

SENATE

COMMITTEE REPORT NO. 309

Submitted by the Committee on Local Government on MAR 05 2007

Re : House Bill No. 5970

Recommending its approval without amendment

Sponsor : Senator Lim

MR. PRESIDENT:

The Committee on Local Government to which was referred House Bill No. 5970, introduced by Representatives Tañada, Suarez, Nantes and Alcala, entitled:


**"AN ACT
CREATING THE PROVINCE OF QUEZON DEL SUR"**

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

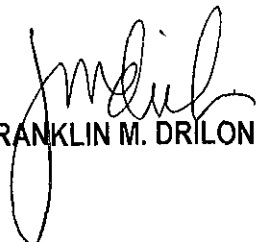
may mind:


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

Members:

RODOLFO G. BIAZON

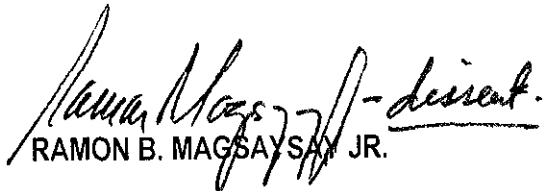

COMPANERA PIA S. CAYETANO


FRANKLIN M. DRILON


JUAN PONCE ENRILE

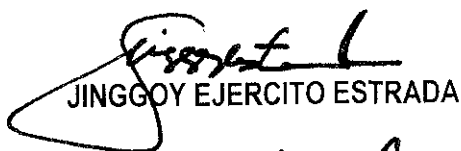
RICHARD J. GORDON

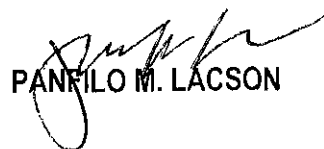
MANUEL "LITO" M. LAPID


RAMON B. MAGSAYSAY JR.

RALPH G. RECTO


RAMON BONG REVILLA JR.

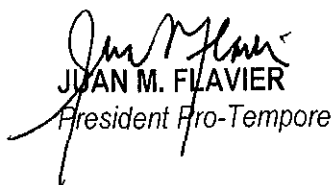

JINGGOY EJERCITO ESTRADA

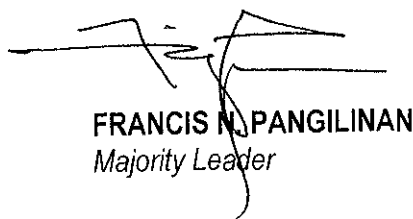

PANFILO M. LACSON


M.A. MADRIGAL

*abstain
in recreation
P. Revilla*
SERGIO OSMEÑA III

Ex-Officio Members:


JUAN M. FLAVIER
President Pro-Tempore


FRANCIS N. PANGILINAN
Majority Leader

Hon. MANNY VILLAR
President
Senate of the Philippines
Pasay City

1 Sampalo, Tayabas, Candelaria, Dolores, San Antonio, Sariaya, Tiaong and
2 Lucena City.

3 The territorial jurisdiction of the Province of Quezon del Sur shall be
4 within the present metes and bounds of the local government units (LGUs)
5 which shall comprise the Province of Quezon del Sur as follows:

6 Bounded on the north, along Points 1 to 4 by Lamon Bay and Alabat
7 Island;

8 Bounded on the northeast, along Points 4 to 5 by the Province of
9 Camarines Norte:

10 Bounded on the southeast, along Points 5 to 6 by the Province of
11 Camarines Sur, along Points 6 to 9 by Ragay Gulf including Alibijan Island;

12 Bounded on the south, along Points 9 to 10 by Sibuyan Sea, along
13 Points 10 to 11 by Mompog Pass:

14 Bounded on the northwest, along Points 11 to 15 to the point of
15 beginning by the proposed Province of Quezon del Norte.

16	POINTS	LATITUDE	LONGITUDE
17	1	14°03'55.31"N	121°51'28.19"E
18	2	13°59'58.08"N	122°11'02.13"E
19	3	14°14'49.47"N	122°15'52.04"E
20	4	14°09'42.61"N	122°26'56.84"E
21	5	13°59'48.29"N	122°48'12.43"E
22	6	13°56'27.44"N	122°33'24.21"E
23	7	13°30'39.28"N	122°37'52.17"E
24	8	13°13'01.66"N	122°41'33.31"E
25	9	13°09'28.48"N	122°35'53.72"E
26	10	13°14'47.10"N	122°29'57.96"E
27	11	13°56'48.55"N	121°48'22.51"E
28	12	13°57'16.72"N	121°49'19.72"E

1	13	13°59'01.93"N	121°50'13.32"E
2	14	14°00'00.84"N	121°49'04.82"E
3	15	14°01'20.30"N	121°49'35.55"E

4 The foregoing provision shall be without prejudice to the resolution by
5 appropriate agency or forum of any existing boundary dispute involving
6 questions of territorial jurisdiction between the Province of Quezon del Sur
7 and the adjoining LGUs: *Provided*, That the territorial jurisdiction of the
8 disputed area or areas shall remain with the LGUs, which has existing
9 administrative supervision over said area or areas until the final resolution of
10 the case.

11 **SEC. 3. *Capital Town and Seat of Government.*** – The capital town and
12 seat of government of the new Province of Quezon del Sur shall be the
13 Municipality of Gumaca while the capital and seat of government of the
14 Province of Quezon del Norte shall be Lucena City.

15 **SEC. 4. *Corporate Powers of the Province.*** – The province constitutes
16 a political body corporate and as such is endowed with the attributes of
17 perpetual succession and possessed of the powers which pertains to a
18 provincial corporation to be exercised in conformity with the provision of this
19 Charter. The province shall have the following corporate powers:

- 20 (a) To have a continuous succession in its corporate name;
21 (b) To sue and be sued;
22 (c) To have and use a corporate seal;
23 (d) To acquire, hold and convey real or personal property;
24 (e) To enter into contracts and/or agreements; and
25 (f) To exercise such other powers, prerogatives or authority subject to
26 the limitations as provided for in this Act or other laws.

27 **SEC. 5. *General Powers.*** – The province shall have a common seal and
28 may alter the same at its pleasure. It shall exercise the powers to levy taxes; to

1 close and open roads, streets, alleys, parks or squares; to take, purchase,
2 receive, hold, lease, convey and dispose of real and personal property for the
3 general interests of the province; to expropriate or condemn private property
4 for public use; to contract and to be contracted with; to sue and be sued; to
5 prosecute and defend to final judgment and execution suits wherein the
6 province is involved or interested in; and to exercise all the powers as are
7 granted to corporations or as hereinafter granted.

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

11 SEC. 7. *Legislative Districts.* – The Province of Quezon del Sur shall
12 have two legislative districts to commence in the next elections after the
13 effectivity of this Act, consisting of the following:

14 (a) First District – Agdangan, Buenavista, Catanauan, General Luna,
15 Macalelon, Mulanay, Padre Burgos, Pitogo, San Andres, San Narciso, San
16 Francisco and Unisan; and

17 (b) Second District – Alabat, Atimonan, Calauag, Guinayangan,
18 Gumaca, Lopez, Perez, Plaridel, Quezon and Tagkawayan.

19 The Province of Quezon del Norte shall have two legislative districts
20 consisting of the present first and second legislative districts of the Province of
21 Quezon.

22 SEC. 8. *Jurisdiction of the Province.* – The jurisdiction of the Province
23 of Quezon del Sur, for police purposes only, shall be coextensive with its
24 territorial jurisdiction and for the purpose of protecting and ensuring the purity
25 of the water supply of the province, such police jurisdiction shall also extend
26 over all the territory within the drainage area of such water supply source, or
27 within one hundred meters (100 m.) of any reservoir, conduit, canal, aqueduct
28 or pumping station used in connection with the province water service.

1 (1) Establish and maintain offices not mentioned in subsections (a), (b)
2 and (c) hereof.

3 (2) Create such other offices as may be necessary to carry out the
4 purposes of the provincial government; or

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

7 (e) Unless otherwise provided herein, heads of departments and offices
8 shall be appointed by the provincial governor with the concurrence of the
9 majority of the sangguniang panlalawigan members, subject to civil service
10 rules and regulations. The sangguniang panlalawigan shall act on the
11 appointment within fifteen (15) days from the day of its submission, otherwise
12 the same shall be deemed confirmed.

13 SEC. 10. *Residence and Office.* – During the incumbency of the
14 governor, he shall have his official residence and office in the designated
15 capital of the province. All elective and appointive provincial officials shall
16 hold office in the provincial capital: *Provided.* That upon the resolution of the
17 sangguniang panlalawigan, elective and appointive provincial officials may
18 hold office in any component city or municipality within the province for a
19 period of not more than seven days for any given month.

20 ARTICLE III

21 ELECTIVE PROVINCIAL OFFICIALS

22 SEC. 11. *The Provincial Governor.* – (a) The provincial governor, as
23 the chief executive of the provincial government, shall exercise such powers
24 and perform such duties and functions as provided for in the Local
25 Government Code of 1991 and other laws.

