implementation of technical services, including
8 public works and infrastructure programs, rendered by national offices and
9 provincial office; and

10 (5) Exercise such other powers and perform such other duties and
11 functions as provided for under Republic Act No. 7160, otherwise known as
12 the *Local Government Code* of 1991, and those that are prescribed by law or
13 ordinance.

14 SEC. 10. *The City Vice Mayor.* – (a) There shall be a city vice mayor
15 who shall be elected in the same manner as the city mayor and shall, at the time
16 of his election, possess the same qualification as the city mayor. He shall hold
17 office for three years, unless sooner removed, and shall receive a monthly
18 compensation corresponding to Salary Grade Twenty-six (26) as prescribed
19 under Republic Act No. 6758 and the implementing guidelines issued pursuant
20 thereto, and such other compensation, emoluments and allowances as may be
21 determined by law.

22 (b) The city vice mayor shall:

23 (1) Act as the *presiding officer of the sangguniang panlungsod* and sign
24 all warrants drawn on the city treasury for all expenditures appropriated for the
25 operation of the sangguniang panlungsod;

26 (2) Subject to civil service law, rules and regulations, appoint all
27 officials and employees, including the secretary of the sangguniang
28 panlungsod, and such employees of the individual members of the sangguniang

1 panlungsod, except those whose manner of appointment is specifically
2 provided for under existing laws;

3 (3) Assume the office of the city mayor for the unexpired term of the
4 latter in the event of permanent vacancy;

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

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

11 ARTICLE IV

12 THE SANGGUNIANG PANLUNGSOD

13 SEC. 11. *The Sangguniang Panlungsod.* – (a) The sangguniang
14 panlungsod, the legislative body of the City, shall be composed of the city vice
15 mayor as the presiding officer, ten (10) regular sanggunian members, the
16 president of the city chapter of the liga ng mga baranggay, the president of the
17 panlungsod na pederasyon ng mga sangguniang kabataan and the sectoral
18 representatives, as members.

19 (b) In addition thereto, there shall be three sectorial representatives: one
20 from the women; and, as shall be determined by the sangguniang panlungsod
21 with ninety (90) days prior to the holding of the local elections, one from the
22 agricultural or industrial workers; and one from the other sectors, including the
23 urban poor, the indigenous cultural communities or disabled persons.

24 (c) The regular members of the sangguniang panlungsod and the
25 sectoral representatives shall be elected in the manner as may be provided for
26 by law. The elective members of the sangguniang panlungsod shall possess the
27 qualifications as provided for under Section 39 of Republic Act No. 7160.

1 (d) They shall receive such compensation, emoluments and allowances
2 as may be determined by law.

3 (e) The sangguniang panlungsod shall:

4 (1) Approve the ordinances and pass resolutions necessary for an
5 efficient and effective city government and, relative thereto, shall:

6 (i) Review all ordinances approved by the sangguniang baranggay and
7 executive orders issued by the punong baranggay to determine whether these
8 are within the scope of the prescribed powers of the sangguniang barangay and
9 of the punong barangay;

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

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

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

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

1 (vi) Protect the environment and impose appropriate penalties for acts
2 which endanger the environment, such as dynamite fishing and other forms of
3 destructive fishing, illegal logging, smuggling of logs, smuggling of natural
4 resources products and of endangered species of flora and fauna, slash-and-
5 burn farming and such other activities which result in pollution, acceleration of
6 eutrophication of rivers and lakes or of ecological imbalance;

7 (vii) Subject to the provisions of the Local Government Code of 1991
8 and pertinent laws, *determine the powers and duties of officials and employees*
9 *of the City;*

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

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

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

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

27 (xii) Provide legal assistance to city and barangay officials including
28 the members of the city police who, in the performance of their official duties

1 or in the occasion thereof, have to initiate judicial proceedings or defend
2 themselves against legal actions. The *sangguniang panlungsod* may authorize
3 the city mayor to engage the services of private counsel for this purpose; and

4 (xiii) Provide for group insurance or additional insurance coverage for
5 all officials, including members of the barangay tanod brigades and other
6 service units, with public or private insurance companies, when the finances of
7 the city government allow said coverage;

8 (2) Generate and maximize the use of resources and revenues for the
9 development plans, program objectives and priorities of the City, with
10 particular attention to agro-industrial development and city-wide growth and
11 progress and, relative thereto, shall:

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

16 (ii) Subject to the provisions of Book II of the Local Government
17 Code of 1991 and the applicable laws and, upon the majority vote of all the
18 members of the *sangguniang panlungsod*, enact ordinances levying taxes, fees
19 and charges, prescribing the rates thereof for general and specific purposes and
20 granting tax exemption, incentive or relief;

21 (iii) Subject to the provisions of Book II of the Local Government
22 Code of 1991 and, upon the majority vote of all the members of the
23 *sangguniang panlungsod*, authorize the city mayor to negotiate and contract
24 loans and other forms of indebtedness;

25 (iv) Subject to the provisions of Book II of the Local Government
26 Code of 1991 and applicable laws and, upon the majority vote of all the
27 members of the *sangguniang panlungsod*, enact ordinances authorizing the

1 floating of bonds or other instruments of indebtedness, for the purpose of
2 raising funds to finance development projects;

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

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

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

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

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

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

27 (xi) Subject to the provisions of Book II of the Local Government
28 Code of 1991, grant the exclusive privilege of constructing fish corrals or fish

