



HOUSE OF REPRESENTATIVES

H. No. 4451

BY REPRESENTATIVES CAGAS AND BAUTISTA, PER COMMITTEE REPORT
NO. 827

AN ACT CREATING THE PROVINCE OF DAVAO OCCIDENTAL

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

ARTICLE I

GENERAL PROVISIONS

SECTION 1. *Title.* — This Act shall be known as the “Charter of the
Province of Davao Occidental”.

SEC. 2. *Province of Davao Occidental.* — There is hereby created a
new province from the present Province of Davao del Sur to be known as the
Province of Davao Occidental, consisting of the municipalities of Sta. Maria,
Malita, Don Marcelino, Jose Abad Santos and Sarangani.

The territorial jurisdiction of the Province of Davao Occidental shall be
within the present metes and bounds of all the municipalities that comprise the
Province of Davao Occidental.

The foregoing provision shall be without prejudice to the resolution by
the appropriate agency or forum of existing boundary disputes or cases
involving questions of territorial jurisdiction between the Province of Davao

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

5 SEC. 3. *Capital Town and Seat of Government*. – The capital town
6 and seat of government of the new Province of Davao Occidental shall be the
7 Municipality of Malita.

8 SEC. 4. *Corporate Powers of the Province*. – The province constitutes
9 a political body corporate and as such is endowed with the attributes of
10 perpetual succession and possessed of the powers which pertain to a provincial
11 corporation to be exercised in conformity with the provisions of this Charter.
12 The province shall have the following corporate powers:

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

20 SEC. 5. *General Powers*. – The province shall have a common seal
21 and may alter the same at its pleasure: *Provided*, That any change of corporate
22 seal shall be registered with the Department of the Interior and Local
23 Government (DILG). It shall exercise the powers to levy taxes; to close and
24 open roads, streets, alleys, parks or squares; to take, purchase, receive, hold,
25 lease, convey and dispose of real and personal property for the general
26 interests of the province; to expropriate or condemn private property for public
27 use; to contract and to be contracted with; to sue and be sued; to prosecute and
28 defend to final judgment and execution suits wherein the province is involved

1 or interested in and to exercise all the powers as are granted to corporations or
2 as hereinafter granted.

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

6 SEC. 7. *Legislative District.* – The Province of Davao Occidental
7 shall have its own legislative district to commence in the next national and
8 local elections after the effectivity of this Charter. Henceforth, the
9 municipalities of Sta. Maria, Malita, Don Marcelino, Jose Abad Santos and
10 Sarangani shall comprise the Lone Legislative District of the Province of
11 Davao Occidental while the City of Digos and the municipalities of Malalag,
12 Sulop, Kiblawan, Padada, Hagonoy, Sta. Cruz, Matanao, Bansalan and
13 Magsaysay shall comprise the Lone Legislative District of the Province of
14 Davao del Sur.

15 The incumbent Representatives of the present Province of Davao del
16 Sur shall continue to represent their respective legislative districts until the
17 expiration of their term of office.

18 ARTICLE II

19 PROVINCIAL OFFICIALS IN GENERAL

20 SEC. 8. *Officials of the Provincial Government.* – (a) There shall be
21 in the Province of Davao Occidental: a provincial governor, a provincial vice
22 governor, the regular members of the sangguniang panlalawigan, a secretary to
23 the sangguniang panlalawigan, a provincial treasurer, a provincial assessor, a
24 provincial accountant, a provincial budget officer, a provincial planning and
25 development coordinator, a provincial engineer, a provincial health officer, a
26 provincial civil registrar, a provincial administrator, a provincial legal officer,
27 a provincial agriculturist, a provincial social welfare and development officer,
28 a provincial environment and natural resources officer, a provincial

1 veterinarian, a provincial general services officer and a provincial
2 cooperatives officer.

3 (b) In addition thereto, the provincial governor may appoint a
4 provincial architect, a provincial population officer and a provincial
5 information officer.

6 (c) The sangguniang panlalawigan may:

7 (1) Maintain existing offices not mentioned in subsections (a) and (b)
8 hereof;

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

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

13 Unless otherwise provided herein, the heads of departments and offices
14 shall be appointed by the provincial governor with the concurrence of the
15 majority of the sangguniang panlalawigan members, subject to civil service
16 law, rules and regulations. The sangguniang panlalawigan shall act on the
17 appointment within fifteen (15) days from the day of its submission; otherwise,
18 the same shall be deemed confirmed.

19 *SEC. 9. Residence and Office.* – During the incumbency of the
20 provincial governor, he shall have his official residence and office in the
21 designated capital of the province. All elective and appointive provincial
22 officials shall hold office in the provincial capital: *Provided,* That, upon the
23 resolution of the sangguniang panlalawigan, elective and appointive provincial
24 officials may hold office in any component city or municipality within the
25 province for a period of not more than seven (7) days for any given month.

ARTICLE III

ELECTIVE PROVINCIAL OFFICIALS

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3 SEC. 10. *The Provincial Governor.* – (a) The provincial governor, as
4 the chief executive of the provincial government, shall exercise such powers
5 and perform such duties and functions as provided for in the Local
6 Government Code of 1991, as amended, and other laws.

7 (b) For efficient, effective and economical governance, the purpose of
8 which is the general welfare of the province and its inhabitants pursuant to
9 Section 16 of the Local Government Code of 1991, as amended, the provincial
10 governor shall:

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

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

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

19 (iii) Present the program of government and propose policies and
20 projects for the consideration of the sangguniang panlalawigan at the opening
21 of the regular session of the sangguniang panlalawigan every calendar year and
22 as often as may be deemed necessary as the general welfare of the inhabitants
23 and the needs of the provincial government may require;

24 (iv) Appoint all officials and employees whose salaries and wages are
25 wholly or mainly paid out of provincial funds and whose appointments are not
26 otherwise provided for in this Act as well as those he may be authorized by law
27 to appoint except those who are to be appointed by the provincial vice
28 governor as provided in Section 11 hereof;

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

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

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

9 (viii) Allocate and assign office space to provincial and other officials
10 and employees who, by law or ordinance, are entitled to such space in the
11 provincial capitol and other buildings owned or leased by the provincial
12 government;

13 (ix) Ensure that all executive officials and employees of the province
14 faithfully discharge their duties and functions as provided for by law and the
15 Local Government Code of 1991, as amended, and cause to be instituted
16 administrative or judicial proceedings against any official or employee of the
17 province who may have committed an offense in the performance of his
18 official duties;

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

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

26 (xii) Visit component cities and municipalities of the province at least
27 once every six (6) months to deepen his understanding of problems and
28 conditions, listen and give appropriate counsel to local officials and

1 inhabitants, inform the officials and inhabitants of component cities and
2 municipalities of general laws and ordinances which especially concern them,
3 and otherwise conduct visits and inspections to ensure that the governance of
4 the province will improve the quality of life of the inhabitants;

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

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

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

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

21 (xvii) Represent the province in inter-provincial or regional sports
22 councils or committees, and coordinate the efforts of component cities or
23 municipalities in the regional or national palaro or sports development
24 activities;

25 (xviii) Conduct an annual palarong panlalawigan, which shall feature
26 traditional sports and disciplines included in national and international games,
27 in coordination with the Department of Education (DepED); and

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

8 (2) Enforce all laws and ordinances relative to the governance of the
9 province and the exercise of the appropriate corporate powers as provided for
10 in Section 22 of the Local Government Code of 1991, as amended; implement
11 all approved policies, programs, projects, services and activities of the
12 province; and, in addition to the foregoing, shall:

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

16 (ii) Call conventions, conferences, seminars or meetings of any elective
17 and appointive officials of the province and its component cities and
18 municipalities, including national officials and employees stationed in or
19 assigned to the province, at such time and place and on such subject as he may
20 deem important for the promotion of the general welfare of the province and its
21 inhabitants;

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

24 (iv) Be entitled to carry the necessary firearm within his territorial
25 jurisdiction;

26 (v) In coordination with the mayors of component cities and
27 municipalities and the National Police Commission, formulate the peace and

1 order plan of the province and, upon its approval, implement the same in
2 accordance with Republic Act No. 6975; and

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

8 (3) Initiate and maximize the generation of resources and revenues, and
9 apply the same to the implementation of development plans, program
10 objectives and priorities as provided for under Section 18 of the Local
11 Government Code of 1991, as amended, particularly those resources and
12 revenues programmed for agro-industrial development and countrywide
13 growth and progress and, relative thereto, shall:

14 (i) Require each head of an office or department to prepare and submit
15 an estimate of appropriations for the ensuing calendar year, in accordance with
16 the budget preparation process under Title V, Book II of the Local
17 Government Code of 1991, as amended;

18 (ii) Prepare and submit to the sangguniang panlalawigan for approval
19 the executive and supplemental budgets of the province for the ensuing
20 calendar year in the manner provided for under Title V, Book II of the Local
21 Government Code of 1991, as amended;

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

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

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

4 (vi) Provide efficient and effective property and supply management in
5 the province; and protect the funds, credits, rights and other properties of the
6 province; and

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

12 (4) Ensure the delivery of basic services and the provision of adequate
13 facilities as provided for under Section 17 of the Local Government Code of
14 1991, as amended and, in addition thereto, shall:

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

20 (ii) Coordinate the implementation of technical services by national
21 offices for the province and its component cities and municipalities, including
22 public works and infrastructure programs of the provincial government and its
23 component cities and municipalities; and

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

26 The provincial governor shall receive a minimum monthly
27 compensation corresponding to Salary Grade Thirty (30) as prescribed under

1 Republic Act No. 6758, as amended, and the implementing guidelines issued
2 pursuant thereto.

3 SEC. 11. *The Provincial Vice Governor.* -- (a) The provincial vice
4 governor shall:

5 (1) Be the presiding officer of the sangguniang panlalawigan and sign
6 all warrants drawn on the provincial treasury for all expenditures appropriated
7 for the operation of the sangguniang panlalawigan;

8 (2) Subject to civil service law, rules and regulations, appoint all
9 officials and employees including the secretary of the sangguniang
10 panlalawigan and such employees of the individual members of the
11 sangguniang panlalawigan, except those whose manner of appointment is
12 specifically provided for under existing laws;

13 (3) Assume the office of the provincial governor for the unexpired term
14 of the latter in the event of permanent vacancy as provided for in Section 44,
15 Book I of the Local Government Code of 1991, as amended;

16 (4) Exercise the powers and perform the duties and functions of the
17 provincial governor in case of temporary vacancy as provided for in Section
18 46, Book I of the Local Government Code of 1991, as amended; and

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

21 (b) The provincial vice governor shall receive a monthly compensation
22 corresponding to Salary Grade Twenty-eight (28) as prescribed under Republic
23 Act No. 6758, as amended, and the implementing guidelines issued pursuant
24 thereto.

ARTICLE IV

THE SANGGUNIANG PANLALAWIGAN

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3 **SEC. 12. *Composition.*** – (a) The sangguniang panlalawigan, the
4 legislative body of the province, shall be composed of the provincial vice
5 governor as presiding officer, ten (10) regular sangguniang panlalawigan
6 members, the president of the provincial chapter of the liga ng mga barangay,
7 the president of the panlalawigan na pederasyon ng mga sangguniang kabataan,
8 the president of the provincial federation of sanggunian members of
9 municipalities and the sectoral representatives, as members.

10 (b) In addition thereto, there shall be three (3) sectoral representatives
11 who shall come from the following sectors: one (1) from the women sector;
12 and, as shall be determined by the sanggunian concerned within ninety (90)
13 days prior to the holding of the local elections, one (1) from the agricultural or
14 industrial workers sector; and one (1) from the other sectors, including the
15 urban poor, indigenous cultural communities or persons with disability.

16 (c) The regular members of the sangguniang panlalawigan and the
17 sectoral representatives shall be elected in the manner as provided for by law,
18 and shall receive a monthly compensation corresponding to Salary Grade
19 Twenty-seven (27) as prescribed under Republic Act No. 6758, as amended,
20 and the implementing guidelines issued pursuant thereto.

21 **SEC. 13. *Powers, Duties, Functions and Compensation.*** – (a) The
22 sangguniang panlalawigan, as the legislative body of the province, shall enact
23 ordinances, approve resolutions and appropriate funds for the general welfare
24 of the province and its inhabitants pursuant to Section 16 of the Local
25 Government Code of 1991, as amended, and in the proper exercise of the
26 corporate powers of the province as provided for under Section 22 of the Local
27 Government Code of 1991, as amended, and shall:

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

3 (i) Review all ordinances approved by the sanggunians of component
4 cities and municipalities and executive orders issued by the mayors of said
5 component units to determine whether these are within the scope of the
6 prescribed powers of the sanggunian and of the mayor;

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

10 (iii) Approve ordinances imposing a fine not exceeding Five thousand
11 pesos (P5,000.00) or imprisonment not exceeding one (1) year, or both, at the
12 discretion of the court, for the violation of a provincial ordinance;

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

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

26 (vi) Protect the environment and impose appropriate penalties for acts
27 which endanger the environment, such as dynamite fishing and other forms of
28 destructive fishing, illegal logging and smuggling of logs, smuggling of natural

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

4 (vii) Subject to the provisions of the Local Government Code of 1991,
5 as amended, and pertinent laws, determine the powers and duties of officials
6 and employees of the province;

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

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

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

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

26 (xii) Provide legal assistance to provincial and municipal officials,
27 including the members of the provincial police who, in the performance of
28 their official duties or on the occasion thereof, have to initiate judicial

1 proceedings or defend themselves against legal actions. The sangguniang
2 panlalawigan may authorize the provincial governor to engage the services of
3 private counsel for this purpose; and

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

8 (2) Generate and maximize the use of resources and revenues for the
9 development plans, program objectives and priorities of the province as
10 provided for under Section 18 of the Local Government Code of 1991, as
11 amended, with particular attention to agro-industrial development and
12 countrywide growth and progress and, relative thereto, shall:

13 (i) Enact the annual and supplemental appropriations of the provincial
14 government and appropriate funds for specific programs, projects, services and
15 activities of the province, or for other purposes not contrary to law, in order to
16 promote the general welfare of the province and its inhabitants;

17 (ii) Subject to the provisions of Book II of the Local Government Code
18 of 1991, as amended, and applicable laws and, upon the majority vote of all the
19 members of the sangguniang panlalawigan, enact ordinances levying taxes,
20 fees and charges, prescribing the rates thereof for general and specific purposes
21 and granting tax exemptions, incentives or reliefs;

22 (iii) Subject to the provisions of Book II of the Local Government
23 Code of 1991, as amended, and applicable laws and, upon the majority vote of
24 all the members of the sangguniang panlalawigan, authorize the provincial
25 governor to negotiate and contract loans and other forms of indebtedness;

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

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

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

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

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

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

15 (ix) Adopt measures to enhance the full implementation of the national
16 agrarian reform program in coordination with the Department of Agrarian
17 Reform (DAR);