26 (b) For efficient, effective and economical governance, the purpose of
27 which is the general welfare of the province and its inhabitants pursuant to

1 Section 16 of the Local Government Code of 1991, the provincial governor
2 shall:

3 (1) Exercise general supervision and control over all programs,
4 projects, services and activities of the provincial government and, in this
5 connection, shall:

6 (i) Determine the guidelines of provincial policies and be responsible
7 to the sangguniang panlalawigan for the program of the government;

8 (ii) Direct the formulation of the provincial development plan, with the
9 assistance of the provincial development council and, upon approval thereof by
10 the sangguniang panlalawigan, implement the same;

11 (iii) Present the program of government and propose policies and
12 projects for the consideration of the sangguniang panlalawigan at the opening
13 of the regular session of the sangguniang panlalawigan every calendar year and
14 as often as may be deemed necessary as the general welfare of the inhabitants
15 and the needs of the provincial government may require:

16 (iv) Appoint all officials and employees whose salaries and wages are
17 wholly or mainly paid out of provincial funds and whose appointments are not
18 otherwise provided for in this Act, as well as those he may be authorized by
19 law to appoint, except those who are to be appointed by the vice governor as
20 provided for in Section 12 hereof;

21 (v) Represent the province in all its business transactions and sign on
22 its behalf all bonds, contracts and obligations, and such other documents upon
23 the authority of the sangguniang panlalawigan or pursuant to law or ordinance;

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

26 (vii) Determine the time, manner and place of payment of salaries or
27 wages of the provincial officials and employees, in accordance with law or
28 ordinance;

1 (viii) Allocate and assign office space to provincial and other officials
2 and employees who, by law or ordinance, are entitled to such space in the
3 provincial capitol and other buildings owned or leased by the provincial
4 government;

5 (ix) Ensure that all executive officials and employees of the province
6 faithfully discharge their duties and functions as provided for by law and the
7 Local Government Code of 1991, and cause to be instituted administrative or
8 judicial proceedings against any official or employee of the province who may
9 have committed an offense in the performance of his official duties:

10 (x) Examine the books, records and other documents of all offices.
11 officials, agents or employees of the province and, in aid of his executive
12 powers and authority, require all national officials and employees stationed in
13 the province to make available to him such books, records and other
14 documents in their custody, except those classified by law as confidential:

15 (xi) Furnish copies of executive orders issued by him to the Office of
16 the President within seventy-two (72) hours after their issuance;

17 (xii) Visit component cities and municipalities of the province at least
18 once every six months to deepen his understanding of problems and conditions.
19 listen and give appropriate counsel to local officials and inhabitants, inform the
20 officials and inhabitants of component cities and municipalities of general laws
21 and ordinances which especially concerns them, and otherwise conduct visits
22 and inspections to ensure that the governance of the province will improve the
23 quality of life of the inhabitants;

24 (xiii) Act on leave applications of officials and employees appointed
25 by him and the commutation of the monetary value of their leave credits in
26 accordance with law;

27 (xiv) Authorize official trips of provincial officials and employees
28 outside of the province for a period not exceeding thirty (30) days;

1 (xv) Call upon any national official or employee stationed in or
2 assigned to the province to advise him on matters affecting the province and to
3 make recommendations thereon; coordinate with said official or employee in
4 the formulation and implementation of plans, programs and projects; and when
5 appropriate, initiate an administrative or judicial action against a national
6 government official or employee who may have committed an offense in the
7 performance of his duties while stationed in or assigned to the province;

8 (xvi) Authorize payment for medical care, necessary transportation,
9 subsistence, hospital or medical fees of provincial officials and employees who
10 are injured while in the performance of their official duties and functions,
11 subject to the availability of funds;

12 (xvii) Represent the province in inter-provincial or regional sports
13 councils or committees, and coordinate the efforts of component cities or
14 municipalities in the regional or national palaro or sports development
15 activities;

16 (xviii) Conduct an annual palarong panlalawigan, which shall feature
17 traditional sports and disciplines included in national and international games.
18 in coordination with the Department of Education (DepEd); and

19 (xix) Submit to the Office of the President the following reports: an
20 annual report containing a summary of all matters pertinent to the management,
21 administration and development of the province and all information and data
22 relative to its political, social and economic conditions; and supplemental
23 reports when unexpected events and situations arise at any given time during
24 the year, particularly when man-made or natural disasters or calamities affect
25 the general welfare of the province, region or country;

26 (2) Enforce all laws and ordinances relative to the governance of the
27 province and in the exercise of its appropriate corporate powers as provided
28 for in Section 22 of the Local Government Code of 1991; implement all

1 approved policies, programs, projects, services and activities of the province:
2 and in addition to the foregoing, shall:

3 (i) Ensure that the acts of the component cities and municipalities of
4 the province and of its officials and employees are within the scope of their
5 prescribed powers, duties and functions;

6 (ii) Call conventions, conferences, seminars or meetings of any elective
7 and appointive officials of the province and its component cities and
8 municipalities, including national officials and employees stationed in or
9 assigned to the province at such time and place and on such subject as he may
10 deem important for the promotion of the general welfare of the province and its
11 inhabitants;

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

14 (iv) Be entitled to carry the necessary firearm within his territorial
15 jurisdiction;

16 (v) In coordination with the mayors of component cities and
17 municipalities and the National Police Commission, formulate the peace and
18 order plan of the province and upon its approval, implement the same in
19 accordance with Republic Act No. 6975; and

20 (vi) Call upon the appropriate national law enforcement agencies to
21 suppress disorder, riot, lawless violence, rebellion or sedition, or to apprehend
22 violators of the law when public interest so requires and the police forces of
23 the component city and municipality where the disorder or violation is
24 happening are inadequate to cope with the situation or the violators;

25 (3) Initiate and maximize the generation of resources and revenues, and
26 apply the same to the implementation of development plans, program
27 objectives and priorities as provided for under Section 18 of the Local
28 Government Code of 1991, particularly those resources and revenues

1 programmed for agro-industrial development and country-wide growth and
2 progress and, relative thereto, shall:

3 (i) Require each head of an office or department to prepare and submit
4 an estimate of appropriations for the ensuing calendar year, in accordance with
5 the budget preparation process under Title V, Book II of the Local
6 Government Code of 1991;

7 (ii) Prepare and submit to the sangguniang panlalawigan for approval
8 the executive and supplemental budgets of the province for the ensuing
9 calendar year in the manner provided for under Title V, Book II of the Local
10 Government Code of 1991;

11 (iii) Ensure that all taxes and other revenues of the province are
12 collected and that provincial funds are applied to the payment of expenses and
13 settlement of obligations of the province, in accordance with law or ordinance;

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

17 (v) Adopt adequate measures to safeguard and conserve land, mineral,
18 marine, forest and other resources of the province, in coordination with the
19 mayors of component cities and municipalities;

20 (vi) Provide efficient and effective property and supply management in
21 the province, and protect the funds, credits, rights and other properties of the
22 province; and

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

1 (4) Ensure the delivery of basic services and the provision of adequate
2 facilities as provided for under Section 17 of the Local Government Code of
3 1991 and, in addition thereto, shall:

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

9 (ii) Coordinate the implementation of technical services by national
10 offices for the province and its component cities and municipalities, including
11 public works and infrastructure programs of the provincial government and its
12 component cities and municipalities; and

13 (5) Exercise such other powers and perform such other duties and
14 functions as may be prescribed by law or ordinance.

15 The provincial governor shall receive a minimum monthly
16 compensation corresponding to Salary Grade Thirty (30) as prescribed under
17 Republic Act No. 6758 and the implementing guidelines issued pursuant
18 thereto.

19 SEC. 12. *The Provincial Vice Governor.* – (a) The provincial vice
20 governor shall:

21 (1) Be the presiding officer of the sangguniang panlalawigan and sign
22 all warrants drawn on the provincial treasury for all expenditures appropriated
23 for the operation of the sangguniang panlalawigan;

24 (2) Subject to civil service law, rules and regulations, appoint all
25 officials and employees including the secretary of the sangguniang
26 panlalawigan and such employees of the individual members of the
27 sangguniang panlalawigan, except those whose manner of appointment is
28 specifically provided for under existing laws;

1 (3) Assume the office of the provincial governor for the unexpired term
2 of the latter in the event of permanent vacancy as provided for in Section 44,
3 Book I of the Local Government Code 1991:

4 (4) Exercise the powers and perform the duties and functions of the
5 governor in cases of temporary vacancy as provided for in Section 46, Book I
6 of the Local Government Code of 1991; and

7 (5) Exercise such other powers and perform such other duties and
8 functions as may be prescribed by law or ordinance.

9 (b) The vice governor shall receive a monthly compensation
10 corresponding to Salary Grade Twenty-eight (28) as prescribed under Republic
11 Act No. 6758 and the implementing guidelines issued pursuant thereto.

12 ARTICLE IV

13 THE SANGGUNIANG PANLALAWIGAN

14 SEC. 13. *Composition.* – (a) The sangguniang panlalawigan, the
15 legislative body of the province, shall be composed of the provincial vice
16 governor as the presiding officer, the regular sangguniang panlalawigan
17 members, the president of the provincial chapter of the liga ng mga barangay,
18 the president of the panlalawigang pederasyon ng mga sangguniang kabataan,
19 the president of the provincial federation of sanggunian members of
20 component cities and municipalities and the sectoral representatives, as
21 members.

22 (b) In addition thereto, there shall be three sectoral representatives: one
23 from the women; and as shall be determined by the sanggunian concerned
24 within ninety (90) days prior to the holding of local elections, one from the
25 agricultural, fisherfolks or industrial workers; and one from the other sectors,
26 including the urban poor, indigenous cultural communities or disabled persons.

27 (c) The regular members of the sangguniang panlalawigan and the
28 sectoral representatives shall be elected in the manner as provided for by law,

1 and shall receive a monthly compensation corresponding to Salary Grade
2 Twenty-seven (27) as prescribed under Republic Act No. 6758 and the
3 implementing guidelines issued pursuant thereto.

