

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

OFFICE OF THE SECRETARY

3 AUG 20 15 23

SENATE

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COMMITTEE REPORT NO. 554

RECEIVED BY *[Signature]*

Submitted by the Committee on Local Government on AUG 20 2009

Re : House Bill No. 5226

Recommending its approval without amendment.

Sponsor : Senator Aquino III.

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**MR. PRESIDENT:**

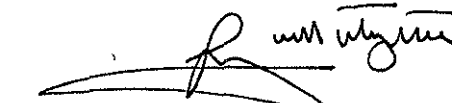
The Committee on Local Government, to which was referred House Bill No. 5226, introduced by Representative Fernandez, entitled:

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

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

Respectfully submitted:

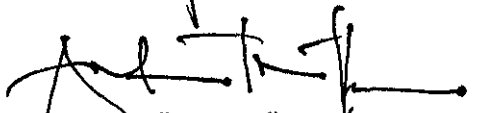
  
BENIGNO S. AQUINO III  
Chairman

  
FRANCIS "CHIZ" G. ESCUDERO  
Vice-Chairman

Members:

  
MAR ROXAS

  
RODOLFO G. BIAZON

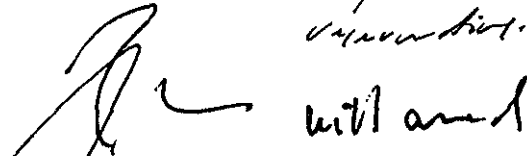
  
ANTONIO "SONNY" F. TRILLANES IV

  
PANFILO M. LACSON

*strongly dissent*

  
M.A. MADRIGAL

  
LOREN B. LEGARDA

  
RICHARD J. GORDON

  
RAMON BONG REVILLA JR.

  
JOKER P. ARROYO

  
ALAN PETER "COMPAÑERO S. CAYETANO

MANNY VILLAR

Ex-Officio Members:

*Jinggoy Estrada*  
JINGGOY EJERCITO ESTRADA  
President Pro-Tempore

*Juan Miguel F. Zubiri*  
JUAN MIGUEL F. ZUBIRI  
Majority Leader

*Aquilino Q. Pimentel Jr.*  
AQUILINO Q. PIMENTEL JR.  
Minority Leader

Hon. JUAN PONCE ENRILE  
President  
Senate of the Philippines  
Pasay City



1 existing administrative supervision over said area or areas until the final  
2 resolution of the case.

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

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

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

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

26       SEC. 6. *Jurisdiction of the City.* – The jurisdiction of the City, for  
27 police purposes only, shall be coextensive with its territorial jurisdiction and,  
28 for the purpose of protecting and ensuring the purity of the water supply of the  
29 City, such police jurisdiction shall also extend over all the territory within the  
30 drainage area of such water supply, or within one hundred meters (100 m.) of

1 any reservoir, conduit, canal, aqueduct or pumping station used in connection  
2 with the city water service.

3 The city court of the City of Biñan shall have concurrent jurisdiction  
4 with the city or municipal court of the adjoining municipalities or cities, to try  
5 crimes and misdemeanors committed within said drainage area or within said  
6 spaces of one hundred meters (100 m.).

7 The court first taking cognizance of such an offense shall have  
8 jurisdiction to try cases to the exclusion of others. The police forces of several  
9 municipalities and cities concerned shall have concurrent jurisdiction with the  
10 police forces of the City for the maintenance of good order and the  
11 enforcement of ordinances throughout said zone, area or spaces. But any  
12 license that may be issued within said zone, area or spaces shall be granted by  
13 the proper authorities of the city or municipality concerned, and the fees  
14 arising therefrom shall accrue to the treasury of the said city or municipality  
15 concerned and not to the City.

## 16 ARTICLE II

### 17 CITY OFFICIALS IN GENERAL

18 SEC. 7. *The Officials of the City of Biñan.* – (a) There shall be in the  
19 City of Biñan: a city mayor, a city vice mayor, sangguniang panlungsod  
20 members, a secretary to the sangguniang panlungsod, a city treasurer and an  
21 assistant city treasurer, a city assessor and an assistant city assessor, a city  
22 accountant, a city budget officer, a city planning and development officer, a  
23 city engineer, a city health officer, a city civil registrar, a city administrator, a  
24 city legal officer, a city social welfare and development officer, a city  
25 veterinarian and a city general services officer.

26 (b) In addition thereto, the city mayor may appoint a city environment  
27 and natural resources officer, a city architect, a city information officer, a city  
28 cooperatives officer, a city population officer, a city business permits and  
29 licensing officer, an international and business relations officer, a youth and  
30 sports development officer, an education officer, a public safety officer, a

1 tourism and cultural affairs officer, a city agriculturist, a city human resource  
2 development officer and a city building official.

3 (c) There shall be established in the City a city fire station to be headed  
4 by a city fire marshal, a city jail to be headed by a city jail warden, a city  
5 schools division to be headed by a city schools division superintendent.

6 (d) The City of Biñan may:

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

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

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

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

### 19 ARTICLE III

#### 20 THE CITY MAYOR AND CITY VICE MAYOR

21 SEC. 8. *The City Mayor.* – (a) The city mayor shall be the chief  
22 executive of the City. He shall be elected at large by the qualified voters of the  
23 City. No person shall be eligible for the position of city mayor unless, at the  
24 time of the election, he is at least twenty-one (21) years of age, a resident of the  
25 City for at least one (1) year prior to his election and a qualified voter therein.  
26 He shall hold office for three (3) years, unless sooner removed, and shall  
27 receive a minimum monthly compensation corresponding to Salary Grade  
28 thirty (30) as prescribed under Republic Act No. 6758, otherwise known as the  
29 Salary Standardization Law, and the implementing guidelines issued pursuant  
30 thereto.

