

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



SENATE

COMMITTEE REPORT No. 490

Submitted jointly by the Committees on Local Government; and Electoral Reforms
and People's Participation on OCT - 9 2018.

Re: House Bill No. **8055**

Recommending its approval with amendments.

Sponsor: Senator Angara

MR. PRESIDENT:

The Committees on Local Government; and Electoral Reforms and People's Participation, to which were referred **House Bill No. 8055**, introduced by Representatives Franz Josef George R. Alvarez; Frederick F. Abueg; and Gil P. Acosta, ^{et al. *ppu*} entitled:

**"AN ACT
DIVIDING THE PROVINCE OF PALAWAN INTO THREE (3) PROVINCES,
NAMELY, PALAWAN DEL NORTE, PALAWAN ORIENTAL, AND PALAWAN DEL
SUR"**

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

1. On page 1, line 9, insert a new sentence **"THE PROVINCE OF PALAWAN DEL SUR SHALL BE THE MOTHER PROVINCE."**

2. On page 3, line 5, after the word "Palawan" insert punctuation mark (.) and delete the succeeding sentences up to line 24.
3. On page 6, line 3, after the word "until", delete the phrase "the expiration of their term of office" and in lieu thereof insert the phrase **"NEW REPRESENTATIVES SHALL HAVE BEEN DULY ELECTED, QUALIFIED AND ASSUMED OFFICE"**.
4. On the same page, line 11, after the word "jurisdiction:", delete the entire sentence up to line 18.
5. On page 8, delete lines 19 to 26.
6. On page 10, after line 5, insert a new paragraph to read as follows:
"ELECTIVE AND APPOINTIVE PROVINCIAL OFFICIALS SHALL RECEIVE SUCH COMPENSATION, ALLOWANCES, AND OTHER EMOLUMENTS AS MAY BE DETERMINED BY LAW OR ORDINANCE, SUBJECT TO THE BUDGETARY LIMITATIONS ON PERSONAL SERVICES PRESCRIBED UNDER TITLE FIVE, BOOK II OF THIS CODE: PROVIDED, THAT, NO INCREASE IN COMPENSATION SHALL TAKE EFFECT UNTIL AFTER THE EXPIRATION OF THE FULL TERM OF ALL THE ELECTIVE OFFICIALS APPROVING SUCH INCREASE."
7. On page 10, delete lines 14 to 21.
8. On page 19, delete lines 20 to 26.
9. On page 26, after line 18, insert a new paragraph to read as follows:
"(B) THE REGULAR MEMBERS OF THE *SANGGUNIANG PANLALAWIGAN* AND THE SECTORAL REPRESENTATIVES SHALL BE ELECTED IN THE MANNER AS PROVIDED FOR BY LAW, AND SHALL RECEIVE A MONTHLY COMPENSATION CORRESPONDING TO SALARY GRADE TWENTY-SEVEN

(27) AS PRESCRIBED UNDER THE "REVISED COMPENSATION AND POSITION CLASSIFICATION ACT OF 1989", AS AMENDED, AND THE IMPLEMENTING GUIDELINES ISSUED PURSUANT THERETO."

10. On page 27, line 1, after the word "include", insert the phrase "**, BUT SHALL NOT BE LIMITED TO,**".

11. On the same page, line 2, in the word "environment", add letters "**AL**" to read as "environmental".

12. Still on the same page, line 24, after the word "of", replace the word "their" with the phrase "**HIS OR HER**".

13. On page 28, line 4, in the word "stocks", delete second letter "**S**" to read as "stock".

14. On page 30, lines 17 to 27, after the Section Title, delete the entire paragraph and replace it with a new paragraph to read as follows:

"(A) EVERY ORDINANCE ENACTED BY THE SANGGUNIANG PANLALAWIGAN SHALL BE PRESENTED TO THE PROVINCIAL GOVERNOR. IF THE PROVINCIAL GOVERNOR APPROVES THE SAME, HE SHALL AFFIX HIS SIGNATURE ON EACH AND EVERY PAGE THEREOF; OTHERWISE, HE SHALL VETO IT AND RETURN THE SAME WITH HIS OBJECTIONS TO THE SANGGUNIANG, WHICH MAY PROCEED TO RECONSIDER THE SAME. THE SANGGUNIANG MAY OVERRIDE THE VETO OF THE PROVINCIAL GOVERNOR BY TWO-THIRDS (2/3) VOTE OF ALL ITS MEMBERS, THEREBY MAKING THE ORDINANCE OR RESOLUTION EFFECTIVE FOR ALL LEGAL INTENTS AND PURPOSES."

15. On page 32, line 2, after the word "governor", delete the phrase "Provided, That in case of the former's" and in lieu thereof insert the phrase "**, OR IN CASE OF HIS OR HER**".