1 pens or the taking or catching of bangus fry or kawg-kawag, or fry of any
2 species of fish within the city waters,

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

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

10 (xiv) *Regulate the numbering of residential, commercial and other*
11 *buildings; and*

12 (xv) *Regulate the inspection, weighing and measuring of articles of*
13 *commerce;*

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

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

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

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

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

4 (v) Any law to the contrary notwithstanding, authorize and license the
5 establishment, operation and maintenance of cockpit and regulate cockfighting
6 and the commercial breeding of gamecocks: *Provided*, That existing rights
7 should not be prejudiced;

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

12 (vii) Upon approval by a majority vote of all the members of the
13 sangguniang panlungsod, grant a franchise to any person, partnership,
14 corporation or cooperative to do business within the City as may be allowed by
15 existing laws: *Provided*, That cooperatives shall be given preference in the
16 grant of such franchise;

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

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

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

25 (iii) Require that buildings and the premises thereof and any land
26 within the City be kept and maintained in a sanitary condition; impose
27 penalties for any violation thereof; or, upon failure to comply with said
28 requirement, have the work done at the expense of the owner, administrator or

1 tenant concerned; or require the filling up of any lands or premises to a grade
2 necessary for proper sanitation;

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

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

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

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

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

22 (ix) Regulate the establishment, operation and maintenance of funeral
23 parlors and the burial or cremation of the dead, subject to existing laws, rules
24 and regulations; and

25 (x) Provide for the impounding of stray animals; regulate the keeping
26 of animals in homes or as part of a business, and the slaughter, sale or
27 disposition of the same; and adopt measures to prevent and penalize cruelty to
28 animals;

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

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

7 (ii) Establish markets, slaughterhouses or animal corrals and authorize
8 the operation thereof by the city government; and regulate the construction and
9 operation of private markets, talipapas or other similar buildings and
10 structures;

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

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

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

25 (vi) Regulate traffic on all streets and bridges; prohibit encroachments
26 or obstacles thereon and, when necessary in the interest of public welfare,
27 authorize the removal of encroachments and illegal constructions in public
28 places;

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

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

19 (ix) Regulate the placing, stringing, attaching, installing, repair and
20 *construction of all gas mains, electric telegraph and telephone wires, conduits,*
21 *meters and other apparatus; and provide for the correction, condemnation or*
22 *removal of the same when found to be dangerous to the welfare of the*
23 *inhabitants;*

24 (x) Subject to the availability of funds and the existing laws, rules
25 *and regulations, establish and provide for the operation of vocational and*
26 *technical schools and similar post-secondary institutions and, with the approval*
27 *of the DepEd, the Commission on Higher Education (CHED) or the Technical*
28 *Education and Skills Development Authority (TESDA), as the case may be,*

1 and subject to existing laws on tuition fees, fix and collect reasonable tuition
2 fees and other school charges in educational institutions supported by the city
3 government;

4 (xi) Establish a scholarship fund for the poor but *deserving* students
5 in schools located within its jurisdiction or for the students residing within the
6 City;

7 (xii) Approve *measures* and adopt quarantine regulations to prevent
8 the introduction and the spread of diseases;

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

12 (xiv) Provide for the care of *disabled persons*, paupers, the aged, the
13 sick, persons of unsound mind, abandoned minors, juvenile delinquents, drug
14 dependents, abused children and other needy and disadvantaged persons,
15 particularly children and the youth below eighteen (18) years of age, and
16 subject to the availability of funds, establish and provide for the operation of
17 centers and facilities for the said needy and disadvantaged persons;

18 (xv) Establish and provide for the maintenance and improvement of
19 jails and detention centers, institute a sound jail management program and
20 appropriate funds for the subsistence of *detainees* and convicted prisoners in
21 the City;

22 (xvi) Appropriate funds to support the maintenance and improvement
23 of the provincial hospital located within the City;

24 (xvii) Establish a city council whose purpose is the promotion of
25 culture and the arts, coordinate with government agencies and nongovernment
26 organizations and, subject to the availability of funds, appropriate funds for the
27 support and development of the same; and

1 (xviii) Establish a city council for the elderly which shall formulate
2 policies and adopt measures mutually beneficial to the elderly and to the
3 community, provide incentives for nongovernment agencies and entities and,
4 subject to the availability of funds, appropriate funds to support programs and
5 projects for the benefit of the elderly; and

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

10 ARTICLE V

11 PROCESS OF LEGISLATION

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

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

17 (1) The organization of the sanggunian and the election of its officers
18 as well as the creation of standing committees which shall include, but shall not
19 be limited to, the committees on appropriations, revenues, engineering and
20 public works, education and health, women and family, human rights, youth
21 and sports development, environmental protection, peace and order and traffic,
22 and cooperatives; the general jurisdiction of each committee; and the election
23 of the chairman and the members of each committee;

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

25 (3) The legislative process;

26 (4) The parliamentary procedures which include the conduct of
27 members during sessions;

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

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

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

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

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

23 In the absence of specific constitutional or statutory provision
24 applicable to this situation, “conflict of interest” refers in general to one where
25 it may be reasonably deduced that a member of a sanggunian may not act in the
26 public interest due to some private, pecuniary or other personal considerations
27 that may tend to affect his judgment to the prejudice of the service or the
28 public.

