

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

7 FEB 20 P6:20

SENATE

RECEIVED BY: 

COMMITTEE REPORT NO. 308

Submitted by the Committee on Local Government on FEB 20 2007

Re : House Bill No. 6041

Recommending its approval without amendment

Sponsor : Senator Lim

MR. PRESIDENT:

The Committee on Local Government to which was referred House Bill No. 6041, introduced by Representative Gullas, entitled:

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

has considered the same and has the honor to report it back to the Senate with the recommendation that it be approved without amendment.

Respectfully submitted:

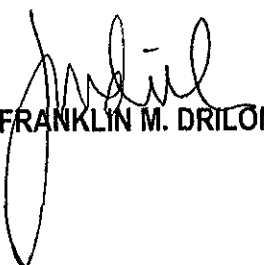

ALFREDO S. LIM
Chairman

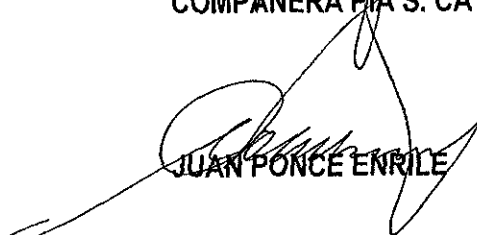
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and Vice-Chairman

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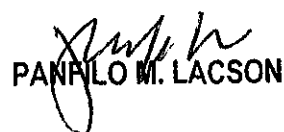
MANUEL "LITO" M. LAPID


RAMON B. MAGSAYSAY JR.

RALPH G. RECTO


RAMON ROMO REVILLA JR.

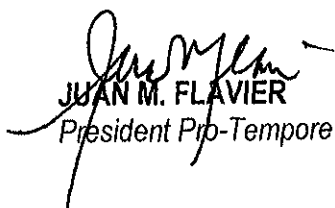

JINGGOY EJERCITO ESTRADA

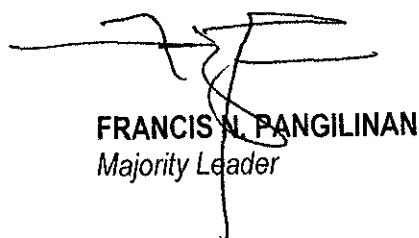

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Majority Leader

Hon. MANNY VILLAR
President
Senate of the Philippines
Pasay City



HOUSE OF REPRESENTATIVES

H. No. 6041

BY REPRESENTATIVES GULLAS, PER COMMITTEE REPORT NO. 2157

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

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

ARTICLE I

GENERAL PROVISIONS

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

3 SEC. 2. *The City of Naga*. – The Municipality of Naga shall be
4 converted into a component city to be known as the City of Naga, hereinafter
5 referred to as the City, which shall comprise the present territory of the
6 Municipality of Naga, Province of Cebu. The territorial jurisdiction of the City
7 shall be within the present metes and bounds of the Municipality of Naga.

8 The foregoing provision shall be without prejudice to the resolution by
9 the appropriate agency or forum of existing boundary disputes or cases
10 involving questions of territorial jurisdiction between the City of Naga and the

1 adjoining local government units: *Provided*, That the territorial jurisdiction of
2 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 provision 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 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 conferred.

26 SEC. 5. *Liability for Damages.* – The City and its officials shall not be
27 exempt from liability for death or injury to persons or damage to property.

1 SEC. 6. *Jurisdiction of the City.* – The jurisdiction of the City of Naga,
2 for police purposes only, shall be coextensive with its territorial jurisdiction
3 and for the purpose of protecting and ensuring the purity of the water supply of
4 the City, such police jurisdiction shall also extend over all the territory within
5 the drainage area of such water supply, or within one hundred meters (100 m.)
6 of any reservoir, conduit, canal, aqueduct or pumping station used in
7 connection with the city water service.

8 The city court of the City of Naga shall have concurrent jurisdiction
9 with the city or municipal court of the adjoining municipalities or cities, to try
10 crimes and misdemeanors committed within the said drainage area, or within
11 said spaces of one hundred meters (100 m.). The court first taking cognizance
12 of such an offense shall have jurisdiction to try said cases to the exclusion of
13 the other. The police force of the several municipalities and cities concerned
14 shall have concurrent jurisdiction with the police of the City for the
15 maintenance of good order and the enforcement of ordinances throughout said
16 zone, area or spaces. But any license that may be issued within said zone, area
17 or spaces shall be granted by the proper authorities of the city or municipality
18 concerned, and the fees arising therefrom shall accrue to the treasury of the
19 said city or municipality concerned and not to the City.