16. On the same page, line 7, after the word "governor:", delete the phrase "Provided, That in case of the former's permanent incapacity" and in lieu thereof insert the phrase "**, OR IN CASE OF HIS OR HER PERMANENT DISABILITY**".
17. On page 38, line 15, after the word "university", insert the phrase "**A DULY REGISTERED AND LICENSED REAL ESTATE SERVICE PRACTITIONER AS PROVIDED FOR IN SECTION 30 OF REPUBLIC ACT NO. 9646 OR THE "REAL ESTATE SERVICES ACT OF THE PHILIPPINES,"**".
18. On page 41, after line 18, insert a new paragraph to read as follows:
"THE INCUMBENT CHIEF ACCOUNTANT IN THE OFFICE OF THE TREASURER SHALL BE GIVEN PREFERENCE IN THE APPOINTMENT TO THE POSITIONS OF ACCOUNTANT."
19. On page 42, after line 25, insert a new paragraph to read as follows:
"(D). THE APPROPRIATIONS FOR PERSONAL SERVICES OF THE BUDGET OFFICER PROVIDED UNDER THE DEPARTMENT OF BUDGET AND MANAGEMENT SHALL, UPON EFFECTIVITY OF THIS CODE, BE TRANSFERRED TO THE LOCAL GOVERNMENT UNIT CONCERNED. THEREAFTER, THE APPROPRIATIONS FOR PERSONAL SERVICES OF THE BUDGET OFFICER SHALL BE PROVIDED FOR IN FULL IN THE BUDGET OF THE LOCAL GOVERNMENT UNIT."
20. On page 43, line 5, after the word "university", insert the phrase "**A DULY REGISTERED AND LICENSED ENVIRONMENTAL PLANNER AS PROVIDED FOR IN SECTION 34 OF REPUBLIC ACT NO. 10587 OR THE "ENVIRONMENTAL PLANNING ACT OF 2013,"**".

21. On page 69, lines 6 to 25, delete the entire Section 48 and insert a new Section 48 to read as follows:

"SEC. 48. *THE JAIL SERVICE.* – THERE SHALL BE ESTABLISHED AND MAINTAINED IN THE PROVINCE, WITHIN TWO (2) MONTHS UPON THE COMMENCEMENT OF THE CORPORATE EXISTENCE OF THE NEW PROVINCE BY THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT (DILG) THROUGH THE BUREAU OF JAIL MANAGEMENT AND PENOLOGY (BJMP), A SECURED, CLEAN, ADEQUATELY EQUIPPED AND SANITARY DISTRICT JAIL FOR THE CUSTODY AND SAFEKEEPING OF PRISONERS, ANY FUGITIVE FROM JUSTICE, OR PERSON DETAINED AWAITING INVESTIGATION OR TRIAL AND/OR RE-TRANSFER TO THE NATIONAL PENITENTIARY, AND/OR VIOLENT MENTALLY ILL PERSON WHO ENDANGERS HIMSELF OR THE SAFETY OF OTHERS, DUTY CERTIFIED AS SUCH BY THE PROPER MEDICAL HEALTH OFFICER, PENDING THE TRANSFER TO A MENTAL INSTITUTION. THE PROVINCIAL GOVERNMENT SHALL PROVIDE THE NECESSARY LAND OR SITE FOR THE ESTABLISHMENT OF DISTRICT JAILS."

22. On page 71, line 4, replace the year "2022" with "**2020**".

23. On page 71, line 6, replace the word "COMELEC" with the phrase "**PRESENT PROVINCE OF PALAWAN**".

Respectfully submitted:



SONNY ANGARA
Chairperson
Committee on Local Government



AQUILINO "KOKO" PIMENTEL III
Chairperson
Committee on Electoral Reforms & People's Participation

VICE CHAIRS:

RISA HONTIVEROS



WIN GATCHALIAN

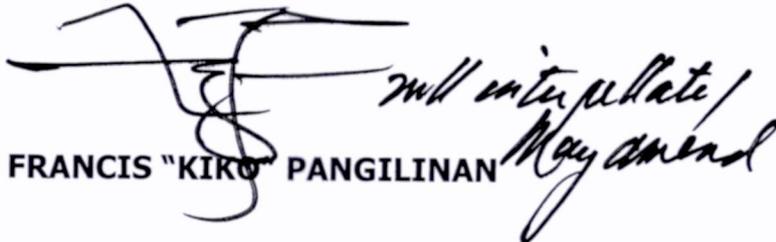
JOSEPH VICTOR G. EJERCITO



RICHARD GORDON



FRANCIS "KIRO" PANGILINAN



*will interpellate/
May amend*

MEMBERS:



GREGORIO B. HONASAN II

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JOEL VILLANUEVA



CYNTHIA VILLAR



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PAOLO BENIGNO "BAM" AQUINO IV



MA. LOURDES NANCY S. BINAY



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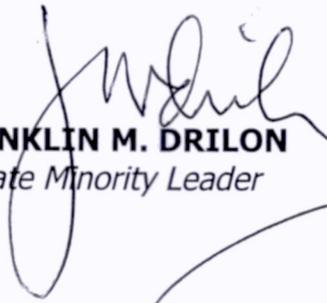