4 SEC. 14. *Powers and Functions.* – (a) The sangguniang panlalawigan,
5 as the legislative body of the province, shall enact ordinances, approve
6 resolutions and appropriate funds for the general welfare of the province and
7 its inhabitants pursuant to Section 16 of the Local Government Code of 1991
8 and in the proper exercise of the corporate powers of the province as provided
9 for under Section 22 of the Local Government Code of 1991, and shall:

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

12 (i) Review all ordinances approved by the sanggunians of component
13 cities and municipalities and executive orders issued by the mayors of said
14 component units to determine whether these are within the scope of the
15 prescribed powers of the sanggunian and of the mayor:

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

19 (iii) Approve ordinances imposing a fine not exceeding Five thousand
20 pesos (P5,000.00) or imprisonment not exceeding one year, or both, at the
21 discretion of the court, for the violation of a provincial ordinance:

22 (iv) Adopt measures to protect the inhabitants of the province from the
23 harmful effects of man-made or natural disasters or calamities, and to provide
24 relief services and assistance for victims during and in the aftermath of said
25 disasters or calamities and in their return to productive livelihood following
26 said events:

27 (v) Enact ordinances intended to prevent, suppress and impose
28 appropriate penalties for habitual drunkenness in public places, vagrancy,

1 mendicancy, prostitutions, the establishment and maintenance of houses of ill-
2 repute, gambling and other prohibited games of chance, fraudulent devices and
3 ways to obtain money or property, drug addiction, maintenance of drug dens,
4 drug pushing, juvenile delinquency, the printing, distribution or exhibition of
5 obscene or pornographic materials or publications, and such other activities
6 inimical to the welfare and morals of the inhabitants of the province;

7 (vi) Protect the environment. To this end, it may set aside at least ten
8 percent (10%) of its development funds for the purpose of maintaining and
9 enhancing the ecological balance of the province. It may also impose
10 appropriate penalties for acts which endanger the environment, such as
11 dynamite fishing and other forms of destructive fishing, illegal logging,
12 smuggling of logs, smuggling of natural resources products and of endangered
13 species of flora and fauna, slash-and-burn farming and such other activities
14 which result in pollution, acceleration of eutrophication of rivers and lakes, or
15 of ecological balance;

16 (vii) Subject to the provisions of the Local Government Code of 1991
17 and pertinent laws, determine the powers and duties of officials and employees
18 of the province;

19 (viii) Determine the positions and the salaries, wages, allowances and
20 other emoluments and benefits of officials and employees paid wholly or
21 mainly from provincial funds and provide for expenditures necessary for the
22 proper conduct of programs, projects, services and activities of the provincial
23 government;

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

1 (x) Provide mechanism and the appropriate funds therefor to ensure the
2 *safety and protection of all provincial government property, public documents*
3 *or records such as those relating to property inventory, land ownership, records*
4 *of births, marriages, deaths, assessments, taxation, accounts, business permits*
5 *and such other records and documents of public interest in the offices and*
6 *departments of the provincial government;*

7 (xi) When the finances of the provincial government allow, provide for
8 additional allowances and other benefits to judges, prosecutors, public
9 elementary and high school teachers and other national government officials
10 stationed or assigned to the province;

11 (xii) Provide legal assistance to provincial and municipal officials
12 including the members of the provincial police who, in the performance of
13 their official duties or on the occasion thereof, have to initiate judicial
14 proceedings or defend themselves against legal actions. The sangguniang
15 panlalawigan may authorize the provincial governor to engage the services of
16 *private counsel for this purpose; and*

17 (xiii) Provide for group insurance or additional insurance coverage for
18 all officials, including members of barangay tanod brigades and other service
19 units, with public or private insurance companies, when the finances of the
20 provincial government allow said coverage:

21 (2) Generate and maximize the use of resources and revenues for the
22 development plans, program of objectives and priorities of the province as
23 provided for under Section 18 of the Local Government Code of 1991, with
24 particular attention to agro-industrial development and countrywide growth
25 and progress and relative thereto, shall:

26 (i) Enact the annual and supplemental appropriations of the provincial
27 government and appropriate funds for specific programs, projects, services and

1 activities of the province or for other purposes not contrary to law, in order to
2 promote the general welfare of the province and its inhabitants:

3 (ii) Subject to the provisions of *Book II of the Local Government Code*
4 of 1991 and applicable laws and upon the majority vote of all the members of
5 the sangguniang panlalawigan, enact ordinances levying taxes, fees and
6 charges, prescribing the rates thereof for general and specific purposes and
7 granting tax exemptions, incentives or reliefs:

8 (iii) Subject to the provisions of *Book II of the Local Government*
9 *Code of 1991* and applicable laws and upon the majority vote of all the
10 members of the sangguniang panlalawigan, authorize the provincial governor
11 to negotiate and contract loans and other forms of indebtedness:

12 (iv) Subject to the provisions of *Book II of the Local Government*
13 *Code of 1991* and applicable laws and upon the majority vote of all the
14 members of the sangguniang panlalawigan, enact ordinances authorizing the
15 floating of bonds or other instruments of indebtedness for the purpose of
16 raising funds to finance development projects:

17 (v) Appropriate funds for the construction and maintenance or the
18 rental of buildings for the use of the province and, upon the majority vote of all
19 the members of the sangguniang panlalawigan, authorize the provincial
20 governor to lease to private parties such public buildings held in a proprietary
21 capacity, subject to existing laws, rules and regulations:

22 (vi) Prescribe reasonable limits and restraints on the use of property
23 within the jurisdiction of the province:

24 (vii) Review the comprehensive land-use plans and zoning ordinances
25 of component cities and municipalities and adopt a comprehensive provincial
26 land-use plan, subject to existing laws;

27 (viii) Reclassify lands within the jurisdiction of the province, subject to
28 the pertinent provisions of the *Local Government Code of 1991*;

1 (ix) Adopt measures to enhance the full implementation of the national
2 agrarian reform program in coordination with the Department of Agrarian
3 Reform;

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

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

18 (xii) Subject to the provisions of Book II of the Local Government
19 Code of 1991, grant the exclusive privilege of constructing fish corrals or fish
20 pens, or the taking or catching of bangus fry, prawn fry or kawag-kawag, or fry
21 of any species of fish within the provincial waters;

22 (xiii) With the concurrence of at least two-thirds (2/3) of all the
23 members of the sangguniang panlalawigan, grant tax exemptions, incentives or
24 reliefs to entities engaged in community growth-inducing industries, subject to
25 the provisions of the Local Government Code of 1991;

26 (xiv) Grant loans or provide grants to other LGUs or to national,
27 provincial and municipal charitable, benevolent or educational institutions
28 operated and maintained within the province:

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

3 (xvi) Regulate the inspection, weighing and measuring of articles of
4 commerce;

5 (3) Subject to the provisions of the Local Government Code of 1991,
6 grant franchises, approve the issuance of permits or licenses, or enact
7 ordinances levying taxes, fees and charges upon such conditions and for such
8 purposes intended to promote the general welfare of the inhabitants of the
9 Province and, pursuant to the legislative authority, shall:

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

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

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

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

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

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

1 grant franchises for the operation thereof within the territorial jurisdiction of
2 the province: and

3 (vii) Upon approval by a majority vote of all the members of the
4 sangguniang panlalawigan, grant a franchise to any person, partnership,
5 corporation or cooperatives to do business within the province: establish,
6 construct, operate and maintain ferries, wharves, markets or slaughterhouses;
7 or undertake such other activities within the province as may be allowed by
8 existing laws:

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

12 (i) Declare, prevent or abate nuisance;

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

17 (iii) Require that buildings and the premises thereof and any land
18 within the province be kept and maintained in a sanitary condition, impose
19 penalties for any violation thereof, or upon failure to comply with such
20 requirements, have the work done at the expense of the owner, the
21 administrator or the tenant concerned and require the filling up of any land or
22 premises to a grade necessary for proper implementation:

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

25 (v) Regulate the establishment, operation and maintenance of cafes,
26 bars, restaurants, beer, wine and liquor stores, hotels, motels, inns, pension
27 houses, dorms and lodging houses and other similar establishments, including
28 tourist guides and transportation services;

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

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

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

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

19 (x) Regulate the establishment, service, operation and maintenance of
20 gyms, sports centers, health and fitness spas, similar centers and parlors,
21 subject to existing laws, rules and regulations; and

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

26 (5) Approve ordinances which shall ensure the efficient and effective
27 delivery of the basic services and facilities as provided for in Section 17 of the

1 Local Government Code of 1991 and, in addition to said services and facilities,
2 shall:

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

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

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

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 settlement structures and
27 constructions in public lands and areas;

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 province
6 and, for this purpose, extend the coverage of appropriate ordinances over all
7 territory within the drainage area of said water supply and within one hundred
8 meters (100 m.) of the reservoir, canal, conduit, aqueduct, pumping station or
9 watershed used in connection with the water service; and regulate the
10 consumption, use or wastage of water and fix and collect charges therefor:

11 (viii) Regulate the drilling and excavation of the ground for ground
12 water source, laying of water, gas, sewer and other pipes, and the construction,
13 repair and maintenance of public drains, sewers, cesspools, tunnels and similar
14 structures; regulate the placing of poles and the use of crosswalks, curbs and
15 gutters; adopt measures to ensure public safety against open canals, manholes,
16 live 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 and
21 cables, conduits, meters, support structures and other similar apparatus; and
22 provide for the correction, condemnation and removal of the same when found
23 to be dangerous to the welfare of the inhabitants:

24 (x) Subject to the availability of funds and to existing laws, rules and
25 regulations, provide for the establishment and 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 reasonable tuition

1 fees and other school charges in educational institutions supported by the
2 provincial government;

3 (xi) Establish an education and training scholarship fund for the poor
4 but deserving constituents in schools located within its jurisdiction or of
5 students residing within the province;

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

8 (xiii) Provide for the care of paupers, the aged, the sick, persons of
9 unsound mind, abandoned minors, abused children, disabled persons, juvenile
10 delinquents, drug dependents and other needy and disadvantaged persons,
11 particularly children and youth below eighteen (18) years of age: subject to the
12 availability of funds, establish and support the operation of centers and
13 facilities for said needy and disadvantaged persons and facilitate the efforts to
14 promote the welfare of families below the poverty threshold, the disadvantaged
15 and the exploited;

16 (xiv) 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 province:

20 (xv) Establish a provincial 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 (xvi) Establish a provincial council for the elderly and veterans which
25 shall formulate policies and adopt measures mutually beneficial to the elderly
26 and to the province; subject to the availability of funds, appropriate funds to
27 support programs and projects for the elderly; and provide incentives for

1 nongovernmental agencies and entities to support the programs and projects of
2 the elderly: and

3 (6) Exercise such other powers and perform such other duties and
4 functions as provided for under the Local Government Code of 1991, and as
5 may be prescribed by law or ordinance.