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

24 (xi) Subject to national law, process and approve subdivision plans for
25 residential, commercial or industrial purposes and other development purposes,
26 and to collect processing fees and other charges, the proceeds of which shall
27 accrue entirely to the province: *Provided, however,* That where approval of a
28 national agency or office is required by law, said approval shall not be

1 withheld for more than thirty (30) days from receipt of the application. Failure
2 to act on the application within the period stated above shall be deemed as
3 approved thereof;

4 (xii) Subject to the provisions of Book II of the Local Government
5 Code of 1991, as amended, grant the exclusive privilege of constructing fish
6 corrals or fish pens, or the taking or catching of bangus fry, prawn fry or
7 kawag-kawag, or fry of any species of fish within the provincial waters;

8 (xiii) With the concurrence of at least two-thirds (2/3) of all the
9 members of the sangguniang panlalawigan, grant tax exemptions, incentives or
10 relief to entities engaged in community growth-inducing industries, subject to
11 the provisions of the Local Government Code of 1991, as amended;

12 (xiv) Grant loans or provide grants to other LGUs or to national,
13 provincial, city and municipal charitable, benevolent or educational institutions
14 operated and maintained within the province;

15 (xv) Regulate the numbering of residential, commercial and other
16 buildings; and

17 (xvi) Regulate the inspection, weighing and measuring of articles of
18 commerce;

19 (3) Subject to the provisions of the Local Government Code of 1991,
20 as amended, grant franchises, approve the issuance of permits or licenses, or
21 enact ordinances levying taxes, fees and charges upon such conditions and for
22 such purposes intended to promote the general welfare of the inhabitants of the
23 province and, pursuant to the legislative authority, shall:

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

26 (ii) Regulate and fix license fees for any business or practice of
27 profession within the province and the conditions under which the license for

1 the said business or practice of profession may be revoked and enact
2 ordinances levying taxes thereon;

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

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

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

14 (vi) Subject to the guidelines prescribed by the Department of
15 Transportation and Communications, regulate the operation of tricycles and
16 grant franchises for the operation thereof within the territorial jurisdiction of
17 the province; and

18 (vii) Upon approval by a majority vote of all the members of the
19 sangguniang panlalawigan, grant a franchise to any person, partnership,
20 corporation or cooperative to do business within the province; establish,
21 construct, operate and maintain ferries, wharves, markets or slaughterhouses;
22 or undertake such other activities within the province as may be allowed by
23 existing laws;

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

27 (i) Declare, prevent or abate nuisance;

1 (ii) With the concurrence of a majority of the members of the
2 sangguniang panlalawigan, a quorum being present, deny the entry of legalized
3 gambling by ordinance into any part of the province or regulate its location in
4 the province;

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

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

13 (v) Regulate the establishment, operation and maintenance of cafes;
14 bars; restaurants; beer, wine and liquor stores; hotels; motels; inns; pension
15 houses; dorms; lodging houses and other similar establishments, including tour
16 guides and transportation service;

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

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

22 (viii) Regulate the establishment, operation and maintenance of any
23 entertainment or amusement facilities, including the theatrical and stage
24 performances, circuses, billiard halls, public dancing halls, computer gaming
25 cafes and bars, health and fitness spas, sauna baths, massage parlors and other
26 places for entertainment or amusement; regulate such other events or activities
27 for amusement or entertainment, particularly those which tend to disturb the
28 community or annoy the inhabitants, or require the suspension or suppression

1 of the same; or prohibit certain forms of amusement or entertainment in order
2 to protect the social and moral welfare of the community;

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

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

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

13 (5) Approve ordinances which shall ensure the efficient and effective
14 delivery of basic services and facilities as provided for in Section 17 of the
15 Local Government Code of 1991, as amended, and, in addition to said services
16 and facilities, shall:

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

20 (ii) Establish markets, slaughterhouses or animal corrals and authorize
21 the operation thereof by the provincial government; and regulate the
22 construction and operation of private markets, talipapas or other similar
23 buildings and structures;

24 (iii) Authorize the establishment, maintenance and operation by the
25 provincial government of ferries, wharves and other structures intended to
26 accelerate productivity related to marine and seashore or offshore activities;

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

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

9 (vi) Regulate traffic on all streets and bridges; prohibit encroachments
10 or obstacles thereon and, when necessary in the interest of public welfare,
11 authorize the removal of encroachments and illegal settlement structures and
12 constructions in public lands and areas;

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

23 (viii) Regulate the drilling and excavation of the ground for ground
24 water source, laying of water, gas, sewer and other pipes, and the construction,
25 repair and maintenance of public drains, sewers, cesspools, tunnels and similar
26 structures; regulate the placing of poles and the use of crosswalks, curbs and
27 gutters; adopt measures to ensure public safety against open canals, manholes,
28 live wires and other similar hazards to life and property; and regulate the

1 construction and use of private water closets, privies and other similar
2 structures in buildings and homes;

3 (ix) Regulate the placing, stringing, attaching, installing, repair and
4 construction of all gas mains, electric telegraph and telephone wires and
5 cables, conduits, meters, support structures and other similar apparatus; and
6 provide for the correction, condemnation and removal of the same when found
7 to be dangerous to the welfare of the inhabitants;

8 (x) Subject to the availability of funds and to existing laws, rules and
9 regulations, provide for the establishment and operation of vocational and
10 technical schools and similar post-secondary institutions and, with the approval
11 of the DepED and subject to existing laws on tuition fees, fix reasonable
12 tuition fees and other school charges in educational institutions supported by
13 the provincial government;

14 (xi) Establish an education and training scholarship fund for the poor
15 but deserving constituents in schools located within its jurisdiction or for
16 students residing within the province;

17 (xii) Approve measures and adopt quarantine regulations to prevent the
18 introduction and the spread of diseases within its territorial jurisdiction;

19 (xiii) Provide for the care of paupers, the aged, the sick, persons of
20 unsound mind, abandoned minors, abused children, disabled persons, juvenile
21 delinquents, drug dependents and other needy and disadvantaged persons,
22 particularly children and youth below eighteen (18) years of age; subject to the
23 availability of funds, establish and support the operation of centers and
24 facilities for the said needy and disadvantaged persons; and facilitate the
25 efforts to promote the welfare of families below the poverty threshold, the
26 disadvantaged and the exploited;

27 (xiv) Establish and provide for the maintenance and improvement of
28 jails and detention centers, institute a sound jail management program and

1 appropriate funds for the subsistence of detainees and convicted prisoners in
2 the province;

3 (xv) Establish a provincial council whose purpose is the promotion of
4 culture and the arts, coordinate with government agencies and
5 nongovernmental organizations and, subject to the availability of funds,
6 appropriate funds for the support and development of the same; and

7 (xvi) Establish a provincial council for the elderly and veterans which
8 shall formulate policies and adopt measures mutually beneficial to the elderly
9 and to the province; subject to the availability of funds, appropriate funds to
10 support programs and projects for the elderly; and provide incentives for
11 nongovernmental agencies and entities to support the programs and projects of
12 the elderly; and

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

16 ARTICLE V

17 PROCESS OF LEGISLATION

18 SEC. 14. *Internal Rules of Procedure.* -- (a) On the first regular
19 session following the election of its members and within ninety (90) days
20 thereafter, the sangguniang panlalawigan shall adopt its own rules of
21 procedure.