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

5 (1) Disclosure shall be made before the member participates in the
6 deliberations on the ordinance or resolution under consideration: *Provided,*
7 That if the member did not participate during the deliberations, the disclosure
8 shall be made before voting on the ordinance or resolution on second or third
9 readings; and

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

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

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

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

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

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

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

6 SEC. 15. *Quorum.* - (a) A majority of all the members of the
7 sanggunian who have been elected and qualified shall constitute a quorum to
8 transact official business. Should a question of quorum be raised during a
9 session, the presiding officer shall immediately proceed to call the roll of the
10 members and thereafter announce the results.

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

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

22 SEC. 16. *Approval of Ordinances.* - (a) Every ordinance enacted by the
23 sangguniang panlungsod shall be presented to the city mayor. If the city mayor
24 approves the same, he shall affix his signature on each and every page thereof,
25 otherwise, he shall veto it and return the same with his objections to the
26 sanggunian which may proceed to reconsider the same. The sanggunian may
27 override the veto of the city mayor by two-thirds (2/3) vote of all its members,

1 thereby making the ordinance or resolution effective for all legal intents and
2 purposes.

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

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

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

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

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

1 (b) Within thirty (30) days after receipt of copies of such ordinances
2 and resolutions, the sangguniang panlalawigan shall examine the documents or
3 transmit them to the provincial attorney or the provincial prosecutor for prompt
4 examination. The provincial attorney or the provincial prosecutor shall, within
5 a period of ten (10) days from receipt of the documents, *inform the*
6 *sangguniang panlalawigan in writing of his comments or recommendations,*
7 *which may be considered by the sangguniang panlalawigan in making its*
8 *decision.*

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

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

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

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

25 (c) If the sangguniang panlungsod finds the barangay ordinances
26 inconsistent with law or city ordinances, the sangguniang panlungsod shall,
27 within thirty (30) days from receipt thereof, return the same with its comments
28 and recommendations to the sangguniang barangay concerned for adjustment,

1 amendment or modification; in which case, the effectivity of the barangay
2 ordinance is suspended until such time as the revision called for is effected.

3 SEC. 20. *Enforcement of Disapproved Ordinances or Resolutions.* –

4 Any attempt to enforce any ordinance or any resolution approving the local
5 development plan and the public investment program, after the disapproval
6 thereof, shall be sufficient ground for the suspension or dismissal of the official
7 or employee concerned.

8 SEC. 21. *Effectivity of Ordinances and Resolutions.* – (a) Unless

9 otherwise stated in the ordinance or the resolution approving the local
10 government plan and the public investment program, the same shall take effect
11 after ten (10) days from the date a copy thereof is posted in a bulletin board at
12 the entrance of the City Hall of Borongan and in at least two other conspicuous
13 places in the City of Borongan.

14 (b) The secretary of the sangguniang panlungsod shall cause the
15 posting of an ordinance or resolution in the bulletin board at the entrance of the
16 City Hall of Borongan and in at least two conspicuous places in the City of
17 Borongan not later than five days after approval thereof.

18 The text of the ordinance or resolution shall be disseminated and posted
19 in Filipino or English and in the language or dialect understood by the majority
20 of the people in the City and the secretary of the sangguniang panlungsod shall
21 record such fact in a book kept for the purpose, stating the dates of approval
22 and posting.

23 (c) The main features of the ordinance or resolution duly enacted
24 adopted shall, in addition to being posted, be published once in a local
25 newspaper of general circulation within the City: *Provided*, That in the
26 absence thereof, the ordinance or resolution shall be published in any
27 newspaper of general circulation: *Provided, further*, That the gist of all

1 ordinances with penal sanctions shall also be published in a newspaper of
2 general circulation.

3 ARTICLE VI

4 DISQUALIFICATIONS AND SUCCESSION
5 FOR ELECTIVE CITY OFFICIALS

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

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

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

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

14 (d) Those with dual citizenship;

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

17 (f) Permanent residents in a foreign country or those who have
18 acquired the right to reside abroad and continue to avail of the same right after
19 the effectivity of the Local Government Code of 1991; and

20 (g) The insane or feeble-minded.

21 SEC. 23. *Permanent Vacancy in the Offices of the City Mayor and the*
22 *City Vice Mayor.* – (a) If a permanent vacancy occurs in the office of the city
23 mayor, the city vice mayor concerned shall become the city mayor. If a
24 permanent vacancy occurs in the office of the city vice mayor, the highest
25 ranking sangguniang panlungsod member or, in case of his permanent
26 incapacity, the second highest ranking sangguniang panlungsod member shall
27 become the city mayor or city vice mayor, as the case may be. Subsequent

1 vacancies in the said offices shall be filled in automatically by the other
2 sanggunian members according to their ranking as defined herein.

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

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

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

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

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

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

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

25 In the appointment herein mentioned, a nomination and a certificate of
26 membership of the appointee from the highest official of the political party
27 concerned are conditions *sine qua non*, and any appointment without such

1 nomination and certification shall be null and void *ab initio* and shall be a
2 ground for administrative action against the official responsible therefor;

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

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

10 SEC. 25. *Temporary Vacancy in the Office of the City Mayor.* – (a)
11 When the city mayor is temporarily incapacitated to perform his duties for
12 physical or legal reasons such as, but not limited to, leave of absence, travel
13 abroad and suspension from office, the city vice mayor or the highest ranking
14 sangguniang panlungsod member shall automatically exercise the powers and
15 perform the duties and functions of the city mayor, except the power to
16 appoint, suspend or dismiss employees which can only be exercised if the
17 period of temporary incapacity exceeds thirty (30) working days.