6 ARTICLE V

7 PROCESS OF LEGISLATION

8 SEC. 15. *Internal Rules of Procedure.* -- (a) On the first regular
9 session following the election of its members and within ninety (90) days
10 thereafter, the sangguniang panlalawigan shall adopt its own rules of
11 procedure.

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

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

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

21 (3) The legislative process;

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

24 (5) The discipline of members for disorderly behavior and absences
25 without justifiable cause for four consecutive sessions for which they may be
26 censured, reprimanded or excluded from the session, suspended for not more
27 than sixty (60) days, or expelled: *Provided*, That the penalty of suspension or
28 expulsion shall require the concurrence of at least two-thirds (2/3) of all the

1 sanggunian members: *Provided, further,* That the member convicted by final
2 judgment to imprisonment of at least one year for any crime involving moral
3 turpitude shall be automatically expelled from the sanggunian; and

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

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

14 (1) Ownership of stocks or capital, or investment in the entity or firm to
15 which the ordinance or resolution may apply; and

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

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

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

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

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

9 SEC. 17. *Sessions.* – (a) On the first day of session immediately
10 following the election of its members, the sangguniang panlalawigan shall, by
11 resolution, fix the day, time and place of its regular sessions. The minimum
12 number of regular sessions of the sangguniang panlalawigan shall be once a
13 week.

14 (b) When the public interest so demands, special sessions may be
15 called by the provincial governor or by a majority of the members of the
16 sanggunian.

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

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

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

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

3 SEC. 18. *Quorum.* – (a) A majority of all the members of the
4 sanggunian who have been elected and qualified shall constitute a quorum to
5 transact official business. Should a question of quorum be raised during a
6 session, the presiding officer shall immediately proceed to call the roll of the
7 members and thereafter announce the result.

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

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

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

1 (b) The veto shall be communicated by the governor to the
2 sangguniang panlalawigan within fifteen (15) days; otherwise, the ordinance
3 shall be deemed approved as if he had signed it.

4 SEC. 20. *Veto Power of the Provincial Governor.* – (a) The provincial
5 governor may veto any ordinance of the sangguniang panlalawigan on the
6 ground that it is prejudicial to the public welfare, stating his reasons thereof in
7 writing.

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

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

21 ARTICLE VI

22 DISQUALIFICATION AND SUCCESSION OF ELECTIVE 23 PROVINCIAL OFFICIALS

24 SEC. 21. *Disqualifications of Elective Public City Officials* – The
25 following persons are not qualified from running for any elective position in
26 the province:

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

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

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

7 (d) Those with dual citizenship;

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

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

13 (g) The insane or feeble-minded.

14 *SEC. 22. Permanent Vacancy in the Office of the Provincial*
15 *Governor.* – (a) If a permanent vacancy occurs in the office of the provincial
16 governor, the provincial vice governor concerned shall become the provincial
17 governor. If the provincial vice governor refuses to assume the position of the
18 provincial governor, the highest ranking sangguniang panlalawigan member
19 shall become the provincial governor. If a permanent vacancy occurs in the
20 office of the provincial vice governor, the highest ranking sangguniang
21 panlalawigan member or, in the case of his permanent incapacity, the second
22 highest ranking sangguniang panlalawigan member shall become the provincial
23 governor or the provincial vice governor, as the case may be. Subsequent
24 vacancies in the said offices shall be filled in automatically by the other
25 sanggunian members according to their ranking as defined herein.

26 (b) A tie between or among the highest ranking sangguniang
27 panlalawigan members shall be resolved by drawing of lots.

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

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

7 (e) For purposes of succession as provided for in this Act, ranking in
8 the sangguniang panlalawigan shall be determined on the basis of the
9 proportion of votes obtained by each winning candidate to the total number of
10 registered voters in the province immediately preceding local elections.

11 SEC. 23. *Permanent Vacancies in the Sanggunian.* – Permanent
12 vacancies in the sangguniang panlalawigan where automatic succession as
13 provided above does not apply shall be filled by appointments in the following
14 manner:

15 (a) The President, through the Executive Secretary, shall make the
16 aforesaid appointments;

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

27 (c) In case the permanent vacancy is caused by a sanggunian member
28 who does not belong to any political party, the provincial governor shall, upon

1 the recommendation of the sangguniang panlalawigan, appoint a qualified
2 person to fill in the vacancy; and

3 (d) In case of vacancy in the representation of the sangguniang
4 kabataan, the sangguniang barangay and the provincial league of councilors in
5 the sangguniang panlalawigan, said vacancy shall be filled automatically by the
6 official next-in-rank of the organization concerned.

7 *SEC. 24. Temporary Vacancy in the Office of the Provincial*
8 *Governor.* – (a) When the provincial governor is temporarily incapacitated to
9 perform his duties for physical or legal reasons such as, but not limited to,
10 leave of absence, travel abroad and suspension from office, the provincial vice
11 governor shall automatically exercise the powers and perform the duties and
12 functions of the provincial governor, except the power to appoint, suspend or
13 dismiss employees which can only be exercised if the period of temporary
14 incapacity exceeds thirty (30) working days.

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

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

26 (d) In the event, however, that the provincial governor fails or refuses
27 to issue such authorization, the provincial vice governor shall have the right to
28 assume the powers, duties and functions of the said office on the fourth day of

1 absence of the provincial governor, subject to the limitations provided for in
2 subsection (c) hereof.

3 (e) Except as provided above, the provincial governor shall, in no case,
4 authorize any local official to assume the powers, duties and functions of the
5 office, other than the provincial vice governor.

6 ARTICLE VII

7 APPOINTIVE PROVINCIAL OFFICIALS 8 THEIR QUALIFICATIONS, POWERS AND DUTIES

9 SEC. 25. *The Secretary to the Sangguniang Panlalawigan.* – (a)
10 There shall be a secretary to the sangguniang panlalawigan who shall be a
11 career official with the rank and salary equal to a head of department or office.

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

17 (c) The secretary of the sanggunian shall take charge of the office of
18 the sangguniang panlalawigan and shall:

19 (1) Attend meetings of the sanggunian and keep a journal of its
20 proceedings;

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

24 (3) Forward to the provincial governor, for approval, copies of
25 ordinances enacted by the sanggunian and duly certified by the presiding
26 officer, in the manner provided for in Section 54 of the Local Government
27 Code of 1991;

1 (4) Forward to the sangguniang bayan or sangguniang panlungsod, as
2 the case may be, copies of duly approved ordinances, in the manner⁴ provided
3 for in Sections 56 and 57 of the Local Government Code of 1991;

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

7 (6) Record in a book kept for the purpose all ordinances and
8 resolutions enacted or adopted by the sanggunian, with the dates of passage
9 and publication thereof;

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

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

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

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

20 SEC. 26. *The Provincial Treasurer.* – (a) The provincial treasurer
21 shall be appointed by the Secretary of Finance from the list of at least three
22 ranking eligible recommendees of the provincial governor, subject to civil
23 service law, rules and regulations.

24 (b) The provincial treasurer shall be under the administrative
25 supervision of the provincial governor to whom he shall report regularly on the
26 tax collection efforts in the LGU.

27 (c) No person shall be appointed provincial treasurer unless he is a
28 citizen of the Philippines, a resident of the LGU, of good moral character, a

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

5 The appointment of the provincial treasurer shall be mandatory.

6 (d) He shall take charge of the treasury office, perform the duties
7 provided for under Book II of the Local Government Code of 1991 and shall:

8 (1) Advise the provincial governor or the sanggunian, as the case may
9 be, and other local government and national officials concerned regarding
10 disposition of local government funds and on such other matters relative to
11 public finance:

12 (2) Take custody and exercise proper management of the funds of the
13 LGU concerned:

14 (3) Take charge of the disbursement of all local government funds and
15 such other funds the custody of which may be entrusted to him by law or other
16 competent authority;

17 (4) Inspect private commercial and industrial establishments within the
18 jurisdiction of the province in relation to the implementation of tax ordinances,
19 pursuant to the provisions under Book II of the Local Government Code of
20 1991;

21 (5) Maintain and update the tax information system of the LGU;

22 (6) Exercise technical supervision over all treasury offices of
23 component cities and municipalities; and

24 (7) Exercise such other powers and perform such other duties and
25 functions as may be prescribed by law or ordinance.