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

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

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

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

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

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

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

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

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



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

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

6 (ix) Allocate and assign office space to the City and other officials and  
7 employees who, by law or ordinance, are entitled to such space in the office  
8 and other buildings owned or leased by the city government;

9 (x) Ensure that all executive officials and employees of the City  
10 faithfully discharge their duties and functions as provided for by law and the  
11 Local Government Code of 1991, and cause to be instituted administrative or  
12 judicial proceedings against any official or employee of the City who may have  
13 committed an offense in the performance of his official duties;

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

19 (xii) Furnish copies of executive orders issued by him to the Office of  
20 the President and the Office of the Secretary of the Department of the Interior  
21 and Local Government (DILG) within seventy-two (72) hours after their  
22 issuance;

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

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

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

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

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

19 (xviii) Solemnize marriages, any provision of law to the contrary  
20 notwithstanding;

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

24 (xx) Submit to the provincial governor the following reports: an annual  
25 report containing a summary of all matters pertinent to the management,  
26 administration and development of the City and all information and data  
27 relative to its political, social and economic conditions; and supplemental  
28 reports when unexpected events and situations arise at any time during the  
29 year, particularly when man-made and natural disasters or calamities affect the  
30 general welfare of the City.

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

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

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

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

15           (iv) Be entitled to carry the necessary firearms within his territorial  
16 jurisdiction;

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

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

27           (3) Initiate and maximize the generation of resources and revenues, and  
28 apply the same to the implementation of development plans, program  
29 objectives and priorities, particularly those resources and revenues

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

3 (i) Require each head of an office or department to prepare and submit  
4 an estimate of appropriations for the ensuing calendar year, in accordance with  
5 the budget preparation process enshrined under Republic Act No. 7160,  
6 otherwise known as the Local Government Code of 1991;

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

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

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

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

20 (vi) Require owners of illegally constructed houses, buildings or other  
21 structures to obtain the necessary permits, subject to such fines and penalties as  
22 may be imposed by law or ordinance, or to make necessary changes in the  
23 construction of the same when said construction violates any law or ordinance,  
24 or to order the demolition or removal of said house, building or structure  
25 within the period prescribed by law or ordinance;

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

28 (viii) Provide efficient and effective property and supply management in  
29 the City and protect the funds, credits, rights and other properties of the City;  
30 and

1 (ix) Institute or cause to be instituted administrative or judicial  
2 proceedings for violation of ordinances in the collection of taxes, fees, charges,  
3 and for the recovery of funds and property; and cause the City to be defended  
4 against all suits to ensure that its interests, resources and rights shall be  
5 adequately protected.

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

8 (i) Ensure that the construction and repair of roads and highways  
9 funded by the national government shall be, as far as practicable, carried out in  
10 a spatially contiguous manner and in coordination with the construction and  
11 repair of the roads and bridges of the City; and

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

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

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

19 SEC. 9. *The City Vice Mayor.* – (a) There shall be a city vice mayor  
20 who shall be elected in the same manner as the city mayor and shall, at the time  
21 of his election, possess the same qualifications as the city mayor. He shall hold  
22 office for three (3) years, unless sooner removed, and shall receive a monthly  
23 compensation corresponding to Salary Grade twenty-six (26) as prescribed  
24 under the Salary Standardization Law and the implementing guidelines issued  
25 pursuant thereto.

26 (b) The city vice mayor shall:

27 (1) Be the presiding officer of the sangguniang panlungsod and sign all  
28 warrants drawn on the city treasury for all expenditures appropriated for the  
29 operation of the sangguniang panlungsod;

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

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

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

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

#### 11 ARTICLE IV

#### 12 THE SANGGUNIANG PANLUNGSOD

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

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

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

26 SEC. 11. *Powers, Duties, Functions and Compensation.* – (a) The  
27 sangguniang panlungsod, as the legislative body of the City, shall enact  
28 ordinances, approve resolutions and appropriate funds for the general welfare  
29 of the City and its inhabitants pursuant to Section 16 of the Local Government  
30 Code of 1991 and in the proper exercise of the corporate powers of the City as

1 provided for under Section 22 of the Local Government Code of 1991, and  
2 shall:

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

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

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

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

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

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

28 (vi) Protect the environment. To this end, it may set aside at least ten  
29 percent (10%) of its development funds for the purpose of maintaining and  
30 enhancing the ecological balance of the City. It may also impose appropriate

1 penalties for acts which endanger the environment, such as illegal logging,  
2 smuggling of logs, smuggling of natural resources products and of endangered  
3 species of flora and fauna, slash-and-burn farming and such other activities  
4 which result in pollution, acceleration of siltation of rivers and lakes or of  
5 ecological imbalance;

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

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

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

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

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

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



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

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

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

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

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

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

27 (v) Appropriate funds for the construction and maintenance or the  
28 rental of buildings for the use of the City and, upon the majority vote of all the  
29 members of the sangguniang panglungsod, authorize the city mayor to lease to

1 private parties such public buildings held in a proprietary capacity, subject to  
2 existing laws, rules and regulations;

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

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

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

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

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

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

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

29 (xiii) Regulate the numbering of residential, commercial and other  
30 buildings; and

1 (xiv) Regulate the inspection, weighing and measuring of articles of  
2 commerce.

3 (3) Subject to the provisions of Book II of the Local Government Code  
4 of 1991, enact ordinances granting franchises and authorizing the issuance of  
5 permits or licenses, upon such conditions and for such purposes intended to  
6 promote the general welfare of the inhabitants of the City and, pursuant to this  
7 legislative authority, shall:

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

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

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

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

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

25 (vi) Subject to the guidelines prescribed by the Department of  
26 Transportation and Communications (DOTC), regulate the operation of  
27 tricycles and grant franchises for the operation thereof within the territorial  
28 jurisdiction of the City; and

29 (vii) Upon approval by a majority vote of all the members of the  
30 sangguniang panlungsod, grant a franchise to any person, partnership,

1 corporation or cooperative to do business within the City; establish, construct,  
2 operate and maintain ferries, wharves, markets or slaughterhouses; or  
3 undertake such other activities within the City as may be allowed by existing  
4 laws: *Provided*, That cooperatives shall be given preference in the grant of  
5 such franchise.