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

23 (1) The organization of the sanggunian and the election of its officers
24 as well as the creation of standing committees which shall include, but shall not
25 be limited to, the committees on appropriations, revenues, engineering and
26 public works, education and health, women and family, human rights, youth
27 and sports development, environmental protection, peace and order and traffic,

1 and cooperatives; the general jurisdiction of each committee; and the election
2 of the chairman and members of each committee;

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

4 (3) The legislative process;

5 (4) The parliamentary procedures which include the conduct of
6 members during sessions;

7 (5) The discipline of members for disorderly behavior and absences
8 without justifiable cause for four (4) consecutive sessions for which they may
9 be censured, reprimanded or excluded from the session, suspended for not
10 more than sixty (60) days or expelled: *Provided*, That the penalty of
11 suspension or expulsion shall require the concurrence of at least two-thirds
12 (2/3) of all the sanggunian members: *Provided, further*, That the member
13 convicted by final judgment to imprisonment of at least one (1) year for any
14 crime involving moral turpitude shall be automatically expelled from the
15 sanggunian; and

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

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

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

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

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

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

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

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

21 SEC. 16. *Sessions.* - (a) On the first day of session immediately
22 following the election of its members, the sangguniang panlalawigan shall, by
23 resolution, fix the day, time and place of its regular sessions. The minimum
24 number of regular sessions of the sangguniang panlalawigan shall be once a
25 week.

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

1 (c) All sanggunian sessions shall be open to the public unless a
2 closed-door session is ordered by an affirmative vote of a majority of the
3 members present, there being a quorum, in the public interest or for reasons of
4 security, decency or morality. No two (2) sessions, regular or special, may be
5 held in a single day.

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

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

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

14 SEC. 17. *Quorum.* - (a) A majority of all the members of the
15 sanggunian who have been elected and qualified shall constitute a quorum to
16 transact official business. Should a question of quorum be raised during the
17 session, the presiding officer shall immediately proceed to call the roll of the
18 members and thereafter announce the results.

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

26 (c) If there is still no quorum despite the enforcement of the
27 immediately preceding subsection, no business shall be transacted. The

1 presiding officer, upon proper motion duly approved by the members present,
2 shall then declare the session adjourned for lack of quorum.

3 SEC. 18. *Approval of Ordinances.* – (a) Every ordinance enacted by
4 the sangguniang panlalawigan shall be presented to the provincial governor. If
5 the provincial governor approves the same, he shall affix his signature on each
6 and every page thereof; otherwise, he shall veto it and return the same with his
7 objections to the sanggunian, which may proceed to reconsider the same. The
8 sanggunian may override the veto of the provincial governor by two-thirds
9 (2/3) vote of all its members, thereby making the ordinance or resolution
10 effective for all legal intents and purposes.

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

14 SEC. 19. *Veto Power of the Provincial Governor.* – (a) The provincial
15 governor may veto any ordinance of the sangguniang panlalawigan on the
16 ground that it is prejudicial to the public welfare, stating his reasons thereof in
17 writing.

18 (b) The provincial governor shall have the power to veto any particular
19 item or items of an appropriations ordinance, an ordinance or resolution
20 adopting a local development plan and public investment program or an
21 ordinance directing the payment of money or creating liability. In such case,
22 the veto shall not affect the item or items which are not objected to. The vetoed
23 item or items shall not take effect unless the sangguniang panlalawigan
24 overrides the veto in the manner herein provided; otherwise, the item or items
25 in the appropriations ordinance of the previous year corresponding to those
26 vetoed, if any, shall be deemed reenacted.

27 (c) The provincial governor may veto an ordinance or resolution only
28 once. The sanggunian may override the veto of the provincial governor by

1 two-thirds (2/3) vote of all its members, thereby making the ordinance
2 effective even without the approval of the provincial governor.

3 ARTICLE VI

4 . SUCCESSION FOR ELECTIVE PROVINCIAL OFFICIALS

5 SEC. 20. *Permanent Vacancy in the Office of the Provincial Governor.*

6 -- (a) If a permanent vacancy occurs in the office of the provincial governor,
7 the provincial vice governor shall become the provincial governor. If the
8 provincial vice governor refuses to assume the position of the provincial
9 governor, the highest ranking sangguniang panlalawigan member shall become
10 the provincial governor. If a permanent vacancy occurs in the office of the
11 provincial vice governor, the highest ranking sangguniang panlalawigan
12 member shall become the provincial vice governor or, in case of his permanent
13 incapacity, the highest ranking sangguniang panlalawigan member shall
14 become the provincial governor or the provincial vice governor, as the case
15 may be. Subsequent vacancies shall be filled automatically by other
16 sanggunian members according to their ranking as defined herein:

17 (1) A tie between or among the highest ranking sangguniang
18 panlalawigan members shall be resolved by drawing of lots;

19 (2) The successors as defined herein shall serve only the unexpired
20 terms of the predecessors;

21 (3) For purposes of this Act, a permanent vacancy arises when an
22 elective official fills a higher vacant office, refuses to assume office, fails to
23 qualify, dies, is removed from office, voluntarily resigns or is otherwise
24 permanently incapacitated to discharge the functions of his office; and

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

1 SEC. 21. *Permanent Vacancies in the Sangguniang Panlalawigan.* –

2 (a) Permanent vacancies in the sangguniang panlalawigan where automatic
3 succession as provided above does not apply shall be filled by appointments in
4 the following manner:

5 (1) The President, through the Executive Secretary, shall make the
6 aforesaid appointments;

7 (2) Only the nominee of the political party under which the sanggunian
8 member concerned had been elected shall be appointed in the manner herein
9 provided. The appointee shall come from the political party as that of the
10 sanggunian member who caused the vacancy and shall serve the unexpired
11 term of the vacant office.

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

17 (3) In case the permanent vacancy is caused by a sanggunian member
18 who does not belong to any political party, the provincial governor shall, upon
19 recommendation of the sangguniang panlalawigan, appoint a qualified person
20 to fill the vacancy; and

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

25 SEC. 22. *Temporary Vacancy in the Office of the Provincial Governor.*

26 – (a) When the provincial governor is temporarily incapacitated to perform his
27 duties for physical or legal reasons such as, but not limited to, leave of
28 absence, travel abroad and suspension from office, the provincial vice

1 governor shall automatically exercise the powers and perform the duties and
2 functions of the provincial governor, except the power to appoint, suspend or
3 dismiss employees which can only be exercised if the period of temporary
4 incapacity exceeds thirty (30) working days.

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

10 (c) When the provincial governor is traveling within the country but
11 outside territorial jurisdiction for a period not exceeding three (3) consecutive
12 days, he may designate in writing the officer-in-charge of his office. Such
13 authorization shall specify the powers and functions that the local official
14 concerned shall exercise in the absence of the provincial governor, except the
15 power to appoint, suspend or dismiss employees.

16 (d) In the event, however, that the provincial governor fails or refuses
17 to issue such authorization, the provincial vice governor shall have the right to
18 assume the powers, duties and functions of the said office on the fourth (4th)
19 day of absence of the provincial governor, subject to the limitations provided
20 for in subsection (c) hereof.

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

24 ARTICLE VII

25 APPOINTIVE PROVINCIAL OFFICIALS: 26 THEIR QUALIFICATIONS, POWERS AND DUTIES

27 SEC. 23. *The Secretary to the Sangguniang Panlalawigan.* –

28 (a) There shall be a secretary to the sangguniang panlalawigan who shall be a

1 career official with the rank and salary equal to a head of a department or
2 office.

3 (b) No person shall be appointed secretary to the sanggunian unless he
4 is a citizen of the Philippines, a resident of the province, of good moral
5 character, a holder of a master's degree preferably in law, commerce or public
6 administration from a recognized college or university, and a first grade civil
7 service eligible or its equivalent.