GRACE POE



ANTONIO "SONNY" F. TRILLANES IV

EX-OFFICIO MEMBERS:



FRANKLIN M. DRILON
Senate Minority Leader



JUAN MIGUEL F. ZUBIRI
Senate Majority Leader



RALPH G. RESTO
Senate President Pro-Tempore



Hon. VICENTE C. SOTTO III
Senate President

- 1 SEC. 3. *Composition.* - The provinces of Palawan del Norte,
2 Palawan Oriental, and Palawan del Sur shall be composed of the
3 following municipalities:
- 4 (a) Province of Palawan del Norte
- 5 (1) Coron;
- 6 (2) Culion;
- 7 (3) Busuanga;
- 8 (4) Linapacan;
- 9 (5) Taytay; and
- 10 (6) El Nido.
- 11 (b) Palawan Oriental
- 12 (1) Roxas;
- 13 (2) Araceli;
- 14 (3) Dumaran;
- 15 (4) Cuyo;
- 16 (5) Agutaya;
- 17 (6) Magsaysay;
- 18 (7) Cayancillo; and
- 19 (8) San Vicente.
- 20 (c) Palawan del Sur
- 21 (1) Aborlan;
- 22 (2) Narra;
- 23 (3) Quezon;
- 24 (4) Rizal;
- 25 (5) Española;
- 26 (6) Brooke's Point;
- 27 (7) Bataraza;

1 (8) Balabac; and

2 (9) Kalayaan.

3 SEC. 4. *Territorial Jurisdiction.* – The provinces of Palawan
4 del Norte, Palawan Oriental, and Palawan del Sur shall be
5 comprised of all the islands of the present Province of Palawan that
6 include the area defined by Presidential Decree No. 1596 and the
7 Philippine Treaty Limits; along the West Philippine Sea, the waters
8 around, between, and connecting the said islands that are treated
9 as part of the National Territory defined by Article I of the
10 Constitution that includes the Philippine Treaty Limits; along
11 Mindoro Strait to the north and along Sulu Sea to the east, an
12 equidistant maritime boundary measured from the low-tide mark of
13 islands, rocks, and reefs of the present Province of Palawan and the
14 coastal provinces of the said areas; and, along Balabac Strait to the
15 south, the maritime boundary extends to the Philippine Treaty
16 Limits.

17 The boundaries of the provinces of Palawan del Norte,
18 Palawan Oriental, and Palawan del Sur for purposes of the just
19 share of local government units in the national taxes under Section
20 6 of Article X of the Constitution shall start from the common land
21 boundaries extending perpendicularly to the limits of the Exclusive
22 Economic Zone or Extended Continental Shelf to the west, and
23 common maritime boundaries in the north, east and south stated in
24 the preceding paragraph.

25 The terrestrial jurisdictions of the newly created provinces
26 shall be within the present metes and bounds of all the
27 municipalities that comprise the respective provinces.

1 The foregoing provisions shall be without prejudice to the
2 resolution by the appropriate agency or forum of existing boundary
3 disputes or cases involving questions of territorial jurisdiction
4 between each province and adjoining local government units:
5 *Provided*, That the territorial boundaries of the disputed area or
6 areas shall remain with the local government unit, which has
7 existing administrative supervision over said area or areas until
8 final resolution of the case.

9 SEC. 5. *Capital Towns and Seats of Government.* - The
10 capital towns and seats of government of the provinces of Palawan
11 del Norte, Palawan Oriental, and Palawan del Sur shall be the
12 municipalities of Taytay, Roxas, and Brooke's Point, respectively.

13 SEC. 6. *Corporate Powers of the Provinces.* - Each province
14 constitutes a political body corporate and as such is endowed with
15 the attributes of perpetual succession and possessed of the powers
16 which pertain to a provincial corporation to be exercised in
17 conformity with the provision of this Charter and the Local
18 Government Code of 1991, as amended. Each province shall have
19 the following corporate powers:

- 20 (a) To exercise continuous succession in its corporate name;
21 (b) To sue and be sued;
22 (c) To use a corporate seal;
23 (d) To acquire and convey real or personal property;
24 (e) To enter into contracts; and
25 (f) To exercise such other powers as are granted to
26 corporations, subject to the limitations provided in the Local
27 Government Code of 1991, as amended, and other laws.

1 SEC. 7. *General Powers.* – Each province shall have a
2 common seal and may alter the same at its pleasure: *Provided,*
3 That any change of corporate seal shall be registered with the
4 Department of the Interior and Local Government (DILG). Each
5 province shall have the power to create its sources of revenue and to
6 levy taxes, fees and charges; to close and open roads, streets, alleys,
7 parks, or squares; to take, purchase, receive, hold, lease, convey and
8 dispose of real and personal property for the general interests of the
9 province; to expropriate or condemn private property for public use;
10 to contract and to be contracted with; to sue and be sued; to
11 prosecute and defend to final judgment and execution suits wherein
12 the province is involved or interested in and to exercise all the
13 powers as are granted to corporations or as hereinafter granted,
14 subject to the provisions of the Local Government Code of 1991, as
15 amended.