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

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

10 (ii) Require that buildings and the premises thereof and any land within  
11 the City be kept and maintained in a sanitary condition; impose penalties for  
12 any violation thereof; or upon failure to comply with the said requirement,  
13 have the work done at the expense of the owner, administrator or tenant  
14 concerned; and require the filling up of any lands or premises to a grade  
15 necessary for proper sanitation;

16 (iii) Regulate the disposal of clinical and other wastes from hospitals,  
17 clinics and other similar establishments;

18 (iv) Regulate the establishment, operation and maintenance of  
19 restaurants, beerhouses, hotels, motels, inns, pension houses, lodging houses  
20 and other similar establishments, including tourist guides and transports;

21 (v) Regulate the sale, giving away or dispensing of any intoxicating  
22 malt, *vino*, mixed or fermented liquors at any retail outlets;

23 (vi) Regulate the establishment and provide for the inspection of steam  
24 boilers or any heating device in buildings and the storage of inflammable and  
25 highly combustible materials within the City;

26 (vii) Regulate the establishment, operation and maintenance of any  
27 entertainment or amusement facilities, including the theatrical performance,  
28 circuses, billiard halls, public dancing schools, public dance halls, sauna baths,  
29 massage parlors and other places for entertainment or amusement; regulate  
30 such other events or activities for amusement or entertainment, particularly

1 those which tend to disturb the community or annoy the inhabitants, or require  
2 the suspension or suppression of the same; or prohibit certain forms of  
3 amusement or entertainment in order to protect the social and moral welfare of  
4 the community;

5 (viii) Provide for the impounding of stray animals; regulate the keeping  
6 of animals in homes or as part of a business, and the slaughter, sale or  
7 disposition of the same; and adopt measures to prevent and penalize cruelty to  
8 animals; and

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

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

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

17 (ii) Establish markets, slaughterhouses or animal corrals and authorize  
18 the operation thereof by the city government; and regulate the construction and  
19 operation of private markets, talipapas or other similar buildings and  
20 structures;

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

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

26 (v) Regulate the use of streets, avenues, alleys, sidewalks, bridges,  
27 parks and other public places and approve the construction, improvement,  
28 repair and maintenance of the same; establish bus and vehicle stops and  
29 terminals or regulate the use of the same by privately-owned vehicles which  
30 serve the public; regulate garages and the operation of conveyances for hire;

1 designate stands to be occupied by public vehicles when not in use; regulate  
2 the putting up of signs, signposts, awnings and awning posts on the streets; and  
3 provide for the lighting, cleaning and sprinkling of streets and public places;

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

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

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

26 (ix) Regulate the placing, stringing, attaching, installing, repair and  
27 construction of all gas mains, electric telegraph and telephone wires, conduits,  
28 meters and other apparatus; and provide for the correction, condemnation or  
29 removal of the same when found to be dangerous to the welfare of the  
30 inhabitants;

1 (x) Subject to the availability of funds and the existing laws, rules and  
2 regulations, establish and provide for the operation of vocational and technical  
3 schools and similar post-secondary institutions and, with the approval of the  
4 DepEd, and subject to existing laws on tuition fees, fix and collect reasonable  
5 tuition fees and other school charges in educational institutions supported by  
6 the city government;

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

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

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

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

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

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

27 (xvii) Establish a city council for the elderly and senior citizens which  
28 shall formulate policies and adopt measures mutually beneficial to the elderly  
29 and to the community; provide incentives for nongovernmental agencies and

1 entities and, subject to the availability of funds, appropriate funds to support  
2 programs and projects for the benefit of the elderly;

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

6 (b) The members of the sangguniang panlungsod of the City of Biñan  
7 shall receive a minimum monthly compensation corresponding to Salary Grade  
8 twenty-five (25) as prescribed under the Salary Standardization Law and the  
9 implementing guidelines issued pursuant thereto.

## 10 ARTICLE V

### 11 PROCESS OF LEGISLATION

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

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

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

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

25 (3) The legislative process;

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

28 (5) The discipline of members for disorderly behavior and absences  
29 without justifiable cause for four (4) consecutive sessions for which they may  
30 be censured, reprimanded or excluded from the session, suspended for not



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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (e) The sangguniang panlungsod shall keep a journal and a record of its  
28 proceedings, which may be published upon resolution of the majority of its  
29 members.

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

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

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

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

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

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

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

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

14 SEC. 18. *Review of City Ordinances by the Sangguniang*  
15 *Panlalawigan.* – (a) Within three (3) days after approval, the secretary to the  
16 sangguniang panlungsod shall forward to the sangguniang panlalawigan for  
17 review, copies of approved ordinances and the resolutions approving the local  
18 development plans and the public investment programs formulated by the local  
19 development councils.

20 (b) Within thirty (30) days after receipt of copies of such ordinances  
21 and resolutions, the sangguniang panlalawigan shall examine the documents or  
22 transmit them to the provincial attorney or the provincial prosecutor for prompt  
23 examination. The provincial attorney or the provincial prosecutor shall, within  
24 a period of ten (10) days from receipt of the documents, inform the  
25 sangguniang panlalawigan in writing of his comments or recommendations,  
26 which may be considered by the sangguniang panlalawigan in making its  
27 decision.

28 (c) If the sangguniang panlalawigan finds that such an ordinance or  
29 resolution is beyond the power conferred upon the sangguniang panlungsod  
30 concerned, it shall declare such ordinance or resolution invalid in whole or in

1 part. The sangguniang panlalawigan shall enter its action in the minutes and  
2 shall advise the corresponding city authorities of the action it has taken.

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

6 SEC. 19. *Review of Barangay Ordinances by the Sangguniang*  
7 *Panlungsod.* – (a) Within ten (10) days after its enactment, the sangguniang  
8 barangay shall furnish copies of all barangay ordinances to the sangguniang  
9 panlungsod for review as to whether the ordinances are consistent with law or  
10 city ordinances.

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

14 (c) If the sangguniang panlungsod finds the barangay ordinances  
15 inconsistent with law or city ordinances, the sangguniang panlungsod shall,  
16 within thirty (30) days from receipt thereof, return the same with its comments  
17 and recommendations to the sangguniang barangay concerned for adjustment,  
18 amendment or modification; in which case, the effectivity of the barangay  
19 ordinance is suspended until such time as the revision called for is affected.