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

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

1 (d) In the event, however, that the city mayor fails or refuses to issue
2 such authorization, the city vice mayor or the highest ranking sangguniang
3 panlungsod member shall have the right to assume the powers, duties and
4 functions of the said office on the fourth day of absence of the city mayor,
5 subject to the limitations provided for in subsection (c) hereof.

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

10 ARTICLE VII

11 THE APPOINTIVE OFFICIALS OF THE CITY: 12 THEIR QUALIFICATIONS, POWERS AND DUTIES

13 SEC. 26. *The Secretary to the Sangguniang Panlungsod.* – (a) There
14 shall be a secretary to the sangguniang panlungsod who should be a career
15 official with the rank and salary equal to a head of a department or office.

16 (b) No person shall be appointed secretary to the sangguniang
17 panlungsod unless he is a citizen of the Philippines, a resident of the City of
18 Borongan, of good moral character, a holder of a master's degree preferably in
19 law, commerce or public administration from a recognized college or
20 university, and a first grade civil service eligible or its equivalent.

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

23 (d) The secretary to the sangguniang panlungsod shall take charge of
24 the office of the sangguniang panlungsod and shall:

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

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

4 (3) Forward to the city mayor, for approval, copies of ordinances
5 enacted by the sangguniang panlungsod duly certified by the presiding officer,
6 in the manner as provided for under the Local Government Code of 1991;

7 (4) Forward to the sangguniang panlalawigan copies of duly approved
8 ordinances in the manner provided for in Sections 56 and 57 under Book 1 of
9 the Local Government Code of 1991;

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

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

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

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

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

24 (10) Exercise such other powers and perform such other duties and
25 functions as may be prescribed by law or ordinance relative to his position.

1 SEC. 27. The City Treasurer. -- (a) The city treasurer shall be
2 appointed by the Secretary of Finance from a list of at least three ranking
3 eligible recommendees of the city mayor, subject to civil service law, rules and
4 regulations.

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

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

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

16 (e) The city treasurer shall take charge of the city treasury office and
17 shall:

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

21 (2) Take custody and exercise proper management of the funds of the
22 City;

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

26 (4) Inspect private commercial and industrial establishments within the
27 jurisdiction of the City in relation to the implementation of tax ordinances.
28 pursuant to the provisions of the Local Government Code of 1991;

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

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

6 *SEC. 28. The Assistant City Treasurer.* – (a) The assistant city treasurer
7 shall be appointed by the Secretary of Finance from a list of at least three
8 ranking eligible recommendees of the city mayor, subject to civil service law,
9 rules and regulations.

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

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

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

24 *SEC. 29. The City Assessor.* – (a) The city assessor must be a citizen of
25 the Philippines, a resident of the City of Borongan, of good moral character, a
26 holder of a college degree preferably in civil or mechanical engineering,
27 commerce or any other related course from a recognized college or university
28 and a first grade civil service eligible or its equivalent. He must have acquired

1 experience in real property assessment work or in any related field for at least
2 five years immediately preceding from the date of his appointment.

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

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

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

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

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

13 (4) Install and maintain real property identification and accounting
14 systems;

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

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

20 (7) Exercise the functions of appraisal and assessment primarily for
21 taxation purposes of all real properties in the City;

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

25 (9) Issue, upon the request of any interested party, certified copies of
26 assessment records of real properties and all other records relative to its
27 assessment, upon payment of a service charge or fee to the city treasurer;

1 (10) Submit every semester a report of all assessments, as well as
2 cancellations and modifications of assessments to the city mayor and the
3 sangguniang panlungsod;

4 (11) Attend personally, or through an authorized representative, all
5 sessions of the local Board of Assessment Appeals whenever his assessment is
6 the subject of the appeal and present or submit any information or record in his
7 possession, as may be required by the Board; and

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

12 SEC. 30. *The Assistant City Assessor.* – (a) The assistant city assessor
13 must be a citizen of the Philippines, a resident of the City of Borongan, of
14 good moral character, a holder of a college degree preferably in civil or
15 mechanical engineering, commerce or any related course from a recognized
16 college or university and a first grade civil service eligible or its equivalent.
17 He must have acquired experience in assessment or in any related field for at
18 least three years 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 perform
22 such other duties as the latter may assign to him. He shall have the authority to
23 administer oaths and all declarations of real properties for purposes of
24 assessment.