8 (c) The secretary to the sanggunian shall take charge of the office of
9 the sangguniang panlalawigan, and shall:

10 (1) Attend meetings of the sanggunian and keep a journal of its
11 proceedings;

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

15 (3) Forward to the provincial governor, for approval, copies of
16 ordinances enacted by the sanggunian and duly certified by the presiding
17 officer, in the manner provided for in Section 54 of the Local Government
18 Code of 1991, as amended;

19 (4) Forward to the sangguniang bayan or sangguniang panlungsod, as
20 the case may be, copies of duly approved ordinances in the manner provided
21 for in Sections 56 and 57 of the Local Government Code of 1991, as amended;

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

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

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

3 (8) Translate into the dialect used by the majority of the inhabitants, all
4 ordinances and resolutions immediately after their approval, and cause the
5 publication of the same together with the original version in the manner
6 provided for under the Local Government Code of 1991, as amended; and

7 (9) Take custody of the local archives and, where applicable, the local
8 library and annually account for the same.

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

11 SEC. 24. *The Provincial Treasurer.* – (a) The provincial treasurer shall
12 be appointed by the Secretary of Finance from a list of at least three (3)
13 ranking eligible recommendees of the provincial governor, subject to civil
14 service law, rules and regulations.

15 (b) The provincial treasurer shall be under the administrative
16 supervision of the provincial governor, to whom he shall report regularly on
17 the tax collection efforts in the LGU.

18 (c) No person shall be appointed provincial treasurer unless he is a
19 citizen of the Philippines, a resident of the province, of good moral character, a
20 holder of a college degree preferably in commerce, public administration or
21 law from a recognized college or university, and a first grade civil service
22 eligible or its equivalent. He must have acquired experience in treasury or
23 accounting service for at least five (5) years.

24 The appointment of the provincial treasurer shall be mandatory.

25 (d) He shall take charge of the treasury office and perform the duties as
26 provided for under Book II of the Local Government Code of 1991, as
27 amended, and shall:

1 (1) Advise the provincial governor or the sanggunian, as the case may
2 be, and other local government and national officials concerned regarding
3 disposition of local government funds and on such other matters relative to
4 public finance;

5 (2) Take custody and exercise proper management of the funds of the
6 LGU concerned;

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

10 (4) Inspect private commercial and industrial establishments within the
11 jurisdiction of the province in relation to the implementation of tax ordinances,
12 pursuant to the provisions under Book II of the Local Government Code of
13 1991, as amended;

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

15 (6) Exercise technical supervision over all treasury offices of
16 component cities and municipalities.

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

19 SEC. 25. *The Provincial Assessor.* – (a) No person shall be appointed
20 provincial assessor unless he is a citizen of the Philippines, a resident of the
21 province, of good moral character, a holder of a college degree preferably in
22 civil or mechanical engineering, commerce or any other related course from a
23 recognized college or university, and a first grade civil service eligible or its
24 equivalent. He must have acquired experience in real property assessment
25 work or in any related field for at least five (5) years.

26 The appointment of the provincial assessor shall be mandatory.

1 (b) The provincial assessor shall take charge of the assessor's office
2 and perform the duties as provided for under Book II of the Local Government
3 Code of 1991, as amended, and shall:

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

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

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

10 (4) Install and maintain a real property identification and accounting
11 system;

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

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

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

20 (8) Prepare a schedule of the fair market value of the different classes
21 of real properties in accordance with Title 2, Book II of the Local Government
22 Code of 1991, as amended;

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

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

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

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

11 SEC. 26. *The Provincial Accountant.* – (a) No person shall be
12 appointed provincial accountant unless he is a citizen of the Philippines, a
13 resident of the province, of good moral character and a certified public
14 accountant. He must have acquired experience in the treasury or accounting
15 service for at least five (5) years.

16 The appointment of the provincial accountant is mandatory.

17 (b) The provincial accountant shall take charge of both the accounting
18 and internal audit services of the province, and shall:

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

20 (2) Prepare and submit financial statements to the provincial governor
21 and to the sangguniang panlalawigan;

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

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

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

1 (6) Prepare statements of cash advances, liquidations, salaries,
2 allowances, reimbursements and remittances pertaining to the provincial
3 government;

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

6 (8) Post individual disbursements to the subsidiary ledgers and index
7 cards;

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

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

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

14 (12) Prepare journals and the analysis of obligations and maintain and
15 keep all records and reports related thereto.

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

18 *SEC. 27. 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 (5) 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 legislation
9 and submit comments and recommendations thereon;

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

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 the component cities and municipalities; and

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

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

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

23 *SEC. 28. The Provincial Planning and Development Coordinator. –*

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

1 service eligible or its equivalent. He must have acquired experience in
2 development planning or in any related field for at least five (5) years.

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

5 (b) The provincial planning and development coordinator shall take
6 charge of the planning and development office, and shall:

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

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

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

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

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

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

22 (7) Promote people's participation in development planning within the
23 province; and

24 (8) Exercise supervision and control over the secretariat of the
25 provincial development council.

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

1 SEC. 29. *The Provincial Engineer.* – (a) No person shall be appointed
2 provincial engineer unless he is a citizen of the Philippines, a resident of the
3 province, of good moral character and a licensed civil engineer. He must have
4 acquired experience in the practice of his profession for at least five (5) years.

5 The appointment of the provincial engineer shall be mandatory.

6 (b) The provincial engineer shall take charge of the engineering office,
7 and shall:

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

11 (2) Advise the provincial governor on infrastructure, public works and
12 other engineering matters;

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

16 (4) Provide engineering services to the province, including
17 investigations and surveys, engineering designs, feasibility studies and project
18 management; and

19 (5) Exercise technical supervision over all engineering offices of the
20 component cities and municipalities.

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

23 SEC. 30. *The Provincial Health Officer.* – (a) No person shall be
24 appointed provincial health officer unless he is a citizen of the Philippines, a
25 resident of the province, of good moral character and a licensed medical
26 practitioner. He must have acquired experience in the practice of his profession
27 for at least five (5) years.

28 The appointment of the provincial health officer shall be mandatory.

1 (b) The provincial health officer shall take charge of the office on
2 health services, and shall:

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

9 (2) Formulate measures for the consideration of the sangguniang
10 panlalawigan and provide technical assistance and support to the provincial
11 governor in carrying out activities to ensure the delivery of basic services and
12 the provision of adequate facilities relative to health services as provided for
13 under Section 17 of the Local Government Code of 1991, as amended;

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

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

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

23 (ii) Advise the provincial governor and the sanggunian on matters
24 pertaining to health;

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

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

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

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

10 (vii) Conduct health information campaigns and render health
11 intelligence services;

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

14 (ix) Exercise general supervision over health offices of component
15 cities and municipalities; and

16 (5) Be in the frontline of the delivery of health services, particularly
17 during and in the aftermath of man-made and natural disasters or calamities.

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

20 SEC. 31. *The Provincial Civil Registrar.* – (a) No person shall be
21 appointed provincial civil registrar unless he is a citizen of the Philippines, a
22 resident of the province, of good moral character, a holder of a college degree
23 from a recognized college or university, and a first grade civil service eligible
24 or its equivalent. He must have acquired experience in civil registry work for
25 at least five (5) years.