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

25 SEC. 21. *Effectivity of Ordinances or Resolutions.* – (a) Unless  
26 otherwise stated in the ordinance or the resolution approving the local  
27 development plan and the public investment program, the same shall take  
28 effect after ten (10) days from the date a copy thereof is posted in a bulletin  
29 board at the entrance of the City Hall of Biñan and in at least two (2) other

1 conspicuous places in the City of Biñan not later than five (5) days after  
2 approval thereof.

3 (b) The secretary of the sangguniang panlungsod shall cause the  
4 posting of an ordinance or resolution in the bulletin board at the entrance of the  
5 city hall and in at least two (2) conspicuous places in the City of Biñan not  
6 later than five (5) days after approval thereof. The text of the ordinance or  
7 resolution shall be disseminated and posted in Filipino or English and the  
8 secretary of the sangguniang panlungsod shall record such fact in a book kept  
9 for the purpose, stating the dates of approval and posting.

10 (c) The main features of the ordinance or the resolution duly enacted or  
11 adopted shall, in addition to being posted, be published once in a local  
12 newspaper of general circulation within the City: *Provided*, That in the absence  
13 thereof, the ordinance or the resolution shall be published in any newspaper of  
14 general circulation: *Provided, further*, That the gist of all ordinances with  
15 penal sanctions shall also be published in a newspaper of general circulation.

## 16 ARTICLE VI

### 17 DISQUALIFICATION AND SUCCESSION OF ELECTIVE CITY OFFICIALS

18 SEC. 22. *Disqualification of Elective Public City Officials.* – The  
19 following persons are disqualified from running for any elective position in the  
20 City:

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

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

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

27 (d) Those with dual citizenship;

28 (e) Fugitives from justice in criminal or nonpolitical cases here and  
29 abroad;

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

4 (g) The insane or feeble-minded.

5 SEC. 23. *Permanent Vacancy in the Offices of the City Mayor and the*  
6 *City Vice Mayor.* – (a) If a permanent vacancy occurs in the office of the city  
7 mayor, the city vice mayor concerned shall become the city mayor. If a  
8 permanent vacancy occurs in the office of the city vice mayor, the highest  
9 ranking sangguniang panlungsod member or, in case of his permanent  
10 incapacity, the second highest ranking sangguniang panlungsod member  
11 becomes the city mayor or the city vice mayor, as the case may be. Subsequent  
12 vacancies in the said offices shall be filled automatically by the other  
13 sanggunian members according to their ranking as defined herein.

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

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

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

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

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

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

1 (b) Only the nominee of the political party under which the sanggunian  
2 member concerned had been elected shall be appointed in the manner herein  
3 provided. The appointee shall come from the same political party as that of the  
4 sanggunian member who caused the vacancy and shall serve the unexpired  
5 term of the vacant office.

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

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

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

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

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



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

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

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

## 17 ARTICLE VII

### 18 THE APPOINTIVE OFFICIALS OF THE CITY

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

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

27 (c) The secretary to the sangguniang panlungsod shall take charge of  
28 the office of the sangguniang panlungsod, and shall:

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

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

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

6 (4) Forward to the Department of Budget and Management (DBM)  
7 copies of the appropriations ordinances passed by the sangguniang panlungsod  
8 as provided for under Section 326, Book II of the Local Government Code of  
9 1991;

10 (5) Forward to the sangguniang panlalawigan copies of duly approved  
11 ordinances in the manner as provided for in Sections 56 and 57 of the Local  
12 Government Code of 1991;

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

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

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

21 (9) Translate into the dialect used by the majority of the inhabitants,  
22 ordinances and resolutions immediately after their approval, and cause the  
23 publication of the same together with the original version in the manner  
24 provided under the Local Government Code of 1991;

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

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

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

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

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

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

16           (e) The city treasurer shall take charge of the city finance department,  
17 and shall:

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

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

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

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

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

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

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

8           (b) No person shall be appointed assistant city treasurer unless he is a  
9 citizen of the Philippines, a resident of the City of Biñan, of good moral  
10 character, a holder of a college degree preferably in commerce, public  
11 administration or law from a recognized college or university, and a first grade  
12 civil service eligible or its equivalent. He must have acquired at least four (4)  
13 years of experience in treasury or accounting.

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

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

22           SEC. 29. *The City Assessor.* – (a) The city assessor must be a citizen of  
23 the Philippines, a resident of the City of Biñan, of good moral character, a  
24 holder of a college degree preferably in civil or mechanical engineering,  
25 commerce or any other related course from a recognized college or university,  
26 and a first grade civil service eligible or its equivalent. He must have an  
27 experience in real property assessment work or in any related field for at least  
28 five (5) years immediately preceding the date of his appointment.

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

1 (c) The city assessor shall take charge of the city assessor's  
2 department, and shall:

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

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

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

9 (4) Install and maintain real property identification and accounting  
10 systems;

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

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

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

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

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

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

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

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

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

10          (c) The assistant city assessor shall assist the city assessor and perform  
11 such other duties as the latter may assign to him. He shall have authority to  
12 administer oaths on all declarations of all real properties for purposes of  
13 assessment.

14           SEC. 31. *The City Accountant.* – (a) The city accountant must be a  
15 citizen of the Philippines, a resident of the City of Biñan, of good moral  
16 character and a certified public accountant. He must have acquired experience  
17 in the treasury or accounting service for at least five (5) years immediately  
18 preceding the date of his appointment.

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

21          (c) The city accountant shall take charge of both the office of the  
22 accounting and internal audit services, and shall:

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

24           (2) Prepare and submit financial statements to the city mayor and to the  
25 sangguniang panglunsod;

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

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

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

3 (6) Prepare statement of cash advances, liquidations, salaries,  
4 allowances, reimbursements and remittances pertaining to the City;

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

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

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

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

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

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

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

20 SEC. 32. *The City Budget Officer.* – (a) The city budget officer must be  
21 a citizen of the Philippines, a resident of the City of Biñan, of good moral  
22 character, holder of a college degree preferably in accounting, economics,  
23 public administration or any related course from a recognized college or  
24 university, and a first grade civil service eligible or its equivalent. He must  
25 have acquired experience in government budgeting or in any related field for at  
26 least five (5) years immediately preceding the date of his appointment.