25 SEC. 31. *The City Accountant* – (a) The city accountant must be a
26 citizen of the Philippines, a resident of the City of Borongan, of good moral
27 character and a certified public accountant. He must have acquired experience

1 in the treasury or accounting service for at least five years immediately
2 preceding the date of 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 to 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 the 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 official 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;

28 (12) Prepare journals and the analyses of obligations and maintain and

1 keep all records and reports related thereto; and

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

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

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

15 (c) The city budget officer shall take charge of the city budget office
16 and shall:

17 (1) Prepare forms, orders and circulars embodying instructions on
18 budgetary and appropriation matters for the signature of the city mayors;

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

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

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

25 (5) Submit periodic budgetary reports to the Department of Budget and
26 Management;

27 (6) Coordinate with the city treasurer, the city accountant and the city
28 planning and development coordinator for the purpose of budgeting;

1 (7) Assist the sangguniang panlungsod in reviewing the approved
2 budgets of component local government units;

3 (8) Coordinate with the city planning and development coordinator in
4 the formulation of the development plan of the City; and

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

9 SEC. 33. *The City Planning and Development Coordinator.* – (a) The
10 city planning and development coordinator must be a citizen of the Philippines,
11 a resident of the City of Borongan, of good moral character, a holder of a
12 college degree preferably in urban planning, development studies, economics,
13 public administration or any related course from a recognized college or
14 university and a first grade civil service eligible or its equivalent. He must
15 have acquired experience in development planning or in any related field for at
16 least five years immediately preceding the date of his appointment.

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

19 (C) The city planning and development coordinator shall take charge of
20 the city planning and development coordinating office and shall:

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

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

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

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

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

6 (6) Analyze the income and expenditure patterns, and formulate and
7 recommend fiscal plans and policies for the consideration of the finance
8 committee of the City as provided for under the Local Government Code of
9 1991;

10 (7) Promote people's participation in development planning within the
11 City;

12 (8) Exercise supervision and control over the secretariat of the local
13 development council; and

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

18 SEC. 34. *The City Engineer.* – (a) The city engineer must be a citizen
19 of the Philippines, a resident of the City of Borongan, of good moral character
20 and a licensed civil engineer. He must have acquired experience in the
21 practice of his profession for at least five years immediately preceding the date
22 of his appointment.

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

25 (c) The city engineer shall take charge of the city engineering office
26 and shall:

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

4 (2) *Advice the city mayor on infrastructure, public works and other*
5 *engineering matters;*

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

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

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

16 SEC. 35. *The City Health Officer.* – (a) *The city health officer must be*
17 *a citizen of the Philippines, a resident of the City of Borongan, of good moral*
18 *character and a licensed medical practitioner. He must have acquired*
19 *experience in the practice of his profession for at least five years immediately*
20 *preceding the date of his appointment.*

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

23 (c) *The city health officer shall take charge of the office of the city*
24 *health services and shall:*

25 (1) *Supervise the personnel and staff of the said office, formulate*
26 *program implementation guidelines and rules and regulations for the operation*
27 *of the said office for the approval of the city mayor in order to assist him in the*

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

3 (2) *Formulate measures for the consideration of the sangguniang*
4 *panlungsod and provide technical assistance and support to the city mayor in*
5 *caring out activities to insure the delivery of basic services and the provision of*
6 *adequate facilities relative to health services as provided for under Section 17*
7 *of the Local Government Code of 1991;*

8 (3) *Develop plans and strategies and, upon approval thereof by the*
9 *city mayor, implement the same, particularly those which have to do with*
10 *health programs and projects which the city mayor is empowered to implement*
11 *and which the sangguniang panlungsod is empowered to provide for under the*
12 *Local Government Code of 1991;*

13 (4) *In addition to the foregoing duties and functions, the city health*
14 *officer shall:*

15 (i) *Formulate and implement policies, plans and projects to promote*
16 *the health of the people in the City;*

17 (ii) *Advise the city mayor and the sangguniang panlungsod on matters*
18 *pertaining to health;*

19 (iii) *Execute and enforce all laws, ordinances and regulations relating*
20 *to public health;*

21 (iv) *Recommend to the sangguniang panlungsod, through the local*
22 *health board, the passage of such ordinances as he may deem necessary for the*
23 *preservation of public health;*

24 (v) *Recommend the prosecution of any violation of sanitary laws,*
25 *ordinances or regulations;*

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

1 (vii) Conduct health information campaigns and render health
2 intelligence services; and

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

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

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

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

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

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

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

25 (1) Develop plans and strategies and, upon approval thereof by the
26 city mayor, implement the same, particularly those which have to do with the
27 management administration-related programs and projects which the city

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

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

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

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

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

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

14 (v) Issue certified transcripts or copies of any certificate or registered
15 document upon payment of the required fees to the city treasurer;

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

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

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

27 SEC. 37. *The City Administrator.* – (a) The city administrator must be a
28 citizen of the Philippines, a resident of the City of Borongan, of good moral

1 character, a holder of a college degree preferably in public administration, law
2 or any related course from a recognized college or university and a first grade
3 civil service eligible or its equivalent. He must have acquired experience in
4 management and administrative work for at least five years immediately
5 preceding the date of his appointment.

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

8 (c) The city administrator shall take charge of the city administrator's
9 office and shall:

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

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

17 (i) Assist in the coordination of the work of all the officials of the
18 City under the supervision, direction and control of the city mayor and, for this
19 purpose, he may convene the chiefs of offices and other officials of the City;

20 (ii) Establish and maintain a sound personnel program for the City
21 designed to promote career development and uphold the merit principle in the
22 local government service;

23 (iii) Conduct a continuing organizational development of the City with
24 the end in view of instituting effective administrative reforms; and

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

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

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

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

13 (b) The term of the city legal officer shall be coterminous with that of
14 his appointing authority.