ARTICLE II

CITY OFFICIALS IN GENERAL

22 SEC. 7. *The Officials of the City of Naga.* – (a) There shall be in the
23 City of Naga: a city mayor, a city vice mayor, sangguniang panlungsod
24 members, a secretary to the sangguniang panlungsod, a city treasurer and an
25 assistant city treasurer, a city assessor and an assistant city assessor, a city
26 accountant, a city budget officer, a city planning and development coordinator,
27 a city engineer, a city health officer, a city civil registrar, a city administrator, a

1 city legal officer, a city social welfare and development officer, a city
2 veterinarian and a city general services officer.

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

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

10 (d) The City of Naga may:

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

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

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

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

23 ARTICLE III

24 THE CITY MAYOR AND THE CITY VICE MAYOR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (xii) Furnish copies of executive orders issued by him to the Office of
2 the President and the Office of the Secretary of the Interior and Local
3 Government within seventy-two (72) hours after their issuance;

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

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

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

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

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

1 (xviii) Solemnize marriages, any provision of law to the contrary
2 notwithstanding;

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

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

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

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

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

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

27 (iv) Be entitled to carry the necessary firearms within his territorial
28 jurisdiction;

1 (v) Act as the deputized representative of the National Police
2 Commission, formulate the peace and order plan of the City and, upon its
3 approval, implement the same; and as such, exercise the general and
4 operational control and supervision over the police forces in the City in
5 accordance with Republic Act No. 6975, otherwise known as the Philippine
6 National Police Law; and

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

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

16 (i) Require each head of an office or department to prepare and submit
17 an estimate of appropriations for the ensuing calendar year, in accordance with
18 the budget preparation process and in accordance with the provisions of
19 Republic Act No./7160, otherwise known as the Local Government Code of
20 1991;

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

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

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

4 (v) Issue permits, without need of approval therefore from any
5 national agency, for the holding of activities for any charitable or welfare
6 purpose, excluding prohibited games of chance or shows contrary to law,
7 public policy and public morals;

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

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

16 (viii) Provide efficient and effective property and supply management
17 in the City and protect the funds, credits, rights and other properties of the
18 City; and

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

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

26 (i) Ensure that the construction and repair of roads and highways
27 funded by the national government shall be, as far as practicable, carried out in

1 a spatially contiguous manner and in coordination with the construction and
2 repair of the roads and bridges of the City; and

3 (ii) Coordinate the implementation of technical services, including
4 public works and infrastructure programs, rendered by *national offices*; and

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

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

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

17 (b) *The city vice mayor shall:*

18 (1) Be the presiding officer of the sangguniang panlungsod and sign all
19 warrants drawn on the city treasury for all expenditures appropriated for the
20 operation of the sangguniang panlungsod;

21 (2) Subject to civil service law, rules and regulations, appoint all
22 officials and employees of the sangguniang panlungsod, except those whose
23 manner of appointment is specifically provided for under existing laws;

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

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

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

4 ARTICLE IV

5 THE SANGGUNIANG PANLUNGSOD

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

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

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

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

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

1 (i) Review all ordinances approved by the sangguniang baranggay and
2 executive orders issued by the punong barangay to determine whether these are
3 within the scope of the prescribed powers of the sangguniang barangay and of
4 the punong barangay;

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

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

11 (iv) Adopt measures to protect the inhabitants of the City from the
12 harmful effects of man-made or natural disasters and calamities, and to provide
13 relief services and assistance for victims during and in the aftermath of said
14 disasters or calamities and in their return to productive livelihood following
15 said events;

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

24 (vi) Protect the environment. To this end, it may set aside at least ten
25 percent (10%) of its development funds for the purpose of maintaining and
26 enhancing the ecological balance of the City. It may also impose appropriate
27 penalties for acts which endanger the environment, such as dynamite fishing
28 and other forms of destructive fishing, illegal logging, smuggling of logs,