16 SEC. 8. *Liability for Damages.* – Each province and its
17 officials shall not be exempt from liability for death or injury to
18 persons or damage to property.

19 SEC. 9. *Legislative Districts.* – Each province herein created
20 shall have its own legislative district comprising of the
21 municipalities enumerated under Section 3 of this Act and effective
22 upon the election and qualification of their representatives to be
23 held on the second Monday of May in the year 2022.

24 For the purpose of this section, the City of Puerto Princesa
25 shall have its own legislative district effective upon the election and
26 qualification of its representative to be held on the second Monday
27 of May in the year 2022.

1 SEC. 10. *Incumbent Representatives.* – The incumbent
2 Representatives of the present Province of Palawan shall continue
3 to represent their respective legislative districts until the expiration
4 of their term of office.

5 SEC. 11. *Share in the Proceeds from the Development and*
6 *Utilization of the National Wealth.* – As political subdivisions of
7 the national government, the provinces of Palawan del Norte,
8 Palawan Oriental, and Palawan del Sur shall be entitled to
9 equitable shares in the proceeds of the utilization and development
10 of the national wealth within their respective terrestrial and
11 maritime jurisdiction. The term “national wealth” shall mean all
12 natural resources situated along the West Philippine Sea extending
13 up to the limits of the Exclusive Economic Zone or Extended
14 Continental Shelf as defined by the United Nations Convention on
15 the Law of the Sea (UNCLOS) including lands of public domain,
16 waters, minerals, coal, petroleum, mineral oils, potential energy
17 sources, gas and oil deposits, forest products, wildlife, flora and
18 fauna, fishery and aquatic resources, and all quarry products.

19 For the purpose of accelerating economic development and
20 upgrading the quality of life of the inhabitants, the provinces of
21 Palawan del Norte, Palawan Oriental, and Palawan del Sur shall, in
22 addition to the internal revenue allotment, have a combined share
23 of not less than forty percent (40%) of the gross collection derived by
24 the national government from the preceding fiscal year from the
25 following:

26 (a) Mining taxes, royalties, forestry and fishery charges, and
27 such other taxes, fees, or charges, including related surcharges,

1 interests, or fines, and from its share in any co-production, joint
2 venture or production sharing agreement in the utilization and
3 development of the national wealth within their territorial
4 jurisdiction;

5 (b) Administrative charges enumerated herein accruing to
6 the national government whether collected by agencies of the
7 national government or, in certain cases, by Palawan del Norte,
8 Palawan Oriental, or Palawan del Sur;

9 (c) Share in the proceeds from the development and
10 utilization of the national wealth which Palawan del Norte,
11 Palawan Oriental, or Palawan del Sur actually collect and
12 automatically retain its share of at least forty percent (40%) of such
13 proceeds shall not form part of the revenue base in the computation
14 of the forty percent (40%) share.

15 The provinces of Palawan del Norte, Palawan Oriental, and
16 Palawan del Sur shall each have a share based on the preceding
17 fiscal year from the proceeds derived by national government
18 agencies (NGAs) or government-owned or controlled corporations
19 (GOCCs) engaged in the utilization and development of the national
20 wealth based on the following formula, or whichever will produce a
21 higher amount for the abovementioned provinces:

22 (1) One percent (1%) of the gross sales or receipts of the
23 preceding calendar year; or

24 (2) Forty percent (40%) of the mining taxes, royalties,
25 forestry and fishery charges and such other taxes, fees or charges,
26 including related surcharges, interests, or fines the NGA or GOCC
27 would have paid if it were not otherwise exempt.

1 The shares referred to in the preceding paragraphs shall be
2 divided equally among the provinces of Palawan del Norte, Palawan
3 Oriental, and Palawan del Sur and shall be automatically released
4 to them. The share of each province shall further be divided in
5 favor of municipalities and barangays, which shall also be
6 automatically released, as follows:

- 7 (i) Province: sixty percent (60%);
8 (ii) Municipality: twenty-four percent (24%); and
9 (iii) Barangay: sixteen percent (16%).

10 SEC. 12. *Jurisdiction of Each Province.* – For purposes of
11 police and law enforcement, the jurisdiction of each province shall
12 be coextensive with its respective territorial boundary. For the
13 purpose of protecting and ensuring the purity of the water supply of
14 each province, such police jurisdiction shall also extend over all the
15 territory within the drainage area of such water supply source, or
16 within one hundred (100) meters of any reservoir, conduit, canal,
17 aqueduct or pumping station used in connection with each
18 province's water service.