26 SEC. 27. *The Provincial Assessor.* – (a) No person shall be appointed
27 provincial assessor unless he is a citizen of the Philippines, a resident of the
28 province, of good moral character, a holder of a college degree preferably in

1 civil or mechanical engineering, commerce or any other related course from a
2 recognized college or university and a first grade civil service eligible or its
3 equivalent. He must have acquired experience in real property assessment
4 work or in any related field for at least five years.

5 The appointment of the provincial assessor shall be mandatory.

6 (b) The provincial assessor shall take charge of the assessor's office.
7 perform the duties as provided for under Book II of the Local Government
8 Code of 1991 and shall:

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

11 (2) Initiate, review and recommend changes in policies and objectives.
12 plans and programs, techniques, procedures and practices in the valuation and
13 assessment of real properties for taxation purposes;

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

15 (4) Install and maintain a real property identification and accounting
16 system:

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

20 (6) Conduct frequent physical surveys to verify and determine whether
21 all real properties within the province are properly listed in the assessment
22 rolls;

23 (7) Exercise the functions of appraisal and assessment primarily for
24 taxation purposes of all real properties in the province;

25 (8) Prepare a schedule of the fair market value for the different classes
26 of real properties, in accordance with Title 2, Book II of the Local Government
27 Code of 1991;

1 (9) Issue, upon the request of any interested party, certified copies of
2 assessment records of real property and all other records relative to its
3 assessment. upon payment of a service charge or fee to the provincial treasurer:

4 (10) Submit every semester a report of all assessments, as well as
5 cancellations and modifications of assessments to the provincial governor and
6 the sangguniang panlalawigan;

7 (11) Exercise technical supervision and visitorial functions over all
8 component city and municipal assessors, coordinate with component city or
9 municipal assessors in the conduct of tax mapping operations and all other
10 assessment activities, and provide all forms of assistance therefor: *Provided,*
11 *however.* That upon full provision by the component city or municipality
12 concerned to its assessor's office of the minimum personnel, equipment and
13 funding requirements as may be prescribed by the Secretary of Finance, such
14 functions shall be delegated to the said municipal assessor: and

15 (12) Exercise such other powers and perform such other duties and
16 functions as may be prescribed by law or ordinance.

17 SEC. 28. *The Provincial Accountant.* – (a) No person shall be
18 appointed provincial accountant unless he is a citizen of the Philippines, a
19 resident of the province, of good moral character and a certified public
20 accountant. He must have acquired experience in the treasury or accounting
21 service for at least five years.

22 The appointment of a provincial accountant is mandatory.

23 (b) The provincial accountant shall take charge of both the office of the
24 accounting and the internal audit services of the province and shall:

25 (1) Install and maintain an internal audit system in the province;

26 (2) Prepare and submit financial statements to the provincial governor
27 and to the sangguniang panlalawigan;

1 (3) Apprise the sanggunian and other local government officials on the
2 financial condition and operations of the provincial government;

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

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

7 (6) Prepare statements of cash advances, liquidations, salaries,
8 allowances, reimbursements and remittances pertaining to the provincial
9 government;

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

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

14 (9) Maintain individual ledgers for officials and employees of the
15 provincial government pertaining payrolls and deductions;

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

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

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

22 (13) Exercise such other powers and perform such other duties and
23 functions as may be provided by law or ordinance.

24 SEC. 29. *The Provincial Engineer.* – (a) No person shall be appointed
25 provincial engineer unless he is a citizen of the Philippines, a resident of the
26 province, of good moral character and a licensed civil engineer. He must have
27 acquired experience in the practice of his profession for at least five years.

28 The appointment of the provincial engineer shall be mandatory.

1 (b) The provincial engineer shall take charge of the engineering office
2 and shall:

3 (1) Initiate, review and recommend changes in policies and objectives,
4 plans and programs, techniques, procedures and practices in infrastructure
5 development and public works in general of the province:

6 (2) Advise the provincial governor on infrastructure, public works and
7 other engineering matters:

8 (3) Administer, coordinate, supervise and control the construction,
9 maintenance, improvement and repair of roads, bridges and other engineering
10 and public works projects of the province:

11 (4) Provide engineering services to the province, including
12 investigation and survey, engineering designs, feasibility studies and project
13 management;

14 (5) Exercise technical supervision over all engineering offices of
15 component cities and municipalities; and

16 (6) Exercise such other powers and perform such other duties and
17 functions as may be prescribed by law or ordinance.

18 SEC. 30. *The Provincial Budget Officer.* – (a) No person shall be
19 appointed provincial budget officer unless he is a citizen of the Philippines, a
20 resident of the province, of good moral character, a holder of a college degree
21 preferably in accounting, economics, public administration or any related
22 course from a recognized college or university and a first grade civil service
23 eligible or its equivalent. He must have acquired experience in government
24 budgeting or in any related field for at least five years.

25 The appointment of the provincial budget officer shall be mandatory.

26 (b) The provincial budget officer shall take charge of the budget office
27 and shall:

1 (1) Prepare forms, orders and circulars embodying instructions on
2 budgetary and appropriation matters for the signature of the provincial
3 governor;

4 (2) Review and consolidate the budget proposals of different
5 departments and offices of the province;

6 (3) Assist the provincial governor in the preparation of the budget and
7 during the budget hearings;

8 (4) Study and evaluate budgetary implications of proposed legislations
9 and submit comments and recommendations thereon;

10 (5) Submit periodic budgetary reports to the Department of Budget and
11 Management;

12 (6) Coordinate with the provincial treasurer, the provincial accountant
13 and the provincial planning and development coordinator for the purpose of
14 budgeting;

15 (7) Assist the *sangguniang panlalawigan* in reviewing the approved
16 budgets of component cities and municipalities;

17 (8) Coordinate with the provincial planning and development
18 coordinator in the formulation of the provincial development plan; and

19 (9) Exercise such other powers and perform such other duties and
20 functions as may be prescribed by law or ordinance.

21 (c) The appropriations for personal services of the provincial budget
22 officer shall be provided for in full in the annual budget of the provincial
23 government.

24 SEC. 31. *The Provincial Planning and Development Coordinator.* –

25 (a) No person shall be appointed provincial planning and development
26 coordinator unless he is a citizen of the Philippines, a resident of the province,
27 of good moral character, a holder of a college degree preferably in urban
28 planning; development studies, economics, public administration or any related

1 course from a recognized college or university and a first grade civil service
2 eligible or its equivalent. He must have acquired experience in development
3 planning or any related field for at least five years.

4 The appointment of a provincial planning and development coordinator
5 shall be mandatory to the provincial government.

6 The provincial planning and development coordinator shall take charge
7 of the planning and development office and shall:

8 (1) Formulate integrated economic, social, physical and other
9 development plans and policies for consideration of the local government
10 development council;

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

13 (3) Integrate and coordinate all sectoral plans and studies undertaken
14 by the different functional groups and agencies;

15 (4) Monitor and evaluate the implementation of the different
16 development programs, projects and activities in the province in accordance
17 with the approved development plan:

18 (5) Prepare comprehensive plans and other development planning
19 documents for the consideration of the provincial development council:

20 (6) Analyze the income and expenditure patterns, and formulate and
21 recommend fiscal plans and policies for consideration of the finance committee
22 of the province;

23 (7) Promote people participation in development planning within the
24 province;

25 (8) Exercise supervision and control over the secretariat of the
26 provincial development council; and

27 (9) Exercise such other powers and perform such other duties and
28 functions as may be prescribed by law or ordinance.

1 SEC. 32. *The Provincial Legal Officer.* – (a) No person shall be
2 appointed provincial legal officer unless he is a citizen of the Philippines, a
3 resident of the province, of good moral character and a member of the
4 *Philippine Bar. He must have practiced his profession for at least five years.*

5 The term of the provincial legal officer shall be coterminous with that of
6 his appointing authority.

7 The appointment of a provincial legal officer shall be mandatory.

8 (b) *The provincial legal officer, the chief legal counsel of the province.*
9 shall take charge of the office for legal services and shall:

10 (1) Formulate measures for the consideration of the sanggunian and
11 provide legal assistance and support to the provincial governor in carrying out
12 the delivery of basic services and the provision of adequate facilities as
13 provided for under Section 17 of the Local Government Code of 1991:

14 (2) Develop plans and strategies and, upon approval thereof by the
15 provincial governor, implement the same, particularly those which have to do
16 with programs and projects related to legal services which the provincial
17 governor is empowered to implement and which the sanggunian is empowered
18 to provide for under Local Government Code of 1991:

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

21 (i) Represent the province in all civil actions and special proceedings
22 wherein the province or any official thereof, in his official capacity, is a party:
23 *Provided, That actions or proceedings where a component city or municipality*
24 *is a party adverse to the provincial government or to another component city or*
25 *municipality, a special legal officer may be employed to represent the adverse*
26 *party;*

27 (ii) When required by the provincial governor or the sanggunian, draft
28 ordinances, contracts, bonds, leases and other instruments involving any

1 interest of the province and provide comments and recommendations on any
2 instruments already drawn;

3 (iii) Render his opinion in writing on any question of law when
4 requested to do by the provincial governor or the sanggunian;

5 (iv) Investigate or cause to be investigated any provincial official or
6 employee for administrative neglect or misconduct in office and recommend
7 appropriate action to the provincial governor or the sangguniang panlalawigan;

8 (v) Investigate or cause to be investigated any person, firm or
9 corporation holding any franchise or exercising any public privilege for failure
10 to comply with any term or condition in the grant of such franchise or privilege
11 and recommend appropriate action to the provincial governor or the
12 sanggunian;

13 (vi) When directed by the provincial governor or the sanggunian,
14 initiate and prosecute, in the interest of the province, any civil action on any
15 bond, lease or other contract upon any breach or violation thereof; and

16 (vii) Review and submit recommendations on ordinances approved and
17 executive orders issued by component municipalities;

18 (4) Recommend measures to the sangguniang panlalawigan and advise
19 the provincial governor on all other matters related to the upholding of the rule
20 of law;

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

24 (6) Exercise such other powers and perform such other duties and
25 functions as may be prescribed by law or ordinance.