27 (b) The city budget officer shall take charge of the city budget  
28 department, and shall:

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

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

3 (3) Assist the city mayor in the preparation of the budget, and during  
4 and after, the budget hearings;

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

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

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

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

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

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

17 SEC. 33. *The City Planning and Development Officer.* – (a) The city  
18 planning and development officer must be a citizen of the Philippines, a  
19 resident of the City of Biñan, of good moral character, a holder of a college  
20 degree preferably in urban planning, development studies, economics, public  
21 administration or in any related course from a recognized college or university,  
22 and a first grade civil service eligible or its equivalent. He must have acquired  
23 experience in development planning or in any related field for at least five (5)  
24 years immediately preceding the date of his appointment.

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

27 (c) The city planning development officer shall take charge of the city  
28 planning and development coordinating office, and shall:

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



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

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

5           (4) Monitor and evaluate the implementation of the different  
6 development programs, projects and activities in the City in accordance with  
7 the approved development plan;

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

10          (6) Analyze the income and expenditure patterns, and formulate and  
11 recommend fiscal plans and policies for the consideration of the finance  
12 committee of the sangguniang panlungsod;

13          (7) Promote people's participation in development planning within the  
14 City;

15          (8) Exercise supervision and control over the secretariat of the local  
16 development council; and

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

20          SEC. 34. *The City Engineer.* – (a) The city engineer must be a citizen  
21 of the Philippines, a resident of the City of Biñan, of good moral character and  
22 a licensed civil engineer. He must have acquired experience in the practice of  
23 his profession for at least five (5) years immediately preceding the date of his  
24 appointment.

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

27          (c) The city engineer shall take charge of the city engineering office.  
28 and shall:

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

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

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

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

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

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

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

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

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

29 (2) Formulate measures for the consideration of the sangguniang  
30 panlungsod and provide technical assistance and support to the city mayor in

1 carrying out activities to ensure the delivery of basic services and the provision  
2 of adequate facilities relative to health services as provided for under Section  
3 17 of the Local Government Code of 1991;

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

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

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

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

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

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

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

22 (vi) Direct the sanitary inspection of all business establishments, stores  
23 selling food items or providing accommodations such as hotels, motels, local  
24 houses, pension houses and the like, in accordance with the Sanitation Code of  
25 the Philippines.

26 (vii) Conduct health information campaigns and render health  
27 intelligence services;

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

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

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

7 SEC. 36. *The City Civil Registrar.* – (a) The city civil registrar must be  
8 a citizen of the Philippines, a resident of the City of Biñan, of good moral  
9 character, a holder of a college degree from a recognized college or university,  
10 and a first grade civil service eligible or its equivalent. He must have acquired  
11 experience in civil registry work for at least five (5) years immediately  
12 preceding the date of his appointment.

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

15 (c) The city civil registrar shall be responsible for the civil registration  
16 program in the City of Biñan, pursuant to the Civil Registry Law, the Omnibus  
17 Election Code and other pertinent laws, rules and regulations issued to  
18 implement them.

19 (d) The city civil registrar shall take charge of the office of the city  
20 civil registry, and shall:

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

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

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

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

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

4 (iv) Transmit to the office of the civil registrar, within the prescribed  
5 period, duplicate copies of registered documents required by law;

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

8 (vi) Receive application for the issuance of a marriage license and, after  
9 determining that the requirements and supporting certificates and publication  
10 thereof for the prescribed period have been complied with, issue the license  
11 upon payment of the authorized fee to the city treasurer; and

12 (vii) Coordinate with the National Statistics Office (NSO) in  
13 conducting educational campaigns for vital registration and assist in the  
14 preparation of demographic and other statistics for the City of Biñan; and

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

18 SEC. 37. *The City Administrator.* – (a) The city administrator must be a  
19 citizen of the Philippines, a resident of the City of Biñan, of good moral  
20 character, a holder of a college degree preferably in public administration or in  
21 any other related course from a recognized college or university, and a first  
22 grade civil service eligible or its equivalent. He must have acquired  
23 experience in management and administrative work for at least five (5) years  
24 immediately preceding the date of his appointment.

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

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

29 (d) The city administrator shall take charge of the City Administrator's  
30 Office, and shall:

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

6           (2) *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;*

9           (3) *Recommend to the sangguniang panlungsod and advise the city*  
10 *mayor on all matters relative to the management and administration of the City;*  
11 *and*

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

15           SEC. 38. *The City Legal Officer.* – (a) *The city legal officer must be a*  
16 *citizen of the Philippines, a resident of the City of Biñan, of good moral*  
17 *character and a member of the Philippine Bar. He must have practiced his*  
18 *profession for at least five (5) years immediately preceding the date of his*  
19 *appointment.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 SEC. 40. *The City Veterinarian.* – (a) The city veterinarian must be a  
12 citizen of the Philippines, a resident of the City of Biñan, of good moral  
13 character and a licensed doctor of veterinary medicine. He must have practiced  
14 his profession for at least three (3) years immediately preceding the date of his  
15 appointment.

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

18 (c) The city veterinarian shall take charge of the office of the veterinary  
19 services, and shall:

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

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

28 (3) Be in the frontline of the veterinary-related activities, such as the  
29 outbreak of highly-contagious and deadly diseases, and in situations resulting  
30 in the depletion of animals for work and for human consumption, particularly



1 those arising from and in the aftermath of man-made and natural disasters or  
2 calamities;

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

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

10 SEC. 41. *The City General Services Officer.* – (a) The city general  
11 services officer must be a citizen of the Philippines, a resident of the City of  
12 Biñan, of good moral character, a holder of a college degree in public  
13 administration, business administration or management from a recognized  
14 college or university, and a first grade civil service eligible or its equivalent.  
15 He must have acquired experience in general services, including the  
16 management of supply, property, solid waste disposal and general sanitation  
17 for at least three (3) years immediately preceding the date of his appointment.