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

17 (d) The city legal officer, the chief legal council of the city, shall take
18 charge of the office of the city legal service and shall:

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

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

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

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

8 (b) When required by the city mayor or the sanggunian, draft
9 ordinance, contracts, bonds, leases and other instruments involving any interest
10 of the City and provide comments and recommendations on any instruments
11 already drawn;

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

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

17 (e) When directed by the city mayor or the sanggunian, initiate or
18 prosecute, in the interest of the City, any civil action on any bond, lease or
19 other contract upon any breach or violation thereof; and

20 (f) Review and submit recommendations on ordinances approved and
21 executive orders issued by component units;

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

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

27 (6) *Perform such other duties and functions and exercise such other*
28 *powers as provided for under Republic Act No. 7160, otherwise known as the*

1 Local Government Code of 1991, and those that are prescribed by law of
2 ordinance.

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

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

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

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

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

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

26 (4) Recommend to the sangguniang panlungsod and advise the city
27 mayor on all matters related to social welfare and development services which
28 will improve the livelihood and the living conditions of the inhabitants; and

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

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

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

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

26 (ii) Regulate the keeping of domestic animals;

27 (iii) Regulate and inspect poultry, milk and dairy products for public
28 consumption;

1 (iv) Enforce all laws and regulations for the prevention of cruelty of
2 animals; and

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

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

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

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

18 SEC. 41. *The City General Services Officer.* – (a) The city general
19 services officer must be a citizen of the Philippines, a resident of the City of
20 Borongan, of good moral character, a holder of a college degree in public
21 administration, business administration and the management from a recognized
22 college or university and a first grade civil service eligible or its equivalent.
23 He must have acquired experience in general services including the
24 management of supply, solid waste disposal and general sanitation for at least
25 five years immediately preceding the date of his appointment.

26 (b) The city general services officer shall receive such compensation,
27 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 city
9 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; and

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 and
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 to local
20 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 by the local government;

24 (iv) Recommend to the city mayor reasonable rental of rates of 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 the prices, shipping
2 and 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 departments of the City;

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

8 (4) Be in the frontline of general services-related activities, such as
9 the possible and imminent destruction or damage to records, supplies,
10 properties and structure materials or debris, particularly during and in the
11 aftermath of 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 power as provided for under the Republic Act No. 7160, otherwise known as
16 the Local Government Code of 1991, and those that are prescribed by law or
17 ordinance.

18 SEC. 42. *The City Agriculturist.* – (a) The city agriculturist must be a
19 citizen of the Philippines, a resident of the City of Borongan, of good moral
20 character, a holder of a college degree preferably in 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 practiced his profession in
23 agriculture or acquired the experience in a related field for at least five years
24 immediately preceding the date of his appointment.

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

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

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

5 (2) Develop plans and strategies and, upon approval thereof by the
6 city mayor, implement the same, particularly those which have to do with
7 agricultural programs and projects which the city mayor is empowered to
8 implement and which the sangguniang panlungsod is empowered to provide;
9 and

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

12 (i) Ensure that maximum assistance and access to resources in the
13 production, processing and marketing of agricultural and aquacultural and
14 marine products are extended to farmers, fisherfolk and local entrepreneurs;

15 (ii) Conduct or cause to be conducted location-specific agricultural
16 researches and assist in making available the appropriate technology arising
17 out of and disseminating information on basic research on crops, prevention
18 and control of plant disease and pests, and *other agricultural matters which will*
19 *maximize productivity;*

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

22 (iv) Enforce rules and regulations relating to agriculture and
23 aquaculture; and

24 (v) Coordinate with government agencies and nongovernment
25 organizations which promote agricultural productivity through appropriate
26 technology compatible with environmental integrity;

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

4 (5) Recommend to the sangguniang panlungsod and advise the city
5 mayor on all other matters related to agriculture which will improve the
6 livelihood and the living condition of the inhabitants; and

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

11 SEC. 43. *The City Cooperatives Officer.* – (a) The city cooperatives
12 officer must be a citizen of the Philippines, a resident of the City of Borongan,
13 of good moral character, a holder of a college degree preferably in business
14 administration with special training on cooperatives or any related course from
15 a recognized college or university and a first grade civil service eligible or its
16 equivalent. He must have experience on cooperatives development for at least
17 five years immediately preceding the date of his appointment.

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

20 (c) The city cooperatives officer shall take charge of the office for the
21 development of cooperatives 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 facilities through the development of cooperatives and in providing access
26 to such services and facilities;

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 the

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

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

6 (i) Assist the organization of cooperatives;

7 (ii) Provide technical and other forms of existing cooperatives to
8 enhance their viability as an economic enterprise and social organization; and

9 (iii) Assist cooperatives in establishing linkages with government
10 agencies and nongovernment organizations involved in the promotion and
11 integration of the concept of cooperatives in the livelihood of the people and
12 other community activities;

13 (4) Be in the frontline of cooperative organization, rehabilitation or
14 viability enhancements, particularly during the aftermath of man-made and
15 natural disasters or calamities, and aid in their survival and, if necessary,
16 subsequent rehabilitation;

17 (5) Recommend to the sangguniang panlungsod and advise the city
18 mayor on all other matters relative to cooperatives development and viability
19 enhancement which will improve the livelihood and the quality of life of the
20 inhabitants; and

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

25 SEC. 44. *The City Environment and Natural Resources Officer.* -- (a)
26 The city environment and natural resources officer must be a citizen of the
27 Philippines, a resident of the City of Borongan, of good moral character, a
28 holder of a college degree preferably in forestry, environment, agriculture or