26 The appointment of a provincial civil registrar shall be optional.

27 (b) The provincial civil registrar shall be responsible for the civil
28 registration program in the province, pursuant to the Civil Registry Law, the

1 Civil Code and other pertinent laws, rules and regulations issued to implement
2 them.

3 The provincial civil registrar shall take charge of the office of the civil
4 registry, and shall:

5 (1) Develop plans and strategies and, upon approval thereof by the
6 provincial governor, implement the same, particularly those which have to do
7 with civil registry programs and projects which the provincial governor and the
8 sanggunian is empowered to provide for under the Local Government Code of
9 1991, as amended;

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

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

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

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

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

20 (v) Issue certified transcripts or copies of any certificate or registered
21 document upon payment of the prescribed fees to the provincial treasurer;

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

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

1 (c) Exercise such other powers and perform such other duties and
2 functions as may be prescribed by law or ordinance.

3 SEC. 32. *The Provincial Administrator.* – (a) No person shall be
4 appointed provincial administrator unless he is a citizen of the Philippines, a
5 resident of the province, of good moral character, a holder of a college degree
6 preferably in public administration, law or any related course from a
7 recognized college or university, and a first grade civil service eligible or its
8 equivalent. He must have acquired experience in management and
9 administration work for at least five (5) years.

10 The term of the provincial administrator is coterminous with that of his
11 appointing authority.

12 The appointment of the provincial administrator shall be mandatory.

13 (b) The provincial administrator shall take charge of the office of the
14 administrator, and shall:

15 (1) Develop plans and strategies and, upon approval thereof by the
16 provincial governor, implement the same, particularly those which have to do
17 with the management and administration-related programs and projects which
18 the provincial governor is empowered to implement and which the sanggunian
19 is empowered to provide for under the Local Government Code of 1991, as
20 amended;

21 (2) In addition to the foregoing duties and functions, the provincial
22 administrator shall:

23 (i) Assist in the coordination of the work of all the officials of the
24 province under the supervision, direction and control of the provincial
25 governor and, for this purpose, he may convene the chiefs of offices and other
26 officials of the province;

1 (ii) Establish and maintain a sound personnel program for the province
2 designed to promote career development and uphold the merit principle in the
3 province; and

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

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

9 (4) Recommend to the sanggunian and advise the provincial governor
10 on all other matters relative to the management and administration of the
11 province.

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

14 SEC. 33. *The Provincial Legal Officer.* – (a) No person shall be
15 appointed provincial legal officer unless he is a citizen of the Philippines, a
16 resident of the province, of good moral character and a member of the
17 Philippine Bar. He must have practiced his profession for at least five (5)
18 years.

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

21 The appointment of the provincial legal officer shall be mandatory.

22 (b) The provincial legal officer, the chief legal counsel of the province,
23 shall take charge of the office for legal services, and shall:

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

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 programs and projects related to legal services which the provincial
4 governor is empowered to implement and which the sanggunian is empowered
5 to provide for under the Local Government Code of 1991, as amended;

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

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

14 (ii) When required by the provincial governor or the sanggunian, draft
15 ordinances, contracts, bonds, leases and other instruments involving any
16 interest of the province and provide comments and recommendations on any
17 instrument already drawn;

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

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

23 (v) Investigate or cause to be investigated any person, firm or
24 corporation holding any franchise or exercising any public privilege for failure
25 to comply with any term or condition in the grant of such franchise or
26 privilege, and recommend appropriate action to the provincial governor or the
27 sanggunian;

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

4 (vii) Review and submit recommendations on ordinances approved and
5 executive orders issued by component cities and municipalities;

6 (4) Recommend measures to the sangguniang panlalawigan and advise
7 the provincial governor on all other matters related to the upholding of the rule
8 of law; and

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

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

14 SEC. 34. *The Provincial Agriculturist.* – (a) No person shall be
15 appointed provincial agriculturist unless he is a citizen of the Philippines, a
16 resident of the province, of good moral character, a holder of a college degree
17 in agriculture or in any related course from a recognized college or university,
18 and a first grade civil service eligible or its equivalent. He must have acquired
19 experience in a related field for at least five (5) years.

20 The appointment of the provincial agriculturist shall be mandatory.

21 (b) The provincial agriculturist shall take charge of the office for
22 agricultural 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 said
25 measures to ensure the delivery of basic services and the provision of adequate
26 facilities relative to agricultural services as provided for under Section 17 of
27 the Local Government Code of 1991, as amended;

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 agricultural 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, as amended;

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

8 (i) Ensure that 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, fishermen and local entrepreneurs;

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

16 (iii) Assist the provincial governor in the establishment and extension
17 services of demonstration farms on aquaculture and marine products;

18 (iv) Enforce rules and regulations relating to agriculture and
19 aquaculture; and

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

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

26 (5) Recommend to the sanggunian and advise the provincial governor
27 on all other matters related to agriculture and aquaculture which will improve
28 the livelihood and living conditions of the inhabitants.

1 (c) Exercise such other powers and perform such other duties and
2 functions as may be prescribed by law or ordinance.

3 SEC. 35. *The Provincial Social Welfare and Development Officer.* –

4 (a) No person shall be appointed provincial social welfare and development
5 officer unless he is a citizen of the Philippines, a resident of the province, of
6 good moral character, a duly licensed social worker, a holder of a college
7 degree preferably in sociology or in any related course from a recognized
8 college or university, and a first grade civil service eligible or its equivalent.
9 He must have acquired experience in the practice of social work for at least
10 five (5) years.

11 The appointment of the provincial social welfare and development
12 officer shall be mandatory.

13 (b) The provincial social welfare and development officer shall take
14 charge of the office on social welfare and development services, and shall:

15 (1) Formulate measures for the approval of the sanggunian and provide
16 technical assistance and support to the provincial governor in carrying out
17 measures to ensure the delivery of basic services and the provision of adequate
18 facilities relative to social welfare and development services as provided for
19 under Section 17 of the Local Government Code of 1991, as amended;

20 (2) Develop plans and strategies and, upon approval thereof by the
21 provincial governor, implement the same, particularly those which have to do
22 with social welfare programs and projects which the provincial governor is
23 empowered to implement and which the sanggunian is empowered to provide
24 for under the Local Government Code of 1991, as amended;

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

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

4 (ii) Provide relief and appropriate crisis intervention for victims of
5 abuse and exploitation and recommend appropriate measures to deter further
6 abuse and exploitation;

7 (iii) Assist the provincial governor in implementing the barangay level
8 program for the total development and protection of children up to six (6)
9 years of age;

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

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

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

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

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

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

1 SEC. 36. *The Provincial Environment and Natural Resources Officer.*

2 – (a) No person shall be appointed provincial environment and natural
3 resources officer unless he is a citizen of the Philippines, a resident of the
4 province, of good moral character, a holder of a college degree preferably in
5 environment, forestry, agriculture or any related course from a recognized
6 college or university, and a first grade civil service eligible or its equivalent.
7 He must have acquired experience in environmental and natural resources
8 management, conservation and utilization for at least five (5) years.