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

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

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

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

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

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

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

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

5 (2) *Generate and maximize the use of resources and revenues for the*
6 *development plans, program objectives and priorities of the City, with*
7 *particular attention to agro-industrial development and citywide growth and*
8 *progress; and shall:*

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

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

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

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

27 (v) Appropriate funds for the construction and maintenance or the
28 rental of the buildings for the use of the City and, upon the majority vote of all

1 the members of the sangguniang panlungsod, authorize the city mayor to lease
2 to private parties such public buildings held in a proprietary capacity, subject
3 to existing laws, rules and regulations;

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

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

9 (viii) Reclassify lands within the jurisdiction of the City, subject to the
10 pertinent provisions of the Local Government Code;

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

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

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

1 (xii) Grant loans or provide grants to other local government units or to
2 national, provincial and city charitable, benevolent or educational institutions:

3 *Provided*, That said institutions are operated and maintained within the City;

4 (xiii) Regulates the numbering of residential, commercial and other
5 buildings; and

6 (xiv) Regulate the inspection, weighing and measuring of articles of
7 commerce;

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

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

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

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

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

26 (v) Any law to the contrary notwithstanding, authorize and license the
27 establishment, operation and maintenance of cockpits, and regulate

1 cockfighting and commercial breeding of gamecocks: *Provided*, That existing
2 rights should not be prejudiced;

3 (vi) Subject to the guidelines prescribed by the Department of
4 Transportation and Communications, regulate the operation of tricycles and
5 grant franchises for the operation thereof within the territorial jurisdiction of
6 the City; and

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

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

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

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

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

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

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

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

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

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

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

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

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 and, in addition to said services and facilities, shall:

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

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

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

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

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

24 (vi) Regulate traffic on all streets and bridges; prohibit encroachments
25 or obstacles thereon and, when necessary in the interest of public welfare,
26 authorize the removal of encroachments and illegal constructions in public
27 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 quantity of the water supply of the City and,
6 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, and subject to existing laws on tuition fees, fix and collect

1 reasonable tuition fees and other school charges in educational institutions
2 supported by the city government;

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

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

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

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

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

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

24 (xvii) Establish a city council for the elderly and senior citizens which
25 shall formulate policies and adopt measures mutually beneficial to the elderly
26 and to the community; provide incentives for nongovernmental agencies and
27 entities and, subject to the availability of funds, appropriate funds to support
28 programs and projects for the benefit of the elderly; and

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

4 (b) The members of the sangguniang panlungsod of the City of Naga
5 shall received a minimum monthly compensation corresponding to Salary
6 Grade Twenty-five (25) as prescribed under the Salary Standardization Law
7 and the implementing guidelines issued pursuant thereto.

8 ARTICLE V

9 PROCESS OF LEGISLATION

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

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

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

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

23 (3) The legislative process;

24 (4) The parliamentary procedures which include the conduct of
25 members during sessions;

26 (5) The discipline of members for disorderly behavior and absences
27 without justifiable cause for four consecutive sessions for which they may be
28 censured, reprimanded or excluded from the session, suspended for not more

1 than sixty (60) days, or expelled: *Provided*, That the penalty of suspension or
2 expulsion shall require the concurrence of at least two-thirds (2/3) vote of all
3 the sanggunian members: *Provided, further*, That the member convicted by
4 final judgment to imprisonment of at least one year for any crime involving
5 moral turpitude shall be automatically expelled from the sanggunian; and

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

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

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

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

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

26 (b) The disclosure required under this Act shall be made in writing and
27 submitted to the secretary of the sanggunian or the secretary of the committee

1 of which he is a member. The disclosure shall, in all cases, form part of the
2 record of the proceedings and shall be made in the following manner:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (b) Within thirty (30) days after receipt of copies of such ordinances
27 and resolutions, the sangguniang panlalawigan shall examine the documents or
28 transmit them to the provincial attorney or the provincial prosecutor for prompt

1 examination. The provincial attorney or the provincial prosecutor shall, within
2 a period of ten (10) days from receipt of the documents, inform the
3 sangguniang panlalawigan in writing of his comments or recommendations,
4 which may be considered by the sangguniang panlalawigan in making its
5 decision.