1 any other related course from a recognized college or university and a first
2 grade civil service eligible or its equivalent. He must have acquired
3 experience in the environment and natural resources management, conservation
4 and utilization work for at least five years immediately preceding the date of
5 his appointment

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

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

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

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

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

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

25 (ii) Provide extension services to beneficiaries of forest development
26 projects and render assistance for natural resources related conservation and
27 utilization activities consistent with ecological balance;

1 (iii) Promote small-scale mining and utilization of mineral resources,
2 particularly mining of gold; and

3 (iv) Coordinate with government agencies and nongovernment
4 organizations in the implementation of measures to prevent and control land,
5 air and water pollution with the assistance of the Department of Environment
6 and Natural Resources;

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

11 (5) Recommend to the sangguniang panlungsod and advise the city
12 mayor on all matters relative to the protection, conservation, maximum
13 utilization, application of appropriate technology and other matters related to
14 the environment resources; and

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

19 SEC. 45. *The City Architect.* – (a) The city architect must be a citizen
20 of the Philippines, a resident of the City of Borongan, of good moral character
21 and a duly licensed architect. He must have practiced his profession for at least
22 five years immediately preceding the date of his appointment.

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

25 (c) The city architect shall take charge of the office on architectural
26 planning and design and shall:

27 (1) Formulate measures for the consideration of the sangguniang
28 panlungsod and provide assistance and support to the city mayor in carrying

1 out measures to ensure the delivery of basic services and the provision of
2 adequate facilities relative to architectural planning and design;

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 architectural planning and design programs and projects which the city mayor
6 is empowered to implement and which the sangguniang panlungsod is
7 empowered to provide for under the Local Government Code of 1991;

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

10 (i) Prepare and recommend for the reconsideration of the sangguniang
11 panlungsod the architectural plans and design for the City or part thereof,
12 including the renewal of slums and blighted areas, land reclamation activities,
13 the greening of land and the appropriate planning of marine and foreshore
14 areas;

15 (ii) Review and recommend for appropriate action of the sangguniang
16 panlungsod or the city mayor, as the case may be, the architectural plans and
17 design submitted by the government and nongovernment entities or
18 individuals, particularly those for undeveloped, underdeveloped and poorly
19 designed areas; and

20 (iii) Coordinate with government and nongovernment entities and
21 individuals involved in aesthetics and maximum utilization of the land and
22 water within the jurisdiction of the City, compatible with environmental
23 integrity and ecological balance;

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

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

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

8 SEC. 46. *The City Information Officer.* -- (a) The city information
9 officer must be a citizen of the Philippines, a resident of the City of Borongan,
10 of good moral character, a holder of a college degree preferably in journalism,
11 mass communication or any related course from a recognized college or
12 university and a first grade civil service eligible or its equivalent. He must
13 have experience in writing articles, research papers, or writing for print,
14 television or broadcast media for at least three years immediately preceding the
15 date of his appointment.

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

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

20 (1) Formulate measures for the consideration of the sangguniang
21 panlungsod and provide assistance and support to the city mayor in providing
22 information and research data required for the delivery of basic services and
23 the provision of adequate facilities so that the public becomes aware of said
24 services and may fully avail of the same;

25 (2) Developed plans and strategies and, upon approval thereof by the
26 city mayor, implement the same, particularly those which have to do with
27 public information and research data to support programs and projects which

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

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

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

7 (ii) Furnish information and data on the City to government agencies or
8 offices, as may be required by law or ordinance, and nongovernmental
9 organizations to be furnished to said agencies and organizations; and

10 (iii) Maintain effective liaison with various sectors of the community on
11 matters and issues that affect the livelihood and the quality of life of the
12 inhabitants and encourage support for programs of the local and national
13 government;

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

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

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

25 SEC. 47. *The City Population Officer.* – (a) The city population officer
26 must be a citizen of the Philippines, a resident of the City of Borongan, of
27 good moral character, a holder of a college degree preferably with specialized
28 training in population development from a recognized college or university and

1 a first grade civil service eligible or its equivalent. He must have acquired
2 experience in the implementation of programs on population development or
3 responsible parenthood for at least five years immediately preceding the date
4 of his appointment;

5 (b) The city population officer shall receive such compensation,
6 emoluments and allowances as may be determined by law; and

7 (c) The city population officer shall take charge of the office of the
8 population development and shall:

9 (1) Formulate measures for the consideration of the sangguniang
10 panlungsod and provide assistance and support to the city mayor in carrying
11 out measures to ensure the delivery of basic services and the provision of
12 adequate facilities relative to the integration of the population development and
13 principles and in providing access to said services and facilities;

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

19 (3) In addition to the foregoing duties and functions, the population
20 officer shall:

21 (i) Assist the city mayor in the implementation of the constitutional
22 provisions relative to population development and the promotion of
23 responsible parenthood;

24 (ii) Establish and maintain an updated data bank for program
25 operations, development and an educational program to ensure the people's
26 participation in and understanding of population and development; and

27 (iii) Implement appropriate training programs responsive to the cultural
28 heritage of the inhabitants; and

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

5 ARTIVLE VIII

6 THE CITY FIRE STATION SERVICE, THE CITY JAIL SERVICE, THE CITY 7 SCHOOLS DIVISION AND THE CITY PROSECUTION SERVICE

8 SEC. 48. *The City Fire Station Service.* – (a) There shall be established
9 in the City at least one fire station with adequate personnel and fire-fighting
10 facilities and equipment, subject to the standards, rules and regulations that
11 may be promulgated by the Department of the Interior and Local Government.
12 The City shall provide the necessary land or site of the station.