19 The regional trial courts and other courts of adjoining
20 municipalities shall continue to try crimes and misdemeanors
21 committed within the mandated jurisdiction of the new provinces.

22 Any license that may be issued within said zone, area or space
23 shall be granted by the proper authorities of the province or
24 municipality concerned, and the fees arising therefrom shall accrue
25 to the treasury of the said province or municipality, as the case may
26 be.

ARTICLE II

PROVINCIAL OFFICIALS IN GENERAL

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3 SEC. 13. *Officials of the Provincial Government.* – (a) In each
4 of the provinces of Palawan del Norte, Palawan Oriental, and
5 Palawan del Sur, there shall be a provincial governor, a provincial
6 vice governor, the regular members of the *sangguniang*
7 *panlalawigan*, a secretary to the *sangguniang panlalawigan*, a
8 provincial treasurer, a provincial assessor, a provincial accountant,
9 a provincial budget officer, a provincial planning and development
10 coordinator, a provincial engineer, a provincial health officer, a
11 provincial administrator, a provincial legal officer, a provincial
12 agriculturist, a provincial social welfare and development officer, a
13 provincial veterinarian and a provincial general services officer.

14 (b) In addition thereto, the provincial governor may appoint
15 a provincial architect, a provincial population officer, a provincial
16 environment and natural resources officer, a provincial cooperatives
17 officer and a provincial information officer.

18 (c) The *sangguniang panlalawigan* may:

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

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

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

25 Unless otherwise provided herein or in the Local Government
26 Code of 1991, as amended, the heads of departments and offices
27 shall be appointed by the provincial governor with the concurrence

1 of a majority of all the *sangguniang panlalawigan* members, subject
2 to civil service law, rules and regulations. The *sangguniang*
3 *panlalawigan* shall act on the appointment within fifteen (15) days
4 from the day of its submission; otherwise, the same shall be deemed
5 confirmed.

6 SEC. 14. *Residence and Office.* - The official residence and
7 office of the provincial governor, during the latter's incumbency,
8 shall be in the capital of the province. All elective and appointive
9 provincial officials shall hold office in the provincial capital:
10 *Provided, That,* upon the resolution of the *sangguniang*
11 *panlalawigan*, elective and appointive provincial officials may hold
12 office in any component city or municipality within the province for
13 a period of not more than seven (7) days for any given month.

14 Elective and appointive provincial officials shall receive such
15 compensation, allowances and other emoluments as may be
16 determined by law or ordinance, subject to the budgetary
17 limitations on personal services prescribed under Title V, Book II of
18 the Local Government Code of 1991, as amended: *Provided, That,*
19 no increase in compensation shall take effect until after the
20 expiration of the full term of all the elective officials approving such
21 increase.

22 ARTICLE III

23 ELECTIVE PROVINCIAL OFFICIALS

24 SEC. 15. *The Provincial Governor.* - (a) The provincial
25 governor, as the chief executive of the provincial government, shall
26 exercise such powers and perform such duties and functions as

1 provided for in the Local Government Code of 1991, as amended,
2 and other laws.

3 (b) For efficient, effective and economical governance, the
4 purpose of which is the general welfare of the province and its
5 inhabitants pursuant to Section 16 of the Local Government Code of
6 1991, as amended, the provincial governor shall:

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

10 (i) Determine the guidelines of provincial policies and be
11 responsible to the *sangguniang panlalawigan* for the program of the
12 government;

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

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

23 (iv) Initiate and propose legislative measures to the
24 *sangguniang panlalawigan* and as often as may be deemed
25 necessary, provide such information and data needed or requested
26 by said *sangguniang panlalawigan* in the performance of its
27 legislative functions;

1 (v) Appoint all officials and employees whose salaries and
2 wages are wholly or mainly paid out of provincial funds and whose
3 appointments are not otherwise provided for in this Act, as well as
4 those the provincial governor may be authorized by law to appoint;

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

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

12 (viii) Determine the time, manner and place of payment of
13 salaries or wages of the provincial officials and employees, in
14 accordance with law or ordinance;

15 (ix) Allocate and assign office space to the provincial and
16 other officials and employees who, by law or ordinance, are entitled
17 to such space in the provincial capitol and other buildings owned or
18 leased by the provincial government;

19 (x) Ensure that all executive officials and employees of the
20 province faithfully discharge their duties and functions as provided
21 for by law and the Local Government Code of 1991, as amended,
22 and cause to be instituted administrative or judicial proceedings
23 against any official or employee of the province who may have
24 committed an offense in the performance of official duties;

25 (xi) Examine the books, records and other documents of all
26 offices, officials, agents or employees of the province and require all
27 national officials and employees stationed in the province to make

1 available such books, records and other documents in their custody,
2 except those classified by law as confidential;

3 (xii) Furnish copies of executive orders issued to the Office of
4 the President within seventy-two (72) hours after their issuance;

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

13 (xiv) Act on leave applications of officials and employees
14 appointed and the commutation of the monetary value of their leave
15 credits in accordance with law;