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

20 (c) The city general services officer shall take charge of the office of  
21 the general services, and shall:

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

27 (2) Develop plans and strategies and, upon approval thereof by the city  
28 mayor, implement the same, particularly those which have to do with general  
29 services supportive of the welfare of the inhabitants of the City which the city

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

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

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

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

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

15 SEC. 42. *The City Environment and Natural Resources Officer.* – (a)  
16 The city environment and natural resources officer must be a citizen of the  
17 Philippines, a resident of the City of Biñan, of good moral character, a holder  
18 of a college degree preferably in environment, forestry, agriculture or in any  
19 other related course from a recognized college or university, and a first grade  
20 civil service eligible or its equivalent. He must have acquired experience in  
21 environment and natural resources management, conservation and utilization  
22 work for at least five (5) years immediately preceding the date of his  
23 appointment.

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

26 (c) The city environment and natural resources officer shall take charge  
27 of the city environment service department, and shall:

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

1 adequate facilities relative to environment and natural resources services  
2 provided for under Section 17 of the Local Government Code of 1991;

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

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

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

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

19 SEC. 43. *The City Architect.* – (a) The city architect must be a citizen  
20 of the Philippines, a resident of the City of Biñan, of good moral character, and  
21 a duly licensed architect. He must have practiced his profession for at least five  
22 (5) years immediately preceding the date of his appointment.

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

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

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

1           (2) Develop plans and strategies and, upon approval thereof by the city  
2 mayor, implement the same, particularly those which have to do with  
3 architectural planning and design programs and projects which the city mayor  
4 is empowered to implement and which the sangguniang panlungsod is  
5 empowered to provide for under the Local Government Code of 1991;

6           (3) Be in the frontline of the delivery of services involving architectural  
7 planning and design, particularly those related to the redesigning of spatial  
8 distribution of basic facilities and physical structures during and in the  
9 aftermath of man-made and natural disasters or calamities;

10          (4) Recommend to the sangguniang panlungsod and advise the city  
11 mayor on all other matters relative to architectural planning and design as it  
12 relates to the total socioeconomic development of the City; and

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

16          SEC. 44. *The City Information Officer.* – (a) The city information  
17 officer must be a citizen of the Philippines, a resident of the City of Biñan, of  
18 good moral character, a holder of a college degree preferably in journalism,  
19 mass communication or in any related course from a recognized college or  
20 university, and a first grade civil service eligible or its equivalent. He must  
21 have experience in writing articles and research papers, or writing for print,  
22 television or broadcast media for at least five (5) years immediately preceding  
23 the date of his appointment.

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

26          (c) The city information officer shall take charge of the city  
27 information and community relations department, and shall:

28           (1) Formulate measures for the consideration of the sangguniang  
29 panlungsod and provide technical assistance and support to the city mayor in  
30 providing the information and research data required for the delivery of basic

1 services and the provision of adequate facilities so that the public becomes  
2 aware of said services and may fully avail of the same;

3 (2) Develop plans and strategies and, upon approval thereof by the city  
4 mayor, implement the same, particularly those which have to do with public  
5 information and research data to support programs and projects which the city  
6 mayor is empowered to implement and which the sangguniang panlungsod is  
7 empowered to provide;.

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

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

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

18 SEC. 45. *The City Cooperatives Officer.* – (a) The city cooperatives  
19 officer must be a citizen of the Philippines, a resident of the City of Biñan, of  
20 good moral character, a holder of a college degree preferably in business  
21 administration with special training on cooperatives or in any related course  
22 from a recognized college or university, and a first grade civil service eligible  
23 or its equivalent. He must have acquired experience in cooperatives  
24 organization and management for at least five (5) years immediately preceding  
25 the date of his appointment.

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

28 (c) The city cooperatives officer shall take charge of the office for the  
29 development of cooperatives, and shall:

1 (1) Formulate measures for the consideration of the sangguniang  
2 panlungsod and provide technical assistance and support to the city mayor in  
3 carrying out measures to ensure the delivery of basic services and the provision  
4 of facilities through the development of cooperatives and in providing access  
5 to such services and facilities;

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

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

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

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

22 SEC. 46. *The City Population Officer.* – (a) The city population officer  
23 must be a citizen of the Philippines, a resident of the City of Biñan, of good  
24 moral character, a holder of a college degree preferably with specialized  
25 training in population development from a recognized college or university,  
26 and a first grade civil service eligible or its equivalent. He must have acquired  
27 experience in the implementation of programs on population development or  
28 responsible parenthood for at least five (5) years immediately preceding the  
29 date of his appointment.

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

3 (c) The city population officer shall take charge of the office of the  
4 population development, and shall:

5 (1) Formulate measures for the consideration of the sangguniang  
6 panlungsod and provide technical assistance and support to the city mayor in  
7 carrying out measures to ensure the delivery of basic services and the provision  
8 of adequate facilities relative to the integration of the population development  
9 principles and in providing access to said services and facilities.

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

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

18 SEC. 47. *The City Agriculturist.* – (a) The city agriculturist must be a  
19 citizen of the Philippines, a resident of the City of Biñan, of good moral  
20 character, a holder of a college degree preferably in agriculture or in any other  
21 related course from a recognized college or university, and a first grade civil  
22 service eligible or its equivalent. He must have practiced his profession in  
23 agriculture or acquired the experience in a related field for at least five (5)  
24 years immediately preceding the date of his appointment.

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

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

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

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

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

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

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

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

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

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

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

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

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



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

4 SEC. 48. *The City Business and Licensing Officer.* – (a) The city  
5 business and licensing officer must be a citizen of the Philippines, a resident of  
6 the City of Biñan, of good moral character, a holder of a college degree  
7 preferably in business administration or in any related course from a  
8 recognized college or university, and a first grade civil service eligible or its  
9 equivalent. He must have experience in management for at least five (5) years  
10 immediately preceding the date of his appointment.

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

13 (c) The city business and licensing officer shall take charge of the  
14 office for the business permits and licensing, and shall:

15 (1) Supervise the conduct of spot/post inspection of all business  
16 establishments, gaming and other entities requiring permits and licenses for  
17 compliance with existing laws and ordinances;

18 (2) Review the application for permits and licenses and recommend its  
19 approval/disapproval to the chief executive or his authorized representative;  
20 and

21 (3) Exercise over-all supervision in the city licensing office.