13 (b) The city fire station service shall be headed by a city fire marshal
14 whose qualifications shall be as those provided for under Republic Act No.
15 6975, otherwise known as the Philippine National Police Law.

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

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

27 (b) The city jail service shall be headed by a city jail warden who must
28 be a graduate of a four-year course in psychology, psychiatry, sociology,

1 nursing, social work or criminology who shall assist in the immediate
2 rehabilitation of individuals or detention of prisoners. Great care must be
3 exercise so that human rights of these prisoners are respected and protected,
4 and their physical and spiritual well-being are properly and promptly attended
5 to.

6 SEC. 50. *The City Schools Division.* – (a) The DepEd shall establish
7 and maintain a city schools division of the City of Borongan whose area of
8 jurisdiction will cover all the school districts within the City.

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

12 SEC. 51. *The City Prosecution Office.* – (a) There shall be established
13 in the City a prosecution service to be headed by a city prosecutor and such
14 number of assistant prosecutors, as may be necessary, who shall be
15 organizationally part of the Department of Justice (DOJ), and under the
16 supervision and control of the Secretary of Justice and whose qualifications,
17 manner of appointment, rank, salary and benefits shall be governed by existing
18 laws covering prosecutors in the DOJ.

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

24 (c) The Secretary of Justice shall always assure the adequacy and the
25 quality of prosecution service in the City and, for this purpose, shall, in the
26 absence or lack or insufficiency in number of the assistant city prosecutors as
27 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. 52. *Municipal Ordinances Existing at the Time of the Approval of*
6 *This Act.* – All municipal ordinances of the Municipality of Borongan existing
7 at the time of the approval of this Act shall continue to be in force within the
8 City of Borongan until the sangguniang panlungsod shall provide otherwise.

9 SEC. 53. *Plebiscite* – The City of Borongan shall acquire corporate
10 existence upon the ratification of its creation by the majority of votes cast by
11 the qualified voters in a plebiscite to be conducted in the present Municipality
12 of Borongan within thirty (30) days from the approval of this Act. The
13 expenses for such plebiscite shall be borne by the Municipality of Borongan.
14 The Commission on Elections shall conduct and supervise such plebiscite.

15 SEC. 54. *Officials of the City of Borongan* – The present elective
16 officials of the Municipality of Borongan shall continue to exercise their
17 powers and functions until such time that a new election is held and the duly
18 elected officials shall have already qualified and assumed their offices. The
19 appointive officials and employees of the Municipality of Borongan shall
20 likewise continue exercising their functions and duties and they shall be
21 automatically absorbed by the city government of the City of Borongan.

22 SEC. 55. *Succession Clause.* – The City of Borongan shall succeed to
23 all the assets, properties, liabilities and obligations of the Municipality of
24 Borongan.

25 SEC. 56. *Election of Provincial Governor and Sangguniang*
26 *Panlalawigan Members of the Province of Eastern Samar.* – The qualified
27 voters of the City of Borongan shall qualify to vote and run for any elective
28 position in the election for provincial governor, provincial vice governor,

1 sangguniang panlalawigan members and other elective offices for the Province
2 of Eastern Samar.

3 SEC. 57. *Jurisdiction of the Province of Eastern Samar.* – The City of
4 Borongan shall, unless otherwise provided by law, continue to be under the
5 jurisdiction of the Province of Eastern Samar.

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

9 SEC. 59. *Representative District.* – Unless otherwise provided by law,
10 the City of Borongan shall continue to be part of the Lone Congressional
11 District of the Province of Eastern Samar.

12 SEC. 60. *Applicability of Laws.* – The provisions of Republic Act No.
13 7160, otherwise known as the Local Government Code of 1991, and such laws
14 as are applicable to component cities shall govern the City of Borongan insofar
15 as they are not inconsistent with the provisions of this Act.

16 SEC. 61. *Exemption from Republic Act No. 9009.* – The City of
17 Borongan shall be exempted from the income requirement prescribed under
18 Republic Act No. 9009.

19 SEC. 62. *Separability Clause.* – If, for any reason or reasons, any part
20 or provision of this Charter shall be held unconstitutional, invalid or
21 inconsistent with the Local Government Code of 1991, the other parts or
22 provision hereof which are not affected thereby shall continue to be in full
23 force and effect. Moreover, in cases where this Charter is silent or unclear, the
24 pertinent provisions of the Local Government Code shall govern, if so
25 provided therein.

26 SEC. 63. *Reservation.* Nothing herein contained shall preclude the
27 determination by the appropriate agency or forum of boundary disputes or
28 cases involving questions of territorial jurisdiction between the City of

1 Borongan and any of the adjoining government units even after the effectivity
2 of this Act.

3 SEC. 64. *Repealing Clause.* – All laws, decrees, rules and regulations
4 or parts thereof which are inconsistent with the provisions of this Act are
5 hereby repealed, amended or modified accordingly.

6 SEC. 65. *Effectivity.* – This Act shall take effect fifteen (15) days after
7 its complete publication in at least two newspapers of general and local
8 circulation.

Approved,

O