16 (xv) Authorize official trips of provincial officials and
17 employees outside of the province for a period not exceeding thirty
18 (30) days;

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

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

6 (xviii) Represent the province in interprovincial or regional
7 sports councils or committees, and coordinate the efforts of
8 component cities or municipalities in the regional or national palaro
9 or sports development activities;

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

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

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

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

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

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

12 (iv) Be entitled to carry the necessary firearms within the
13 territorial jurisdiction of the province;

14 (v) In coordination with the mayors of component cities and
15 municipalities and the National Police Commission, formulate the
16 peace and order plan of the province and upon its approval,
17 implement the same in accordance with Republic Act No. 6975, as
18 amended, otherwise known as the "Department of the Interior and
19 Local Government Act of 1990"; and

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

26 (3) Initiate and maximize the generation of resources and
27 revenues, and apply the same to the implementation of development

1 plans, program objectives and priorities as provided for under
2 Section 18 of the Local Government Code of 1991, as amended,
3 particularly those resources and revenues programmed for
4 agro-industrial development and countrywide growth and progress
5 and, relative thereto, shall;

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

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

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

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

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

25 (vi) Provide efficient and effective property and supply
26 management in the province; and protect the funds, credits, rights
27 and other properties of the province; and

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

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

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

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

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

24 (c) The provincial governor shall receive a minimum
25 monthly compensation corresponding to Salary Grade Thirty (30) as
26 prescribed under Republic Act No. 6758, as amended, otherwise

1 known as the "Compensation and Position Classification Act of
2 1989", and the implementing guidelines issued pursuant thereto.

3 SEC. 16. *The Provincial Vice Governor.* - (a) The provincial
4 vice governor shall:

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

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

13 (3) Assume the office of the provincial governor for the
14 unexpired term of the latter in the event of permanent vacancy as
15 provided for in Section 44, Book I of the Local Government Code of
16 1991, as amended;

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

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

23 (b) The provincial vice governor shall receive a monthly
24 compensation corresponding to Salary Grade Twenty-eight (28) as
25 prescribed under Republic Act No. 6758, as amended, otherwise
26 known as the "Compensation and Position Classification Act of
27 1989", and the implementing guidelines issued pursuant thereto.

ARTICLE IV

THE SANGGUNIANG PANLALAWIGAN

1
2
3 SEC. 17. *Composition.* – (a) The *sangguniang panlalawigan*,
4 the legislative body of the province, shall be composed of the
5 provincial vice governor as the presiding officer, the regular
6 *sangguniang panlalawigan* members, the president of the provincial
7 chapter of the liga ng mga barangay, the president of the
8 panlalawigang pederasyon ng mga sangguniang kabataan, the
9 president of the provincial federation of sanggunian members of
10 municipalities and component cities and the three (3) sectoral
11 representatives, as members.

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

20 (c) The regular members of the *sangguniang panlalawigan*
21 and the sectoral representatives shall be elected in the manner as
22 provided for by law, and shall receive a monthly compensation
23 corresponding to Salary Grade Twenty-seven (27) as prescribed
24 under Republic Act No. 6758, as amended, otherwise known as the
25 “Compensation and Position Classification Act of 1989”, as
26 amended, and the implementing guidelines issued pursuant thereto.

1 SEC. 18. *Powers, Duties, Functions and Compensation.* – (a)
2 The *sangguniang panlalawigan*, as the legislative body of the
3 province, shall enact ordinances, approve resolutions and
4 appropriate funds for the general welfare of the province and its
5 inhabitants pursuant to Section 16 of the Local Government Code of
6 1991, as amended, and in the proper exercise of the corporate
7 powers of the province as provided for under Section 22 of the Local
8 Government Code of 1991, as amended, shall:

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

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

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

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

24 (iv) Adopt measures to protect the inhabitants of the province
25 from the harmful effects of man-made or natural disasters and
26 calamities, and to provide relief services and assistance for victims

1 during and in the aftermath of said disasters and calamities and
2 their return to productive livelihood following said events;

3 (v) Enact ordinances intended to prevent, suppress and
4 impose appropriate penalties for habitual drunkenness in public
5 places, vagrancy, mendicancy, prostitution, the establishment and
6 maintenance of houses of ill repute, gambling and other prohibited
7 games of chance, fraudulent devices and ways to obtain money or
8 property, drug addiction, maintenance of drug dens, drug pushing,
9 juvenile delinquency, the printing, distribution or exhibition of
10 obscene or pornographic materials or publication, and such other
11 activities inimical to the welfare and morals of the inhabitants of
12 the province;

13 (vi) Protect the environment and impose appropriate
14 penalties for acts which endanger the environment, such as
15 dynamite fishing and other forms of destructive fishing, illegal
16 logging and smuggling of logs, smuggling of natural resources
17 products and of endangered species of flora and fauna,
18 slash-and-burn farming and such other activities which result
19 in pollution, acceleration of eutrophication of rivers and lakes, or
20 of ecological imbalance;