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

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

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

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

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

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

6 SEC. 21. *Effectivity of Ordinances and Resolutions.* – (a) Unless
7 otherwise stated in the ordinance or the resolution approving the local
8 development plan and public investment program, the same shall take effect
9 after ten (10) days from the date a copy thereof is posted in a bulletin board at
10 the entrance of the City Hall of Naga and in at least two other conspicuous
11 places in the City of Naga not later than five days after approval thereof.

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

16 The text of the ordinance or resolution shall be disseminated and posted
17 in Filipino or English and the secretary of the sangguniang panlungsod shall
18 record such fact in a book kept for the purpose, stating the dates of approval
19 and posting.

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

ARTICLE VI

DISQUALIFICATION AND SUCCESSION
OF ELECTIVE CITY OFFICIALS

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2
3
4 SEC. 22. *Disqualifications of Elective City Officials.* – The following
5 persons are disqualified from running for any elective position in the City:

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

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

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

12 (d) Those with dual citizenship;

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

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

18 (g) The insane or feeble-minded.

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (d) In the event, however, that the city mayor fails or refuses to issue
28 such authorization, the city vice mayor or the highest ranking sangguniang

1 panlungsod member, as the case may be, shall have the right to assume the
2 powers, duties and functions of the said office on the fourth day of absence of
3 the city mayor, subject to the limitations provided in subsection (c) hereof.

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

8 ARTICLE VII

9 THE APPOINTIVE OFFICIALS OF THE CITY

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

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

18 (c) The secretary to the sangguniang panlungsod shall take charge of
19 the office of the sangguniang panlungsod and shall:

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

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

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

1 (4) Forward to the Department of Budget and Management (DBM)
2 copies of the appropriations ordinances passed by the sangguniang
3 panlungsod as provided for under Section 326, Book II of the Local
4 Government Code;

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

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

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

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

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

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

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

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

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

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

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

12 (e) The city treasurer shall take charge of the city finance department
13 and shall:

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

17 (2) Take custody and exercise proper management of the funds of the
18 City;

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

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

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

26 (6) Perform such other duties and functions and exercise such other
27 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 or
2 ordinance.

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

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

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

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

21 SEC. 29. *The City Assessor.* – (a) The city assessor must be a citizen of
22 the Philippines, a resident of the City of Naga, of good moral character, a
23 holder of a college degree preferably in civil or mechanical engineering,
24 commerce or any other related course from a recognized college or university,
25 and a first grade civil service eligible or its equivalent. He must have acquired
26 experience in real property assessment work or in any related field for at least
27 five years immediately preceding the date of his appointment.

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

3 (c) The city assessor shall take charge of the city assessment
4 department and shall:

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

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

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

11 (4) Install and maintain real property identification and accounting
12 systems;

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

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

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

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

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

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

1 (11) 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. 30. *The Assistant City Assessor.* – (a) The assistant city assessor
6 must be a citizen of the Philippines, a resident of the City of Naga, of good
7 moral character, a holder of a college degree preferably in civil or mechanical
8 engineering, commerce or any related course from a recognized college or
9 university, and a first grade civil service eligible or its equivalent. He must
10 have acquired experience in assessment or in any related field for at least three
11 years immediately preceding the date of his appointment.

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

14 (c) The assistant city assessor shall assist the city assessor and perform
15 such other duties as the latter may assign to him. He shall have the authority to
16 administer oaths and all declarations of all real properties for purposes of
17 assessment.

18 SEC. 31. *The City Accountant.* – (a) The city accountant must be a
19 citizen of the Philippines, a resident of the City of Naga, of good moral
20 character and a certified public accountant. He must have acquired experience
21 in the treasury or accounting service for at least five years immediately
22 preceding the date of his appointment.