## 22 ARTICLE VIII

### 23 THE CITY FIRE STATION SERVICE, THE CITY JAIL SERVICE

### 24 THE CITY SCHOOLS DIVISION AND THE CITY PROSECUTION SERVICE

25 SEC. 49. *The City Fire Station Service.* – There shall be established in  
26 the City at least one (1) fire station with adequate personnel, fire fighting  
27 facilities and equipment, subject to the standards, rules and regulations that  
28 may be promulgated by the Department of the Interior and Local Government  
29 (DILG). The City shall provide the necessary land or site of the station. The  
30 city fire station shall be responsible for providing emergency services such as

1 the rescue and evacuation of injured people related to incidents and, in general,  
2 all fire prevention and suppression measures to secure the safety of life and  
3 property of the citizenry.

4 SEC. 50. *The City Jail Service.* – (a) There shall be established and  
5 maintained in the City a secured, clean, adequately equipped and sanitary jail  
6 for the custody and safekeeping of prisoners, any fugitive from justice, or  
7 person detained awaiting investigation or trial and/or violent mentally ill  
8 person who endangers himself or the safety of others, duly certified as such by  
9 the proper medical health officer, pending the transfer to a mental institution.

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

17 SEC. 51. *The City Schools Division.* – (a) There shall be established  
18 and maintained by the Department of Education (DepEd) a city schools  
19 division of the City of Biñan whose area of jurisdiction will cover all the  
20 school districts within the City.

21 (b) The city schools division shall be headed by a city schools division  
22 superintendent who must possess the necessary qualifications required by the  
23 DepEd.

24 SEC. 52. *The City Prosecution Service.* – (a) There shall be established  
25 in the City a city prosecution service to be headed by a city prosecutor and  
26 such number of assistant city prosecutors, as may be necessary, who shall be  
27 organizationally part of the Department of Justice (DOJ), and under the  
28 supervision and control of the Secretary of Justice and whose qualifications,  
29 manner of appointment, rank, salary and benefits shall be governed by existing  
30 laws covering prosecutors in the DOJ.

1 (b) The city prosecutor shall handle the criminal prosecution in the  
2 municipal trial courts in the City as well as in the regional trial courts for  
3 criminal cases originating in the territory of the City, and shall render to or for  
4 the City such services as are required by law, ordinance or regulation of the  
5 DOJ.

6 The Secretary of Justice shall always ensure the adequacy and the  
7 quality of prosecution service in the City and, for this purpose, shall, in the  
8 absence or lack or insufficiency in number of assistant city prosecutors as  
9 provided hereinabove, designate from among the assistant provincial  
10 prosecutors a sufficient number to perform and discharge the functions of the  
11 city prosecution service as provided hereinabove.

12 SEC. 53. *Other City Officials.* – In addition to the officials enumerated  
13 above, the City of Biñan shall have also the following officials with  
14 corresponding qualifications, duties, functions and compensation.

15 (a) *The City Education Officer.* – (1) The city education officer must  
16 be a citizen of the Philippines, a resident of the City of Biñan, of good moral  
17 character, a holder of a college degree in education or in any other related  
18 course from a recognized college or university, and a first grade civil service  
19 eligible or its equivalent. He must have practiced his profession for at least  
20 five (5) years immediately preceding the date of his appointment.

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

23 (3) The city education officer shall take charge of the city education  
24 department, and shall:

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

29 (ii) Develop plans and strategies and, upon approval thereof by the city  
30 mayor, implement the same, particularly those which have to do with education

1 supportive of the welfare of the inhabitants of the City which the city mayor is  
2 empowered to provide;

3 (iii) Liaison with teachers and principals assigned in the City as well as  
4 sit as additional member of the city school board;

5 (iv) Study, evaluate and recommend the allocation of the Special  
6 Education Fund (SEF); and

7 (v) Perform such other duties and functions and exercise such other  
8 powers as may be prescribed by law or ordinance.

9 (b) *The City Youth and Sports Development Officer.* – (1) The city  
10 youth and sports development officer must be a citizen of the Philippines, a  
11 resident of the City of Biñan, of good moral character, a holder of a college  
12 degree from a recognized college or university, and a first grade civil service  
13 eligible or its equivalent. He must have acquired experience in sports  
14 development or in any related field for at least five (5) years immediately  
15 preceding the date of his appointment.

16 (2) The city youth and sports development officer shall receive such  
17 compensation, emoluments and allowances as may be determined by law.

18 (3) The city youth and sports development officer shall take charge of  
19 the youth and sports development department, and shall:

20 (i) Develop plans and strategies and, upon the approval thereof by the  
21 city mayor, implement the same, particularly those which have to do with  
22 youth and sports programs and projects which the city mayor is empowered to  
23 implement and which the sangguniang panlungsod is empowered to provide;  
24 and

25 (ii) Perform such other duties and functions and exercise such other  
26 powers as may be prescribed by law or ordinance.

27 (c) *The City Public Safety Officer.* – (1) The city public safety officer  
28 must be a citizen of the Philippines, a resident of the City of Biñan, of a good  
29 moral character, a holder of a college degree from a recognized college or  
30 university, and a first grade civil service eligible or its equivalent. He must

1 have acquired experience in public safety management for at least five (5)  
2 years immediately preceding the date of his appointment.

3 (2) The city public safety officer shall receive such compensation,  
4 emoluments and allowances as may determined by law.

5 (3) The city public safety officer shall take charge of the public safety  
6 department, and shall:

7 (i) Develop plans and strategies and, upon the approval thereof by the  
8 city mayor, implement the same, particularly those which have to do with  
9 public safety plans and programs which the city mayor is empowered to  
10 implement and which the sangguniang panlungsod is empowered to provide;  
11 and

12 (ii) Perform such other duties and functions and exercise such other  
13 powers as may be prescribed by law or ordinance.

14 (d) *The City Tourism and Cultural Affairs Officer.* - (a) The city  
15 tourism and cultural affairs officer must be a citizen of the Philippines, a  
16 resident of the City of Biñan, of good moral character, a holder of a college  
17 degree and a first grade civil service eligible or its equivalent. He must have  
18 acquired experience in tourism and cultural affairs work for at least three (3)  
19 years immediately preceding the date of his appointment.