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

24 (viii) Determine the positions and salaries, wages, allowances
25 and other emoluments and benefits of officials and employees paid
26 wholly or mainly from provincial funds and provide for expenditures

1 necessary for the proper conduct of programs, projects, services and
2 activities of the provincial government;

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

8 (x) Provide mechanism and the appropriate funds therefore
9 to ensure the safety and protection of all provincial government
10 property, public documents or records such as those relating to
11 property inventory, land ownership, records of births, marriages,
12 deaths, assessments, taxation, accounts, business permits and such
13 other records and documents of public interest in the offices and
14 departments of the provincial government; and

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

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

25 (i) Enact the annual and supplemental appropriations of the
26 provincial government and appropriate funds for specific programs,
27 projects, services and activities of the province, or for other purposes

1 not contrary to law, in order to promote the general welfare of the
2 province and its inhabitants;

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

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

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

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

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

1 (vii) Review the comprehensive land use plans and zoning
2 ordinances of component cities and municipalities and adopt a
3 comprehensive provincial land use plan, subject to existing laws;
4 and

5 (viii) Adopt measures to enhance the full implementation of
6 the national agrarian reform program in coordination with the
7 Department of Agrarian Reform (DAR);

8 (3) Subject to the provisions of Book II of the Local
9 Government Code of 1991, as amended, grant franchises, approve
10 the issuance of permits or licenses, or enact ordinances levying
11 taxes, fees and charges upon such conditions and for such purposes
12 intended to promote the general welfare of the inhabitants of the
13 province and, pursuant to the legislative authority, shall:

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

17 (ii) Regulate and fix the license fees for such activities as
18 provided for under the Local Government Code of 1991, as
19 amended;

20 (4) Approve ordinances which shall ensure the efficient and
21 effective delivery of the basic services and facilities as provided for
22 in Section 17 of the Local Government Code of 1991, as amended,
23 and, in addition to said services and facilities, shall:

24 (i) Adopt measures and safeguards against pollution and for
25 the preservation of the natural ecosystem in the province, in
26 consonance with approved standards on human settlements and
27 environmental sanitation;

1 (ii) Subject to applicable laws, facilitate or provide for the
2 establishment and maintenance of a waterworks system or district
3 waterworks for supplying water to inhabitants of component cities
4 and municipalities;

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

12 (iv) Establish a scholarship fund for the poor but deserving
13 students in schools located within its jurisdiction or of students
14 residing within the province;

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

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

1 (vii) Establish and provide for the maintenance and
2 improvement of jails and detention centers, institute a sound jail
3 management program and appropriate funds for the subsistence of
4 detainees and convicted prisoners in the province;

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

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

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

19 ARTICLE V

20 PROCESS OF LEGISLATION

21 SEC. 19. *Internal Rules of Procedure.* - (a) On the first
22 regular session following the election of its members and within
23 ninety (90) days thereafter, the *sangguniang panlalawigan* shall
24 adopt or update its existing rules of procedure.

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

26 (1) The organization of the sanggunian and the election of its
27 officers as well as the creation of standing committees which shall

1 include the committees on appropriations, women and family,
2 human rights, youth and sports development, environment
3 protection, peace and order and traffic, and cooperatives; the
4 general jurisdiction of each committee; and the election of the
5 chairman and members of each committee;

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

7 (3) The legislative process;

8 (4) The parliamentary procedures which include the conduct
9 of members during sessions;

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

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

21 **SEC. 20.** *Full Disclosure of Financial and Business Interests*
22 *of Sangguniang Panlalawigan Members.* - (a) Every *sangguniang*
23 *panlalawigan* member shall, upon assumption to office, make a full
24 disclosure of their business and financial interests. He or she shall
25 also disclose any business, financial, professional relationship or
26 any relation by affinity or consanguinity within the fourth civil
27 degree, which he or she may have with any person, firm or entity

1 affected by any ordinance or resolution under consideration by the
2 sanggunian of which he or she is a member, which relationship may
3 result in conflict of interest. Such relationship shall include:

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

6 (2) Contracts or agreement with any person or entity which
7 the ordinance or resolution under consideration may affect.

8 For purposes of this Act, "conflict of interest" refers in general
9 to a circumstance where it may be reasonably deduced that a
10 member of a *sangguniang panlalawigan* may not act in the public
11 interest due to some private, pecuniary or other personal
12 considerations that may tend to affect the member's judgment to the
13 prejudice of the service or the public.

14 (b) The disclosure required under this Act shall be made in
15 writing and submitted to the secretary of the sanggunian or the
16 secretary of the committee of which he or she is a member. The
17 disclosure shall, in all cases, form part of the record of the
18 proceedings and shall be made in the following manner:

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

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

1 SEC. 21. *Sessions.* - (a) On the first day of session
2 immediately following the election of its members, the *sangguniang*
3 *panlalawigan* shall, by resolution, fix the day, time and place of its
4 regular sessions. The minimum number of regular sessions of the
5 *sangguniang panlalawigan* shall be once a week.