26 SEC. 53. *The Provincial Administrator.* – (a) No person shall be
27 appointed provincial administrator unless he is a citizen of the Philippines, a
28 resident of the province, of good moral character, a holder of a college degree

1 preferably in public administration, law or any related course, from a
2 recognized college or university and a first grade civil service eligible or its
3 equivalent. He must have acquired experience in management and
4 administration work for at least five years.

5 The term of the provincial administrator is coterminus with that of his
6 appointing authority.

7 The appointment of the provincial administrator shall be mandatory.

8 (b) The provincial administrator shall take charge of the office of the
9 administrator and shall:

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

15 (2) Assist in the coordination of the work of all the officials of the
16 province under the supervision, direction and control of the provincial
17 governor and, for this purpose, he may convene the chiefs of offices and other
18 officials of the province;

19 (3) Establish and maintain a sound personnel program for the province
20 designed to promote career development and uphold the merit principle in the
21 province;

22 (4) Conduct a continuing organizational development of the province
23 with the end in view of instituting effective administrative reforms;

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

1 (6) Recommend to the sanggunian and advise the provincial governor
2 on all other matters relative to the management and administration of the
3 province; and

4 (7) Exercise such other powers and perform such other duties and
5 functions as may be prescribed by law or ordinance.

6 SEC. 34. *The Provincial Health Officer.* – (a) No person shall be
7 appointed provincial health officer unless he is a citizen of the Philippines, a
8 resident of the province, of good moral character and a licensed medical
9 practitioner. He must have acquired experience in the practice of his profession
10 for at least five years.

11 The appointment of a provincial health officer shall be mandatory.

12 (b) The provincial health officer shall take charge of the office on
13 health services and shall:

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

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

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

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

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

5 (ii) Advise the provincial governor and the sanggunian on matters
6 pertaining to health;

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

9 (iv) Recommend to the sanggunian, through the provincial health board,
10 the passage of such ordinances as he may deem necessary for the preservation
11 of public health;

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

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

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

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

21 (ix) Exercise general supervision over health offices of component
22 cities and municipalities;

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

26 (6) Exercise such other powers and perform such other duties and
27 functions as may be prescribed by law or ordinance.

1 SEC. 35. *The Provincial Civil Registrar.* – (a) No person shall be
 2 appointed provincial civil registrar unless he is a citizen of the Philippines,
 3 resident of the province, of good moral character, a holder of a college degree
 4 from a recognized college or university and a first grade civil service eligible
 5 or its equivalent. He must have acquired experience in civil registry work for
 6 at least five years.

7 The appointment of a provincial civil registrar shall be mandatory.

8 (b) The provincial civil registrar shall be responsible for the civil
 9 registration program in the province, pursuant to the Civil Registry Law, the
 10 Civil Code and other pertinent laws, rules and regulations issued to implement
 11 them.

12 The provincial civil registrar shall take charge of the office of the civil
 13 registry and shall:

14 (1) Develop plans and strategies and, upon approval thereof by the
 15 provincial governor, implement the same, particularly those which have to do
 16 with civil registry programs and projects which the provincial governor and
 17 sanggunian is empowered to provide for under the Local Government Code
 18 1991;

19 (2) In addition to the foregoing duties and functions, the provincial
 20 civil registrar shall:

21 (i) Accept all registrable documents and judicial decrees affecting
 22 civil status of persons;

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

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

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

1 (v) Issue certified transcripts or copies of any certificate or registered
2 documents upon payment of the prescribed fees to the provincial treasurer;

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

7 (vii) Coordinate with the National Statistics Office in conducting
8 educational campaigns for vital registration and assist in the preparation of
9 demographic and other statistics for the province; and

10 (3) Exercise such other powers and perform such other duties and
11 functions as may be prescribed by law or ordinance.

12 SEC. 36. *The Provincial Social Welfare and Development Officer.* -

13 (a) No person shall be appointed provincial social welfare and development
14 officer unless he is a citizen of the Philippines, a resident of the province, of
15 good moral character, a duly licensed social worker and a holder of a college
16 degree preferably in sociology or any related course from a recognized college
17 or university and a first grade civil service eligible or its equivalent. He must
18 have acquired experience in the practice of social work for at least five years.

19 The appointment of a provincial social welfare and development officer
20 shall be mandatory.

21 (b) The provincial social welfare and development officer shall take
22 charge of the office on social welfare and development services and shall:

23 (1) Formulate measures for the approval of the sanggunian and provide
24 technical assistance and support to the provincial governor in carrying out
25 measures to ensure the delivery of basic services and the provision of adequate
26 facilities relative to social welfare and development services as provided for
27 under Section 17 of the Local Government Code of 1991;

1 (2) Develop plans and strategies and, upon approval thereof by the
2 provincial governor, implement the same, particularly those which have to do
3 with social welfare programs and projects which the provincial governor is
4 empowered to implement and which the sanggunian is empowered to provide
5 for under the Local Government Code of 1991;

6 (3) In addition to the foregoing duties, the provincial social welfare and
7 development officer shall:

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

11 (ii) Provide relief and appropriate crisis intervention for victims of
12 abuse and exploitation and recommend appropriate measures to deter further
13 abuse and exploitation;

14 (iii) Assist the provincial governor in implementing the barangay level
15 program for the total development and protection of children up to six years of
16 age;

17 (iv) Facilitate the implementation of welfare programs for the disabled,
18 the elderly and victims of drug addiction, the rehabilitation of prisoners and
19 parolees, the prevention of juvenile delinquency and such other activities
20 which would eliminate or minimize the ill-effects of poverty;

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

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

1 (4) Be in the frontline of service delivery, particularly those which have
2 to do with immediate relief and assistance during and in the aftermath of man-
3 made and natural disasters or calamities;

4 (5) Recommend to the sanggunian and advise the provincial governor
5 on all other matters related to social welfare and development service which
6 will improve the livelihood and living conditions of the inhabitants; and

7 (6) Exercise such other powers and perform such other duties and
8 functions as may be prescribed by law or ordinance.

9 SEC. 37. *The Provincial General Services Officer.* – (a) No person
10 shall be appointed provincial general services officer unless he is a citizen of
11 the Philippines, a resident of the province, of good moral character, a holder of
12 a college degree on public administration, business administration or
13 management from a recognized college or university and a first grade civil
14 service eligible or its equivalent. He must have acquired experience in general
15 services, including management of supply, property, solid waste disposal and
16 general sanitation for at least five years.

17 The appointment of a provincial general services officer shall be
18 mandatory.

19 (b) The provincial general services officer shall take charge of the
20 office of general services and shall:

21 (1) Formulate measures for the consideration of the sanggunian and
22 provide technical assistance and support to the provincial governor in carrying
23 out measures to ensure the delivery of basic services and the provision of
24 adequate facilities pursuant to Section 17 of the Local Government Code of
25 1991, and which require general services expertise and technical support
26 services;

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

1 with general services supportive to the welfare of the inhabitants which the
2 provincial governor is empowered to implement and which the sanggunian is
3 empowered to provide for under the Local Government Code of 1991;

4 (3) In addition to the foregoing duties and functions, the provincial
5 general services officer shall:

6 (i) Take custody of and be accountable for all properties, real or
7 personal, owned by the provincial government and those granted to it in the
8 form of donation, reparation, assistance and counterpart of joint projects:

9 (ii) With the approval of the provincial governor assign building or
10 land space to provincial officials or other public officials who, by law, are
11 entitled to such space;

12 (iii) Recommend to the provincial governor the reasonable rental rates
13 for local government properties, whether real or personal, which will be leased
14 to public or private entities by the provincial government;

15 (iv) Recommend to the provincial governor the reasonable rental rates
16 of private properties which may be leased for the official use of the provincial
17 government;

18 (v) Maintain and supervise janitorial, security, landscaping and other
19 related services in all local government public buildings and other real
20 property, whether owned or leased by the provincial government;

21 (vi) Collate and disseminate information regarding prices, shipping
22 and other costs of supplies and other items commonly used by the provincial
23 government;

24 (vii) Perform archival and record management with respect to records
25 of offices and departments of the province; and

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

1 (4) Be in the frontline of general services-related activities such as the
2 possible or imminent destruction or damage to records, supplies, properties
3 and structure and the orderly and sanitary clearing up of waste materials or
4 debris, particularly during and in the aftermath of man-made and natural
5 disasters or calamities; and

6 (5) Recommend to the sanggunian and advise the provincial governor
7 on all matters relative to general services; and

8 (6) Exercise such other powers and perform such other duties and
9 functions as may be prescribed by law or ordinance.

10 SEC. 38. *The Provincial Agriculturist.* – (a) No person shall be
11 appointed provincial agriculturist unless he is a citizen of the Philippines, a
12 resident of the province, of good moral character, a holder of a college degree
13 in agriculture or any related course from a recognized college or university and
14 a first grade civil service eligible or its equivalent. He must have acquired
15 experience in a related field for at least five years.