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

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

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

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

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

5 (4) Certify to the availability of budgetary allotment to which
6 expenditures and obligations may be properly charged;

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

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

11 (7) Prepare statements of journal vouchers and liquidation of the same
12 and other adjustments related thereto;

13 (8) Post individual disbursements to the subsidiary ledgers and index
14 cards;

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

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

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

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

23 (13) 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. 32 *The City Budget Officer.* – (a) The city budget officer must be
28 a citizen of the Philippines, a resident of the City of Naga, of good moral

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

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

8 (c) The city budget officer shall take charge of the city budget
9 department and shall:

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

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

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

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

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

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

21 (7) Assist the sangguniang panlungsod in reviewing the approved
22 budgets of the component City;

23 (8) Coordinate with the city planning and development coordinating
24 office in the formulation of the development plan of the City; and

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

1 SEC. 33. *The City Planning and Development Coordinator.* – (a) The
2 city planning and development coordinator must be a citizen of the Philippines,
3 a resident of the City of Naga, of good moral character, a holder of a college
4 degree preferably in urban planning, development studies, economics, public
5 administration or any related course from a recognized college or university,
6 and a first grade civil service eligible or its equivalent. He must have acquired
7 experience in development planning or in any related field for at least five
8 years immediately preceding the date of his appointment..

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

11 (c) The city planning and development coordinator shall take charge of
12 the city planning and development coordinating office and shall:

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

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

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

19 (4) Monitor and evaluate the implementation of the different
20 development programs, projects and activities in the City in accordance with
21 the approved development plan;

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

24 (6) Analyze the income and expenditure patterns and formulate and
25 recommend fiscal plans and policies for consideration of the finance committee
26 of the sangguniang panlungsod;

27 (7) Promote people's participation in development planning within the
28 City;

1 (8) Exercise supervision and control over the secretariat of the local
2 development council; and

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

7 SEC. 34. *The City Engineer.* – (a) The city engineer must be a citizen
8 of the Philippines, a resident of the City of Naga, of good moral character and
9 a licensed civil engineer. He must have acquired experience in the practice of
10 his profession for at least five years immediately preceding the date of his
11 appointment.

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

14 (c) The city engineer shall take charge of the city engineering office
15 and shall:

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

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

21 (3) Administer, coordinate, supervise and control the construction,
22 maintenance, improvement and repair of roads, bridges, other engineering and
23 public works projects of the City;

24 (4) Provide engineering services to the City, including investigations
25 and surveys, engineering designs, feasibility studies and project management;
26 and

27 (5) 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 or
2 ordinance.

3 SEC. 35. *The City Health Officer.* – (a) The city health officer must be
4 a citizen of the Philippines, a resident of the City of Naga, of good moral
5 character and a licensed medical practitioner. He must have acquired
6 experience in the practice of his profession for at least five years immediately
7 preceding the date of his appointment.

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

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

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

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

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

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

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

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

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

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

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

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

15 (vii) Conduct health information campaigns and render health
16 intelligence services;

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

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

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

26 SEC. 36. *The City Civil Registrar.* – (a) The city civil registrar must be
27 a citizen of the Philippines, a resident of the City of Naga, of good moral
28 character, a holder of a college degree from a recognized college or university,

1 and a first grade civil service eligible or its equivalent. He must have acquired
2 experience in civil registry work for at least five years immediately preceding
3 the date of his appointment.

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

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

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

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

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

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

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

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

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

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

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

5 (vii) Coordinate with the National Statistics Office in conducting
6 educational campaigns for vital registration and assist in the preparation of
7 demographic and other statistics for the City of Naga; and

8 (3) 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. 37. *The City Administrator.* – (a) The city administrator must be a
13 citizen of the Philippines, a resident of the City of Naga, of good moral
14 character, a holder of a college degree preferably in public administration, law
15 or any other related course from a recognized college or university, and a first
16 grade civil service eligible or its equivalent. He must have acquired
17 experience in management and administrative work for at least five years
18 immediately preceding the date of his appointment.

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

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

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

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

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

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

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

13 SEC. 38. *The City Legal Officer.* – (a) The city legal officer must be a
14 citizen of the Philippines, a resident of the City of Naga, of good moral
15 character and a member of the Philippine Bar. He must have practiced his
16 profession for at least five years immediately preceding the date of his
17 appointment.

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

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

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

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

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

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

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

8 (5) 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. 39. *The City Social Welfare and Development Officer.* ~ (a) The
13 city social welfare and development officer must be a citizen of the
14 Philippines, a resident of the City of Naga, of good moral character, a duly
15 licensed social worker or a holder of a college degree preferably in sociology
16 or any other related course from a recognized college or university, and a first
17 grade civil service eligible or its equivalent. He must have acquired
18 experience in the practice of social work for at least five years immediately
19 preceding the date of his appointment.