9 The appointment of the provincial environment and natural resources
10 officer shall be mandatory.

11 (b) The provincial environment and natural resources officer shall take
12 charge of the office on environment and natural resources, and shall:

13 (1) Formulate measures for the consideration of the sanggunian and
14 provide technical assistance and support to the provincial governor in carrying
15 out measures to ensure the delivery of basic services and the provision of
16 adequate facilities relative to environment and natural resources services as
17 provided for under Section 17 of the Local Government Code of 1991, as
18 amended;

19 (2) Develop plans and strategies and, upon approval thereof by the
20 provincial governor, implement the same, particularly those which have to do
21 with the environment and natural resources programs and projects which the
22 provincial governor is empowered to implement and which the sanggunian is
23 empowered to provide for under the Local Government Code of 1991, as
24 amended;

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

- 1 (i) Ensure that maximum assistance and access to resources in the
2 production, processing and marketing of agricultural and aquacultural and
3 marine products are extended to farmers, fishermen and local entrepreneurs;
- 4 (ii) Establish, maintain, protect and preserve communal forests,
5 watersheds, tree parks, mangroves, greenbelts, commercial forests and similar
6 forest projects like industrial tree farms and agro-forestry projects;
- 7 (iii) Provide extension services to beneficiaries of forest development
8 projects and technical, financial and infrastructure assistance;
- 9 (iv) Manage and maintain seedbanks and produce seedlings for forests
10 and tree parks;
- 11 (v) Provide extension services to beneficiaries of forest development
12 projects and render assistance for natural resources-related conservation and
13 utilization activities consistent with ecological balance;
- 14 (vi) Promote small-scale mining and the utilization of mineral
15 resources, particularly the mining of gold; and
- 16 (vii) Coordinate with government agencies and nongovernmental
17 organizations in the implementation of measures to prevent and control land,
18 air and water pollution with the assistance of the Department of Environment
19 and Natural Resources (DENR);
- 20 (4) Be in the frontline of the delivery of basic services concerning the
21 environment and natural resources, particularly in the renewal and
22 rehabilitation of the environment during and in the aftermath of man-made and
23 natural disasters or calamities; and
- 24 (5) Recommend to the sanggunian and advise the provincial governor
25 on all other matters relative to the protection, conservation, maximum
26 utilization, application of appropriate technology and other matters related to
27 the environment and natural resources.

1 (c) Exercise such other powers and perform such other duties and
2 functions as may be prescribed by law or ordinance.

3 SEC. 37. *The Provincial Veterinarian.* – (a) No person shall be
4 appointed provincial veterinarian unless he is a citizen of the Philippines, a
5 resident of the province, of good moral character and a licensed doctor of
6 veterinary medicine. He must have practiced his profession for at least three
7 (3) years.

8 The appointment of the provincial veterinarian shall be mandatory.

9 (b) The provincial veterinarian shall take charge of the office for
10 veterinary services, and shall:

11 (1) Formulate measures for the consideration of the sanggunian and
12 provide technical assistance and support to the provincial governor in carrying
13 out measures to ensure the delivery of basic services and the provision of
14 adequate facilities pursuant to Section 17 of the Local Government Code of
15 1991, as amended;

16 (2) Develop plans and strategies and, upon approval thereof by the
17 provincial governor, implement the same, particularly those which have to do
18 with veterinary-related activities which the provincial governor is empowered
19 to implement and which the sanggunian is empowered to provide for under the
20 Local Government Code of 1991, as amended;

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

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

26 (ii) Regulate the keeping of domestic animals;

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

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

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

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

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

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

16 SEC. 38. *The Provincial General Services Officer.* – (a) No person
17 shall be appointed provincial general services officer unless he is a citizen of
18 the Philippines, a resident of the province, of good moral character, a holder of
19 a college degree in public administration, business administration or
20 management from a recognized college or university and a first grade civil
21 service eligible or its equivalent. He must have acquired experience in general
22 services, including the management of supply, property, solid waste disposal
23 and general sanitation for at least five (5) years.

24 The appointment of the provincial general services officer shall be
25 mandatory.

26 (b) The provincial general services officer shall take charge of the
27 office of general services, 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 pursuant to Section 17 of the Local Government Code of
5 1991, as amended, and which require general services expertise and technical
6 support services;

7 (2) Develop plans and strategies and, upon approval thereof by the
8 provincial governor, implement the same, particularly those which have to do
9 with general services supportive to the welfare of the inhabitants which the
10 provincial governor is empowered to implement and which the sanggunian is
11 empowered to provide for under the Local Government Code of 1991, as
12 amended;

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

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

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

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

24 (iv) Recommend to the provincial governor the reasonable rental rates
25 of private properties which may be leased for the official use of the provincial
26 government;

1 (v) Maintain and supervise janitorial, security, landscaping and other
2 related services on all local government public buildings and other real
3 property, whether owned or leased by the provincial government;

4 (vi) Collate and disseminate information regarding prices, shipping and
5 other costs of supplies and other items commonly used by the provincial
6 government;

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

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

12 (4) Be in the frontline of general services-related activities, such as the
13 possible or imminent destruction or damage to records, supplies, properties
14 and structures and the orderly and sanitary clearing up of waste materials or
15 debris, particularly during and in the aftermath of man-made and natural
16 disasters or calamities; and

17 (5) Recommend to the sanggunian and advise the provincial governor
18 on all other matters relative to general services.

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

21 *SEC. 39. The Provincial Cooperatives Officer.* -- (a) No person shall
22 be appointed provincial cooperatives officer unless he is a citizen of the
23 Philippines, a resident of the province, of good moral character, a holder of a
24 college degree preferably in business administration course with special
25 training in cooperatives or in any related course from a recognized college or
26 university, and a first grade civil service eligible or its equivalent. He must
27 have acquired experience in cooperatives organization and management for at
28 least five (5) years.

1 The appointment of the provincial cooperatives officer shall be
2 mandatory.

3 (b) The provincial cooperatives officer shall take charge of the office
4 for the development of cooperatives, and shall:

5 (1) Formulate measures for the consideration of the sanggunian and
6 provide technical assistance and support to the provincial governor in carrying
7 out measures to ensure the delivery of basic services and the provision of
8 adequate facilities through the development of cooperatives, and in providing
9 access to such services and facilities;

10 (2) 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 integration of cooperatives principles and methods in programs 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, as
15 amended;

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

18 (i) Assist in the organization of cooperatives;

19 (ii) Provide technical and other forms of assistance to existing
20 cooperatives to enhance their viability as an economic enterprise and social
21 organization; and

22 (iii) Assist cooperatives in establishing linkages with government
23 agencies and nongovernmental organizations involved in the promotion and
24 integration of the concept of cooperatives in the livelihood of the people and
25 other community activities;

26 (4) Be in the frontline of cooperatives organization, rehabilitation or
27 viability enhancement, particularly during and in the aftermath of man-made

1 and natural disasters or calamities, to aid in their survival and, if necessary,
2 subsequent rehabilitation; and

3 (5) Recommend to the sanggunian and advise the provincial governor
4 on all other matters relative to cooperatives development and viability
5 enhancement which will improve the livelihood and the quality of life of the
6 inhabitants.

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

9 SEC. 40. *The Provincial Architect.* -- (a) No person shall be appointed
10 provincial architect unless he is a citizen of the Philippines, a resident of the
11 province, of good moral character and a duly licensed architect. He must have
12 practiced his profession for at least five (5) years.

13 The appointment of the provincial architect shall be optional.

14 (b) The provincial architect shall take charge of the office on
15 architectural planning and design, 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 architectural planning and design as provided for
20 under Section 17 of the Local Government Code of 1991, as amended;

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 architectural planning and design programs and projects which the
24 provincial governor is empowered to implement and which the sanggunian is
25 empowered to provide for under the Local Government Code of 1991, as
26 amended;

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

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

5 (ii) Review and recommend for appropriate action of the sanggunian
6 and the provincial governor, the architectural plans and designs submitted by
7 governmental and nongovernmental entities or individuals, particularly those
8 for undeveloped, underdeveloped and poorly-designed areas; and

9 (iii) Coordinate with government agencies and nongovernmental entities
10 and individuals involved in the aesthetics and the maximum utilization of the
11 land and water within the jurisdiction of the province, compatible with
12 environmental integrity and ecological balance;

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

17 (5) Recommend to the sanggunian and advise the provincial governor
18 on all other matters related to architectural planning and design as it relates to
19 the total socioeconomic development of the province.