20 (b) The city tourism and cultural affairs officer shall receive such  
21 compensation, emoluments and allowances as may be determined by law.

22 (c) The city tourism and cultural affairs officer shall take charge of the  
23 office of the city tourism and cultural affairs, and shall:

24 (1) Develop plans and strategies and, upon the approval thereof by the  
25 city mayor, implement the same, particularly those which have to do with  
26 tourism and cultural affairs programs and projects which the city mayor is  
27 empowered to implement and which the sangguniang panlungsod is  
28 empowered to provide;

1 (2) Be in the frontline of the delivery of repair and reconstruction work  
2 related to tourism and cultural affairs, particularly during and in the aftermath  
3 of man-made and natural disaster or calamities;

4 (3) Recommend to the sangguniang panlungsod and advise the city  
5 mayor on all matters relative to the cultural affairs of the City; and

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

9 (e) *The City Human Resource Development Officer.* – (a) The city  
10 human resource development officer must be a citizen of the Philippines, a  
11 resident of the City of Biñan, of good moral character, a holder of a college  
12 degree preferably in psychology or in any related course from a recognized  
13 college or university, and a first grade civil service eligible or its equivalent.  
14 He must have acquired experience in personnel administration for at least five  
15 (5) years immediately preceding the date of his appointment.

16 (b) The city human resource development officer shall receive a  
17 minimum monthly compensation equivalent to Salary Grade twenty-five (25)  
18 as prescribed under the Salary Standardization Law and the implementing  
19 guidelines issued pursuant thereto, and such compensation, emoluments and  
20 allowances as may be determined by law.

21 (c) The city human resource development officer shall take charge of  
22 the human resource development office, and shall:

23 (1) Develop a human resource management program for approval by  
24 the city mayor and the sangguniang panlungsod;

25 (2) Assist the city mayor in implementing the City's policies and  
26 programs relative to recruitment and selection, appointments, training,  
27 promotion, compensations and other personnel actions involving officials and  
28 employees of the City;

29 (3) Recommend to the sangguniang panlungsod and advise the city  
30 mayor on all matters relative to human resource management and development;

1 (4) Establish and maintain a sound personnel program for the City  
 2 designed to promote career development and uphold the merit principle in the  
 3 local government service;

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

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

9 (f) *The City Building Official.* – (1) The city building official must be a  
 10 citizen of the Philippines, a resident of the City of Biñan, of good moral  
 11 character and a licensed engineer or a licensed architect. He must have  
 12 acquired experience in the practice of his profession for at least five (5) years.

13 (2) The city building official shall receive such compensation,  
 14 emoluments and allowances as may be determined by law.

15 (3) The city building official shall take charge of the office of the city  
 16 building official, and shall:

17 (i) Process and take appropriate action on applications for building  
 18 permits;

19 (ii) Oversee and ensure the proper implementation of the National  
 20 Building Code and city ordinances pertaining to buildings and similar  
 21 structures;

22 (iii) Recommend to the sangguniang panlungsod and advise the city  
 23 mayor on matters involving buildings and similar structures; and

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

27 ARTICLE IX

28 TRANSITORY AND FINAL PROVISIONS

29 SEC. 54. *Municipal Ordinances Existing at the Time of the Approval of*  
 30 *this Act.* – All municipal ordinances of the Municipality of Biñan existing at

1 the time of the approval of this Act shall continue to be in force within the City  
2 of Biñan until the sangguniang panlungsod ordinance shall proclaim otherwise.

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

8 The expenses for such plebiscite shall be borne by the Municipality of  
9 Biñan.

10 SEC. 56. *Officials of the City of Biñan.* – The present elective officials  
11 of the Municipality of Biñan shall continue to exercise their powers and  
12 functions until such time that a new election is held and the duly-elected  
13 officials shall have already qualified and assumed their offices. Appointive  
14 officials and employees of the municipality shall likewise continue exercising  
15 their functions and duties and they shall be automatically absorbed by the city  
16 government of the City of Biñan.

17 SEC. 57. *Succession Clause.* – The City of Biñan shall succeed to all  
18 the assets, properties, liabilities and obligations of the Municipality of Biñan.

19 SEC. 58. *Election of Provincial Governor and Sangguniang*  
20 *Panlalawigan Members of the Province of Laguna.* – The qualified voters of  
21 the City of Biñan shall be qualified to vote and run for any elective position in  
22 the elections for provincial governor, provincial vice governor, sangguniang  
23 panlalawigan members and other elective officials for the Province of Laguna.

24 SEC. 59. *Jurisdiction of the Province of Laguna* – The City of Biñan  
25 shall, unless otherwise provided by law, continue to be under the jurisdiction  
26 of the Province of Laguna.

27 SEC. 60. *Suspension of Increase in Rates of Local Taxes.* – No increase  
28 in the rates of local taxes shall be imposed by the City within the period of five  
29 (5) years from its acquisition of corporate existence.



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

4           SEC. 62. *Reservation.* – Nothing herein contained shall preclude the  
5 determination by the appropriate agency or forum of boundary disputes or  
6 cases involving questions of territorial jurisdiction between the City of Biñan  
7 and any of the adjoining local government units even after the effectivity of  
8 this Act.

9           SEC. 63. *Applicability of Laws.* – The provisions of the Local  
10 Government Code of 1991, and other laws pertaining to the Province of  
11 Laguna and such laws as are applicable shall govern the City of Biñan insofar  
12 as they are not inconsistent with the provisions of this Act.

13           SEC. 64. *Separability Clause.* – If, for any reason or reasons, any  
14 partial provisions of this Charter shall be held unconstitutional, invalid or  
15 inconsistent with the Local Government Code of 1991, other parts or  
16 provisions hereof which are not affected thereby shall continue to be in full  
17 force and effect.

18           SEC. 65. *Effectivity.* – This Act shall take fifteen (15) days after  
19 complete publication in at least two (2) newspapers of general and local  
20 circulation.

Approved,

**O**