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

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

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

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

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

8 (4) Recommend to the sangguniang panlungsod and advise the city
9 mayor on all other matters related to social welfare and development services
10 which will improve the livelihood and the living conditions of the inhabitants;
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 the
14 Local Government Code of 1991, and those that are prescribed by law or
15 ordinance.

16 SEC. 40. *The City Veterinarian.* – (a) The city veterinarian must be a
17 citizen of the Philippines, a resident of the City of Naga, of good moral
18 character and a licensed doctor of veterinary medicine. He must have
19 practiced his profession for at least three years immediately preceding the date
20 of his appointment.

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

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

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

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

5 (3) Be in the frontline of the 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 (4) Recommend to the sangguniang panlungsod and advise the city
11 mayor on all other matters relative to veterinary services which will increase
12 the number and improve the quality of livestock, poultry and other domestic
13 animals used for work or for human consumption; and

14 (5) 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 Naga, of good moral character, a holder of a college degree in public
21 administration, business administration and 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 management
24 of supply, property, solid waste disposal and general sanitation for at least
25 three 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 on
2 the general services and shall:

3 (1) Formulate measures for the consideration of the sangguniang
4 panlungsod and provide technical assistance and support to the city mayor in
5 carrying out measures to ensure the delivery of basic services and the provision
6 of adequate facilities which require general services expertise and technical
7 support services;

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

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

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

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

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

26 SEC. 42. *The City Environment and Natural Resources Officer.* – (a)
27 The city environment and natural resources officer must be a citizen of the
28 Philippines, a resident of the City of Naga, of good moral character, a holder of

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

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;

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

24 (4) Recommend measures to the sangguniang panlungsod and advise
25 the city mayor on all other matters relative to the protection, conservation,
26 maximum utilization, application of appropriate technology and other matters
27 related to the environment and natural resources; 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. 43. *The City Architect.*— (a) The city architect must be a citizen
6 of the Philippines, a resident of the City of Naga, of good moral character and
7 a duly licensed architect. He must have practiced his profession for at least
8 five years immediately preceding the date of his appointment.

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

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

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

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

22 (3) Be in the frontline of the delivery of services involving architectural
23 planning and design, particularly those related to the redesigning of spatial
24 distribution of basic facilities and physical structures 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 other matters relative to architectural planning and design as it
28 relates to the total socioeconomic development of the City; 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. 44. *The City Information Officer.* – (a) The city information
6 officer must be a citizen of the Philippines, a resident of the City of Naga, of
7 good moral character, a holder of a college degree preferably in journalism,
8 mass communication or any related course from a recognized college or
9 university, and a first grade civil service eligible or its equivalent. He must
10 have acquired experience in writing articles and research papers, or writing for
11 print, television or broadcast media for at least five years immediately
12 preceding the date of his appointment.

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

15 (c) The city information officer shall take charge of the city
16 information and community relations department and shall:

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

22 (2) Develop plans and strategies and, upon approval thereof by the city
23 mayor, implement the same, particularly those which have to do with public
24 information and research data to support programs and projects which the city
25 mayor is empowered to implement and which the sangguniang panlungsod is
26 empowered to provide;

27 (3) Be in the frontline in providing information during and in the
28 aftermath of man-made and natural disasters or calamities, with special

1 attention to the victims thereof, to help minimize injuries and casualties during
2 and after the emergency, and to accelerate relief and rehabilitation;

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

6 (5) 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 SEC. 45. *The City Cooperatives Officer.* – (a) The city cooperatives
11 officer must be a citizen of the Philippines, a resident of the City of Naga, of
12 good moral character, a holder of a college degree preferably in business
13 administration with special training on cooperatives or any related course from
14 a recognized college or university, and a first grade civil service eligible or its
15 equivalent. He must have acquired experience in cooperatives organization
16 and management for at least five years immediately preceding the date of his
17 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
28 city mayor, implement the same, particularly those which have to do with the

1 integration of cooperative principles and methods in programs which the city
2 mayor is empowered to implement and which the sangguniang panlungsod is
3 empowered to provide;

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

8 (4) Recommend to the sangguniang panlungsod and advise the city
9 mayor on all other matters relative to cooperatives development and viability
10 enhancement which will improve the livelihood and the quality of life of the
11 inhabitants; 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 the
14 Local Government Code of 1991, and those that are prescribed by law or
15 ordinance.