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

22 SEC. 41. *The Provincial Population Officer.* – (a) No person shall be
23 appointed provincial population officer unless he is a citizen of the Philippines,
24 a resident of the province, of good moral character, a holder of a college
25 degree with specialized training in population development from a recognized
26 college or university, and a first grade civil service eligible or its equivalent.
27 He must have acquired experience in the implementation of programs on
28 population development or responsible parenthood for at least five (5) years.

1 The appointment of the provincial population officer shall be optional.

2 (b) The provincial population officer shall take charge of the office on
3 population development, and shall:

4 (1) Formulate measures for the consideration of the sanggunian and
5 provide technical assistance and support to the provincial governor in carrying
6 out measures to ensure the delivery of basic services and the provision of
7 adequate facilities relative to the integration of the population development
8 principles and in providing access to said services and facilities;

9 (2) Develop plans and strategies and, upon approval thereof by the
10 provincial governor, implement the same, particularly those which have to do
11 with the integration of population development principles and methods in
12 programs and projects which the provincial governor is empowered to
13 implement and which the sanggunian is empowered to provide for under the
14 Local Government Code of 1991, as amended; and

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

17 (i) Assist the provincial governor in the implementation of the
18 constitutional provisions relative to population development and the promotion
19 of responsible parenthood;

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

23 (iii) Implement appropriate training programs responsive to the cultural
24 heritage of the inhabitants.

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

27 SEC. 42. *The Provincial Information Officer.* – (a) No person shall be
28 appointed provincial information officer unless he is a citizen of the

1 Philippines, a resident of the province, of good moral character, a holder of a
2 college degree preferably in journalism, mass communication or in any related
3 course from a recognized college or university, and a first grade civil service
4 eligible or its equivalent. He must have acquired experience in writing articles
5 and research papers, or in writing for print, television or broadcast media for at
6 least three (3) years;

7 The appointment of the provincial information officer shall be optional.

8 (b) The provincial information officer shall take charge of the office on
9 public information, and shall:

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

15 (2) Develop plans and strategies and, upon approval thereof by the
16 provincial governor, implement the same, particularly those which have to do
17 with public information and research data to support the programs and projects
18 which the provincial governor is empowered to implement and which the
19 sanggunian is empowered to provide for under the Local Government Code of
20 1991, as amended;

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

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

25 (ii) Maintain effective liaison with the various sectors of the community
26 on matters and issues that affect the livelihood and the quality of life of the
27 inhabitants and encourage support for programs of the local and national
28 government;

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

3 (iv) Furnish information and data on the province to government
4 agencies or offices as may be required by law or ordinance, and
5 nongovernmental organizations to be furnished to said agencies and
6 organizations;

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

11 (5) Recommend to the sanggunian and advise the provincial governor
12 on all other matters relative to public information and research data as it relates
13 to the total socioeconomic development of the province.

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

16 ARTICLE VIII

17 THE PROVINCIAL FIRE STATION, THE PROVINCIAL JAIL, THE PROVINCIAL 18 SCHOOLS DIVISION AND THE PROVINCIAL PROSECUTION SERVICE

19 SEC. 43. *The Provincial Fire Station Service.* -- (a) There shall be
20 established in the province at least five (5) fire stations with adequate
21 personnel, firefighting facilities and equipment by the DILG within two (2)
22 months upon the commencement of the corporate existence of the new
23 province. The provincial government shall provide the necessary land or site of
24 the provincial fire stations.

25 (b) The provincial fire station service shall be headed by a provincial
26 fire marshal whose qualifications shall be as those provided for under Republic
27 Act No. 9263, as amended, otherwise known as the "Bureau of Fire Protection

1 and Bureau of Jail Management and Penology Professionalization Act of
2 2004”.

3 (c) The provincial fire stations shall be responsible for the protection of
4 various emergency services such as the rescue and evacuation of injured
5 people at fire-related incidents and, in general, fire prevention and suppression
6 measures to secure the safety of life and property of the citizenry.

7 SEC. 44. *The Provincial Jail Service.* – (a) There shall be established
8 and maintained in the province, within two (2) months upon the
9 commencement of the corporate existence of the province by the DILG, a
10 secured, clean, adequately equipped and sanitary jail facility for the custody
11 and safekeeping of prisoners, any fugitive from justice, or person detained
12 awaiting investigation or trial and/or transfer to the national penitentiary,
13 and/or violent mentally ill person who endangers himself or the safety of
14 others, duly certified as such by the proper medical health officer, pending the
15 transfer to a mental institution.

16 (b) The provincial jail service shall be headed by a provincial jail
17 warden whose qualifications shall be as those provided for under Republic Act
18 No. 9263, as amended, otherwise known as the “Bureau of Fire Protection and
19 Bureau of Jail Management and Penology Professionalization Act of 2004”.
20 He shall assist in the immediate rehabilitation of individuals or detention of
21 prisoners. Great care must be exercised so that human rights of these prisoners
22 are respected and protected, and their spiritual and physical well-being are
23 properly and promptly attended to.

24 SEC. 45. *The Provincial Schools Division.* – (a) The DepED shall,
25 within two (2) months upon the commencement of the corporate existence of
26 the province herein created, establish and maintain a separate schools division
27 in the province whose jurisdiction shall cover all the municipalities of the new
28 province.

1 qualification of the provincial governor, the provincial vice governor and
2 majority of the members of the sangguniang panlalawigan.

3 SEC. 49. *Officials of the Province of Davao Occidental.* – (a) The
4 first set of elective officials of the Province of Davao Occidental shall be
5 elected in the next national and local elections following the effectivity of this
6 Charter.

7 All elective and nonelective provincial and local government officials
8 and employees of the present Province of Davao del Sur shall continue to serve
9 their term of office and perform their duties and functions in the province, until
10 the commencement of the corporate existence of the new province, as provided
11 for in the immediately preceding section of this Act.

12 SEC. 50. *Organization of the Provincial Government.* – All provincial
13 appointive positions in the Province of Davao Occidental shall be filled within
14 sixty (60) days upon the commencement of its corporate existence. This shall
15 be done without prejudice to the officials and employees of the present
16 Province of Davao del Sur who may wish to serve in the Province of Davao
17 Occidental.

18 SEC. 51. *Suspension of Increase in the Rates of Local Taxes.* – No
19 increase in the rates of local taxes shall be imposed by the new province within
20 the period of five (5) years from its acquisition of corporate existence.

21 SEC. 52. *Present Provincial Properties.* – Upon the effectivity of this
22 Act, the ownership of real properties and infrastructure projects of each LGU
23 situated in the present Province of Davao del Sur shall belong to the province
24 where it is situated.

25 SEC. 53. *Applicability of Laws.* – The provisions of Republic Act
26 No. 7160, otherwise known as the Local Government Code of 1991, as
27 amended, and other laws as are applicable to provinces shall govern the herein

1 created province insofar as these are not inconsistent with the provisions of this
2 Act.

3 SEC. 54. *Separability Clause.* – If any part of this Act is declared
4 invalid or unconstitutional, the other parts or provisions hereof shall remain
5 valid and effective.

6 SEC. 55. *Effectivity.* – This Act shall take effect fifteen (15) days upon
7 its publication in at least two (2) newspapers of general and local circulation.

Approved,

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