16 The appointment of a provincial agriculturist shall be mandatory.

17 (b) The provincial agriculturist shall take charge of the office for
18 agricultural services and shall:

19 (1) Formulate measures for the approval of the sanggunian and provide
20 technical assistance and support to the provincial governor in carrying out said
21 measures to ensure the delivery of basic services and the provision of adequate
22 facilities relative to agricultural services as provided for under Section 17 of
23 the Local Government Code of 1991;

24 (2) Develop plans and strategies and, upon approval thereof by the
25 provincial governor, implement the same, particularly those which have to do
26 with agricultural programs and projects which the provincial governor is
27 empowered to implement and which the sanggunian is empowered to provide
28 for under the Local Government Code of 1991;

1 (3) In addition to the foregoing duties and functions, the provincial
2 agriculturist shall:

3 (i) Ensure the maximum assistance and access to resources in the
4 production, processing and marketing of agricultural and aquacultural and
5 marine products are extended to farmers, fisherman and local entrepreneurs:

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

11 (iii) Assist the provincial governor in the establishment and extension
12 services of demonstration farms on aquaculture and marine products:

13 (iv) Enforce rules and regulations relating to agriculture and aqua-
14 culture; and

15 (v) Coordinate with government agencies and NGOs which promote
16 agricultural productivity through appropriate technology compatible with
17 environmental integrity;

18 (4) Be in the frontline of the delivery of basic agricultural services,
19 particularly those needed for the survival of the inhabitants during and in the
20 aftermath of man-made and natural disasters or calamities:

21 (5) Recommend to the sanggunian and advise the provincial governor
22 on all matters related to agriculture and aquaculture which will improve the
23 livelihood and the living conditions of the inhabitants; and

24 (6) Exercise such other powers and perform such other duties and
25 functions as may be prescribed by law or ordinance.

26 SEC. 39. *The Provincial Veterinarian.* – (a) No person shall be
27 appointed provincial veterinarian unless he is a citizen of the Philippines, a
28 resident of the province, of good moral character and a licensed doctor of

1 veterinary medicine. He must have practiced his profession for at least three
2 years.

3 The appointment of a provincial veterinarian shall be mandatory.

4 (b) The provincial veterinarian shall take charge of the office for
5 veterinary services and shall:

6 (1) Formulate measures for the consideration of the sanggunian and
7 provide technical assistance and support to the provincial governor in carrying
8 out measures to ensure the delivery of basic services and the provision of
9 adequate facilities pursuant to Section 17 of the Local Government Code of
10 1991;

11 (2) Develop plans and strategies and, upon approval thereof by the
12 provincial governor, implement the same, particularly those which have to do
13 with veterinary-related activities which the provincial governor is empowered
14 to implement and which the sanggunian is empowered to provide for under the
15 Local Government Code of 1991;

16 (3) In addition to the foregoing duties and functions, the provincial
17 veterinarian officer shall:

18 (i) Advise the provincial governor on all matters pertaining to the
19 slaughter of animals for human consumption and the regulation of
20 slaughterhouses;

21 (ii) Regulate the keeping of domestic animals;

22 (iii) Regulate and inspect poultry, milk and dairy products for public
23 consumption;

24 (iv) Enforce all laws and regulations for the prevention of cruelty to
25 animals: and

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

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

6 (5) Recommend to the sanggunian and advise the provincial governor
7 on all other matters relative to veterinary services which will increase the
8 number and improve the quality of livestock, poultry and other domestic
9 animals used for work or human consumption; and

10 (6) Exercise such other powers and perform such other duties and
11 functions as may be prescribed by law or ordinance.

12 SEC. 40. *The Provincial Environment and Natural Resources Officer.*

13 – (a) No person shall be appointed provincial environment and natural
14 resources officer unless he is a citizen of the Philippines, a resident of the
15 province, of good moral character, a holder of a college degree preferably in
16 environment, forestry, agriculture or any related course from a recognized
17 college or university and a first grade civil service eligible or its equivalent.
18 He must have acquired experience in environmental and natural resources
19 management, conservation and utilization for at least five years.

20 The appointment of a provincial environment and natural resources
21 officer shall be mandatory.

22 (b) The provincial environment and natural resources officer shall take
23 charge of the office on environment and natural resources and shall:

24 (1) Formulate measures for the consideration of the sanggunian and
25 provide technical assistance and support to the provincial governor in carrying
26 out measures to ensure the delivery of basic services and the provision of
27 adequate facilities relative to environment and natural resources services as
28 provided for under Section 17 of the Local Government Code of 1991;

1 (2) Develop plans and strategies and, upon approval thereof by the
2 provincial governor, implement the same, particularly those which have to do
3 with environment and natural resources programs and projects which the
4 provincial governor is empowered to implement and which the sanggunian is
5 empowered to provide for under the Local Government Code of 1991;

6 (3) In addition to the foregoing duties and functions, the provincial
7 environment and natural resources officer shall:

8 (i) Ensure the maximum assistance and access to resources in the
9 production, processing and marketing of agricultural and aquacultural and
10 marine products are extended to farmers, fisherman and local entrepreneurs:

11 (ii) Establish, maintain, protect and preserve communal forests,
12 watersheds, tree parks, mangroves, greenbelts, commercial forests and similar
13 forest projects like industrial tree farms and agro-forestry projects;

14 (iii) Provide extension services to beneficiaries of forest development
15 projects and technical, financial and infrastructure assistance:

16 (iv) Manage and maintain seed banks and produce seedlings for forests
17 and tree parks:

18 (v) Provide extension services to beneficiaries of forest development
19 projects and render assistance for natural resources-related conservation and
20 utilization activities consistent with ecological balance:

21 (vi) Promote small-scale mining and utilization of mineral resources,
22 particularly mining of gold; and

23 (vii) Coordinate with government agencies and NGOs in the
24 implementation of measures to prevent and control land, air and water
25 pollution with the assistance of the Department of Environment and Natural
26 Resources;

27 (4) Be in the frontline of the delivery of basic services concerning the
28 environment and natural resources, particularly in the renewal and

1 rehabilitation of the environment during and in the aftermath of man-made and
2 natural disasters or calamities;

3 (5) Recommend to the sanggunian and advise the provincial governor
4 on all matters relative to the protection, conservation, maximum utilization,
5 application of appropriate technology and other matters related to the
6 environment and natural resources; and

7 (6) Exercise such other powers and perform such other duties and
8 functions as may be prescribed by law or ordinance.

9 SEC. 41. *The Provincial Cooperatives Officer.* – (a) No person shall
10 be appointed provincial cooperatives officer unless he is a citizen of the
11 Philippines, a resident of the province, of good moral character, a holder of a
12 college degree preferably in business administration course with special
13 training in cooperatives or any related course from a recognized college or
14 university and a first grade civil service eligible or its equivalent. He must
15 have experience in cooperatives organization and management for at least five
16 years.

17 The appointment of a provincial cooperatives officer shall be
18 mandatory.

19 (b) The provincial cooperatives officer shall take charge of the office
20 for the development of cooperatives and shall:

21 (1) Formulate measures for the consideration of the sanggunian and
22 provide technical assistance and support to the provincial governor in carrying
23 out measures to ensure the delivery of basic services and the provision of
24 adequate facilities through the development of cooperatives, and in providing
25 access to such services and facilities;

26 (2) Develop plans and strategies and, upon approval thereof by the
27 provincial governor, implement the same, particularly those which have to do
28 with the integration of cooperatives principles and methods in programs which

1 the provincial governor is empowered to implement and which the sanggunian
2 is empowered to provide for under the Local Government Code of 1991:

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

5 (i) Assist in the organization of cooperatives:

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

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

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

16 (5) Recommend to the sanggunian and advise the provincial governor
17 on all other matters relative to cooperatives development and viability
18 enhancement which will improve the livelihood and the quality of life of the
19 inhabitants; and

20 (6) Exercise such other powers and perform such other duties and
21 functions as may be prescribed by law or ordinance.

22 SEC. 42. *The Provincial Architect.* – (a) No person shall be appointed
23 provincial architect unless he is a citizen of the Philippines, a resident of the
24 province, of good moral character and a duly licensed architect. He must have
25 practiced his profession for at least five years.

26 The appointment of a provincial architect shall be optional.

27 (b) The provincial architect shall take charge of the office on
28 architectural planning and design and shall:

1 (1) Formulate measures for the consideration of the sanggunian and
2 provide technical assistance and support to the provincial governor in carrying
3 out measures to ensure the delivery of basic services and the provision of
4 adequate facilities relative to architectural planning and design as provided for
5 under Section 17 of the Local Government Code of 1991;

6 (2) Develop plans and strategies and, upon approval thereof by the
7 provincial governor, implement the same, particularly those which have to do
8 with architectural planning and design programs and projects which the
9 provincial governor is empowered to implement and which the sanggunian is
10 empowered to provide for under the Local Government Code;

11 (3) In addition to the foregoing duties and functions, the provincial
12 architect shall:

13 (i) Prepare and recommend for consideration of the sanggunian the
14 architectural plan and design for the province or a part thereof, including the
15 renewal of slums and blighted areas, land reclamation activities, the greening
16 of land and the appropriate planning of marine and foreshore areas;

17 (ii) Review and recommend for appropriate action of the sanggunian
18 and the provincial governor, the architectural plan and design submitted by
19 governmental and nongovernmental entities or individuals, particularly those
20 for undeveloped, underdeveloped and poorly-designed areas; and

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

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

1 (5) Recommend to the sanggunian and advise the provincial governor
2 on all other matters related to the architectural planning and design as it relates
3 to the total socioeconomic development of the province; and

4 (6) Exercise such other powers and perform such other duties and
5 functions as may be prescribed by law or ordinance.