16 SEC. 46. *The City Population Officer.* – (a) The city population officer
17 must be a citizen of the Philippines, a resident of the City of Naga, of good
18 moral character, a holder of a college degree preferably with specialized
19 training in population development from a recognized college or university,
20 and a first grade civil service eligible or its equivalent. He must have acquired
21 experience in the implementation of programs on population development or
22 responsible parenthood for at least five years immediately preceding the date of
23 his appointment.

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

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

1 (1) Formulate measures for the consideration 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
4 provision of adequate facilities relative to the integration of population
5 development principles and in providing access to said services and facilities;

6 (2) Develop plans and strategies and, upon approval thereof by the
7 city mayor, implement the same, particularly those which have to do with the
8 integration of population development principles and methods in programs and
9 projects which the city mayor is empowered to implement and which the
10 sangguniang panlungsod is empowered to provide; and

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

15 SEC. 47. *The City Agriculturist.* – (a) The city agriculturist must be a
16 citizen of the Philippines, a resident of the City of Naga, of good moral
17 character, a holder of a college degree preferably in agriculture or any other
18 related course from a recognized college or university, and a first grade civil
19 service eligible or its equivalent. He must have practiced his profession in
20 agriculture or acquired the experience in a related field for at least five years
21 immediately preceding the date of his appointment.

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

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

26 (1) Formulate measures for the approval of the sangguniang
27 panlungsod and provide technical assistance and support to the city mayor in

1 carrying out measures to ensure the delivery of basic services and the
2 provision of adequate facilities relative to agricultural services;

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
5 agricultural programs and projects which the city mayor is empowered to
6 implement and which the sangguniang panlungsod is empowered to provide;

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

9 (a) Ensure that maximum assistance and access to resources in the
10 production, processing and marketing of agricultural and aquacultural and
11 marine products are extended to farmers, fishermen and local entrepreneurs;

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

17 (c) Assist the city mayor in the establishment and the extension
18 services of demonstration farms or aquaculture and marine products;

19 (d) Enforce rules and regulations relating to agriculture and
20 aquaculture; and

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

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

1 (5) Recommend to the sangguniang panlungsod and advise the city
2 mayor on all other matters related to agriculture and aquaculture which will
3 improve the livelihood and the living conditions of the inhabitants; 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 ARTICLE VIII

9 THE CITY FIRE STATION SERVICE, THE CITY JAIL SERVICE, THE CITY 10 SCHOOLS DIVISION AND THE CITY PROSECUTION SERVICE

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

16 (b) The city fire station service shall be headed by a city fire marshal
17 whose qualifications shall be as those provided for under Republic Act No.
18 6975, otherwise known as the Philippine National Police Law.

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

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

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

8 SEC. 50. *The City Schools Division.* – (a) There shall be established
9 and maintained by the DepEd a city schools division of the City of Naga
10 whose area of jurisdiction will cover all the school districts within the City.

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

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

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

26 (c) The Secretary of Justice shall always ensure the adequacy and
27 quality of prosecution service in the City and, for this purpose, shall, in the
28 absence or lack or insufficiency in number of the city assistant prosecutors as

1 provided hereinabove, designate from among the assistant provincial
2 prosecutors a sufficient number to perform and discharge the functions of the
3 city prosecution service as provided hereinabove.

4 ARTICLE IX

5 RECLAMATION OF FORESHORE LANDS 6 AND OWNERSHIP OF WATERWORKS SYSTEM, 7 WATER SPRINGS OR WATER SOURCES, 8 ROADS AND STREETS

9 SEC. 52. *Reclamation of Foreshore Lands.* – The City alone shall
10 have the authority to reclaim foreshore lands, including submerged lands
11 within its jurisdiction in accordance with the provisions of Republic Act No.
12 1899: *Provided, however,* That should the City desire to reclaim the said
13 foreshore lands and submerged lands through third parties, the contracts
14 relating thereto shall become effective only when the said contracts shall have
15 been approved by the city council and the city mayor.

16 SEC. 53. *Ownership of Waterworks System, Water Springs or Water*
17 *Sources, Roads, Streets, etc.* – Notwithstanding the provisions of Republic Act
18 No. 1383 and other existing laws, all existing waterworks belonging to the
19 national government, water springs and water sources shall be owned by the
20 City of Naga and all revenues therefrom shall accrue to the general fund of the
21 City. All existing municipal, provincial and national roads, streets, bridges,
22 docks, piers, wharves, machineries, equipment and other public works
23 improvements shall be owned by the City of Naga.

24 ARTICLE X

25 TRANSITORY AND FINAL PROVISIONS

26 SEC. 54. *Municipal Ordinances Existing at the Time of the Approval of*
27 *This Act.* – All municipal ordinances of the Municipality of Naga existing at
28 the time of the approval of this Act shall continue to be in force within the City
29 of Naga until the sangguniang panlungsod ordinance shall provide otherwise.

1 SEC. 55. *Plebiscite.* – The City of Naga shall acquire corporate
2 existence upon the ratification of its creation by a majority of the votes cast by
3 the qualified voters in a plebiscite to be conducted in the present Municipality
4 of Naga within thirty (30) days from the approval of this Act. The expenses
5 for such plebiscite shall be borne by the Municipality of Naga. The
6 Commission on Elections shall conduct and supervise such plebiscite.

7 SEC. 56. *Officials of the City of Naga.* – The present elective officials
8 of the Municipality of Naga shall continue to exercise their powers and
9 functions until such time that a new election is held and the duly elected
10 officials shall have already qualified and assumed their offices. The appointive
11 officials and employees of the Municipality of Naga shall likewise continue
12 exercising their functions and duties and they shall be automatically absorbed
13 by the City Government of the City of Naga.

14 SEC. 57. *Succession Clause.* – The City of Naga shall succeed to all the
15 assets, properties, liabilities and obligations of the Municipality of Naga.

16 SEC. 58. *Election of Provincial Governor and Sangguniang*
17 *Panlalawigan Members of the Province of Cebu.* – The qualified voters of the
18 City of Naga shall be qualified to vote and run for any elective position in the
19 elections for provincial governor, provincial vice governor, sangguniang
20 panlalawigan members and other elective offices for the Province of Cebu.

21 SEC. 59. *Jurisdiction of the Province of Cebu.* – The City of Naga
22 shall, unless otherwise provided by law, continue to be under the jurisdiction
23 of the Province Cebu.

24 SEC. 60. *Suspension of Increase in Rates of Local Taxes.* – No increase
25 in the rates of local taxes shall be imposed by the City within the period of five
26 years from its acquisition of corporate existence.

1 SEC. 61. *Representative District.* – Until otherwise provided by law,
2 the City of Naga shall continue to be a part of the First Congressional District
3 of the Province of Cebu.

4 SEC. 62. *Limitation.* – Within three years from the approval of this Act,
5 no new race track, jai-alai fronton, gambling casino or cockpit shall be licensed
6 or allowed to operate in the City.

7 SEC. 63. *Reservation.* – Nothing herein contained shall preclude the
8 determination by the appropriate agency or forum of boundary disputes or
9 cases involving questions of territorial jurisdiction between the City of Naga
10 and any of the adjoining local government units even after the effectivity of
11 this Act.

12 SEC. 64. *Applicability of Laws.* – The provisions of Republic Act No.
13 7160, otherwise known as the Local Government Code of 1991, and other laws
14 pertaining to the Province of Cebu and such laws as are applicable to cities
15 shall govern the City of Naga insofar as they are not inconsistent with the
16 provisions of this Act: *Provided, however,* That the income requirement
17 prescribed under Republic Act No. 9009 shall not apply to the City of Naga.

18 SEC. 65. *Separability Clause.* – If, for any reason or reasons, any part
19 or provision of this Charter shall be held unconstitutional, invalid or
20 inconsistent with the Local Government Code of 1991, other parts or
21 provisions hereof which are not affected thereby shall continue to be in full
22 force and effect. Moreover, in cases where this Charter is silent or unclear, the
23 pertinent provisions of the Local Government Code shall govern, if so
24 provided therein.

25 SEC. 66. *Effectivity.* – This Act shall take effect fifteen (15) days after
26 its complete publication in at least two newspapers of general and local
27 circulations.

Approved,