6 SEC. 43. *The Provincial Population Officer.* – (a) No person shall be
7 appointed provincial population officer unless he is a citizen of the Philippines,
8 a resident of the province, of good moral character, a holder of a college
9 degree with specialized training in population development from a recognized
10 college or university and a first grade civil service eligible or its equivalent. He
11 must have experience in the implementation of programs on population
12 development or responsible parenthood for at least five years.

13 The appointment of a provincial population officer shall be optional.

14 (b) The provincial population officer shall take charge of the office on
15 population development and shall:

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

21 (2) Develop plans and strategies and, upon approval thereof by the
22 provincial governor, implement the same, particularly those which have to do
23 with the integration of population development principles and methods in
24 programs and projects which the provincial governor is empowered to
25 implement and which the sanggunian is empowered to provide for under the
26 Local Government Code of 1991;

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

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

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

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

9 (4) Exercise such other powers and perform such other duties and
10 functions as may be prescribed by law or ordinance.

11 SEC. 44. *The Provincial Information Officer.* – (a) No person shall be
12 appointed provincial information officer unless he is a citizen of the
13 Philippines, a resident of the province, of good moral character, a holder of a
14 college degree preferably in journalism, mass communication or any related
15 course from a recognized college or university and a first grade civil service
16 eligible or its equivalent. He must have experience in writing articles and
17 research papers or in writing for print, television or broadcast media for at least
18 three years;

19 The appointment of a provincial information officer shall be optional.

20 (b) The provincial information officer shall take charge of the office on
21 public information and shall:

22 (1) Formulate measures for the consideration of the sanggunian and
23 provide technical assistance and support to the provincial governor in
24 providing the information and research data required for the delivery of basic
25 services and the provision of adequate facilities so that the public becomes
26 aware of said service and may fully avail of the same;

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

1 with public information and research data to support the programs and projects
2 which the provincial governor is empowered to implement and which the
3 sanggunian is empowered to provide for under the Local Government Code of
4 1991;

5 (3) In addition to the foregoing duties and functions, the provincial
6 information officer shall:

7 (i) Provide relevant, adequate and timely information to the provincial
8 government and its residents:

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

13 (iii) Assist the provincial governor in the establishment, maintenance
14 and promotion of local area tourism programs and projects; and

15 (iv) Furnish information and data on the province to government
16 agencies or offices as may be required by law or ordinance and NGOs, to be
17 furnished to said agencies and organizations;

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

22 (5) Recommend to the sanggunian and advise the provincial governor
23 on all other matters relative to public information and research data as it relates
24 to the total socioeconomic development of the province: and

25 (6) Exercise such other powers and perform such other duties and
26 functions as may be prescribed by law or ordinance.

ARTICLE VIII

1
2 THE PROVINCIAL FIRE STATION, THE PROVINCIAL JAIL, THE PROVINCIAL
3 SCHOOLS DIVISION AND THE PROVINCIAL PROSECUTION SERVICE

4 SEC. 45. *The Provincial Fire Station Service.* – There shall be
5 established in the province at least five fire stations with adequate personnel
6 and fire fighting facilities and equipment, subject to the standards, rules and
7 regulations that may be promulgated by the Department of the Interior and
8 Local Government (DILG), within two months upon the commencement of the
9 corporate existence of the new province. The provincial government shall
10 provide the necessary land or site of the provincial fire stations.

11 The provincial fire station service shall be headed by a provincial fire
12 marshal whose qualifications shall be as those provided for under Republic Act
13 No. 6975, otherwise known as the Philippine National Police Law.

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

18 SEC. 46. *The Provincial Jail Service* – There shall be established and
19 maintained in the province, within two months upon the commencement of the
20 corporate existence of the province by the DILG, a secured, clean, adequately
21 equipped and sanitary jail facility for the custody and safekeeping of prisoners,
22 any fugitive from justice or person detained awaiting investigation or trial
23 and/or transfer to the national penitentiary, and/or violent mentally ill person
24 who endangers himself or the safety of others, duly certified as such by the
25 proper medical health officer, pending the transfer to a mental institution.

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

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

5 SEC. 47. *The Provincial Schools Division.* – The DepEd shall, within
6 two months of the commencement of the corporate existence of the province
7 herein created, establish and maintain a separate schools division in the
8 province whose jurisdiction shall cover the municipalities under the lone
9 legislative district of the province.

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

13 SEC. 48. *The Provincial Prosecution Service.* – There shall be
14 established and maintained a provincial prosecution service by the Department
15 of Justice (DOJ), within two months upon the commencement of the corporate
16 existence of the province herein created, who shall be headed by a provincial
17 prosecutor and such number of assistant prosecutors as may be necessary who
18 shall be organizationally part of the DOJ, and under the supervision and
19 control of the Secretary of the DOJ, and whose qualifications, manner of
20 appointment, rank, salary and benefits shall be governed by existing laws
21 covering prosecutors in the DOJ.

22 *The provincial prosecutor shall handle the criminal prosecution in the*
23 *municipal trial courts in the province as well as in the regional trial courts for*
24 *criminal cases originating in the territory of the new province, and shall render*
25 *to and for the province such other services as are required by law or regulation*
26 *of the DOJ.*

ARTICLE IX

TRANSITORY AND FINAL PROVISIONS

1
2
3 SEC. 49. *Plebiscite.* – The Province of Quezon del Sur shall be
4 created, as provided for in this Act, upon approval by a majority of the votes
5 cast by the voters of the present Province of Quezon in a plebiscite to be
6 conducted and supervised by the Commission on Elections (COMELEC)
7 within sixty (60) days from the date of the effectivity of this Act or on the
8 immediately succeeding national elections whichever comes first.

9 The amount necessary for the conduct of such plebiscite shall be
10 charged against the unexpended portion of the current budget of the
11 COMELEC.

12 SEC. 50. *Ad Hoc Committee.* – An ad hoc committee composed of the
13 incumbent officials of the Province of Quezon, namely: the governor, the vice
14 governor, the members of the sangguniang panlalawigan and the
15 representatives of its four congressional districts is hereby created to formulate
16 the necessary rules for the effective implementation of this Act within sixty
17 (60) days from its ratification. The ad hoc committee shall manage, supervise
18 and administer any transfer relocation or construction the law may entail. It
19 shall also determine the budgetary requirements of such transfer, relocation or
20 construction and to carry out such acts as may be necessary to implement this
21 Act most effectively.

22 The committee shall cease to exist upon the assumption into office of
23 the elected officials of the new province created herein or upon the completion
24 of its tasks, whichever comes earlier.

25 SEC. 51. *Commencement of Corporate Existence.* – The Province of
26 Quezon del Sur shall commence corporate existence upon the election and
27 qualification of the governor, vice governor and majority of the members of
28 the sangguniang panlalawigan.

1 SEC. 52. *Officials of the Province of Quezon del Sur.* – (a) The first
2 set of elective officials of the Province of Quezon del Sur shall be elected in
3 the next local election after the effectivity of this Act.

4 The President of the Philippines shall appoint in the province herein
5 created an interim governor, vice governor and members of the sangguniang
6 panlalawigan who shall serve only until a new set of provincial officials have
7 been elected and qualified.

8 (b) The incumbent congressional representatives of the present
9 Province of Quezon shall continue to represent the four existing legislative
10 districts of the province until the expiration their term of office.

11 SEC. 53. *Organization of the Provincial Government.* – All provincial
12 appointive positions in the Province of Quezon del Sur as enumerated in
13 Section 9 hereof shall be filled within sixty (60) days after the commencement
14 of corporate existence of the province as provided in Section 51 hereof. This
15 shall be done without prejudice to the officials and employees of the present
16 Province of Quezon who may wish to serve in the Province of Quezon del Sur.

17 SEC. 54. *Suspension of Increase in Rates of Local Taxes.* – No
18 increase in the rates of local taxes shall be imposed by the province within the
19 period of five years from its acquisition of corporate existence.
20 Notwithstanding any existing law or ordinance to the contrary, real property
21 tax in the locality shall not be increased within five years upon its creation into
22 a new province.

23 SEC. 55. *Equitable Division.* – Upon the effectivity of this Act, the
24 obligations, funds, assets and other properties of the present Province of
25 Quezon, renamed Quezon del Norte, shall, as much as possible, be divided
26 equitably between Quezon del Sur and Quezon del Norte. The President of the
27 Philippines shall order such division upon the recommendation of the ad hoc

1 committee which may avail of assistance from the Commission on Audit and
2 other departments concerned.

3 The tax revenues from business enterprises principally located in one of
4 the two provinces created herein but whose facilities or structures extend to the
5 other such as, but not limited to, power generating plants shall be
6 proportionally divided between the two provinces: *Provided*, That such
7 enterprises shall not be subjected to a second tax in addition to what is already
8 imposed by the province where they are principally located.

9 SEC. 56. *Applicability of Laws.* – The provisions of Republic Act No.
10 7160, otherwise known as the Local Government Code of 1991, and other laws
11 as are applicable to provinces shall govern the provinces of Quezon del Norte
12 and Quezon del Sur insofar as they are not inconsistent with the provisions of
13 this Act.

14 SEC. 57. *Separability Clause.* – If any part of this Act is declared
15 invalid or unconstitutional, the other parts or provisions thereof shall remain
16 valid and effective.

17 SEC. 58. *Effectivity.* – This Act shall take effect fifteen (15) days upon
18 its publication in at least two newspapers of general and local circulation.

19 Approved,