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

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

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

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

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

25 SEC. 22. *Quorum.* - (a) A majority of all the members of the
26 sanggunian who have been elected and qualified shall constitute a
27 quorum to transact official business. Should a question of quorum

1 be raised during the session, the presiding officer shall immediately
2 proceed to call the roll of the members and thereafter announce the
3 results.

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

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

17 SEC. 23. *Approval of Ordinances.* - (a) Every ordinance
18 enacted by the *sangguniang panlalawigan* shall be presented to the
19 provincial governor. The provincial governor may approve or veto
20 any ordinance of the *sangguniang panlalawigan*. To signify
21 approval, the provincial governor shall sign each and every page of
22 the ordinance; otherwise, the ordinance shall be returned to the
23 sanggunian along with the provincial governor's reason or reasons
24 for the veto. The sanggunian may override the veto of the provincial
25 governor by two-thirds (2/3) vote of all its members, thereby making
26 the ordinance or resolution effective for all legal intents and
27 purposes.

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

5 SEC. 24. *Veto Power of the Provincial Governor.* - (a) The
6 provincial governor may veto any ordinance of the *sangguniang*
7 *panlalawigan* on the ground that it is prejudicial to the public
8 welfare, stating the reasons thereof in writing.

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

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

24 ARTICLE VI

25 SUCCESSION FOR ELECTIVE PROVINCIAL OFFICIALS

26 SEC. 25. *Permanent Vacancy in the Office of the Provincial*
27 *Governor.* - (a) If a permanent vacancy occurs in the office of the

1 provincial governor, the provincial vice governor shall become the
2 provincial governor: *Provided*, That in case of the former's
3 permanent inability, the highest ranking sanggunian member shall
4 become the provincial governor. If a permanent vacancy occurs in
5 the office of the provincial vice governor, the highest ranking
6 *sangguniang panlalawigan* member shall become the provincial vice
7 governor: *Provided*, That, in case of the former's permanent
8 incapacity, the highest ranking *sangguniang panlalawigan* member
9 shall become the provincial vice governor. Subsequent vacancies
10 shall be filled automatically by other sanggunian members
11 according to their ranking as defined herein:

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

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

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

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

26 SEC. 26. *Permanent Vacancies in the Sangguniang*
27 *Panlalawigan.* - (a) Permanent vacancies in the *sangguniang*

1 *panlalawigan* where automatic succession as provided does not
2 apply shall be filled by appointment by the President, through the
3 Executive Secretary.

4 (b) Only the nominee of the political party under which the
5 sanggunian member concerned had been elected and whose
6 elevation to the position next higher in rank created the last
7 vacancy in the sanggunian shall be appointed in the manner herein
8 provided. The appointee shall come from the same political party as
9 that of the sanggunian member who caused the vacancy and shall
10 serve the unexpired term of the vacant office.

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

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

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

26 SEC. 27. *Temporary Vacancy in the Office of the Provincial*
27 *Governor.* - (a) When the provincial governor is temporarily

1 incapacitated to perform the duties for physical or legal reasons
2 such as when the provincial governor is on leave of absence, on
3 travel abroad or is suspended from office, the provincial vice
4 governor shall automatically exercise the powers and perform the
5 duties and functions of the provincial governor, except the power to
6 appoint, suspend or dismiss employees which can only be exercised
7 if the period of temporary incapacity exceeds thirty (30) working
8 days.

9 (b) Said temporary incapacity shall terminate upon
10 submission to the *sangguniang panlalawigan* of a written
11 declaration by the provincial governor that the provincial governor
12 has reported back to office. In case where the temporary incapacity
13 is due to legal cause, the provincial governor shall also submit
14 necessary documents showing that the said legal cause no longer
15 exists.

16 (c) When traveling within the country but outside the
17 province's territorial jurisdiction for a period not exceeding three (3)
18 consecutive days, the provincial governor may designate in writing
19 an officer-in-charge of the office. Such authorization shall specify
20 the powers and functions that the local official concerned shall
21 exercise in the absence of the provincial governor, except the power
22 to appoint, suspend or dismiss employees.

23 (d) In the event, however, that the provincial governor fails
24 or refuses to issue such authorization, the provincial vice governor
25 shall have the right to assume the powers, duties and functions of
26 the said office on the fourth (4th) day of absence of the provincial

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

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

6 ARTICLE VII

7 APPOINTIVE PROVINCIAL OFFICIALS:

8 THEIR QUALIFICATIONS, POWERS AND DUTIES

9 SEC. 28. *The Secretary to the Sangguniang Panlalawigan.* -

10 (a) There shall be a secretary to the *sangguniang panlalawigan* who
11 shall be a career official with the rank and salary equal to a head of
12 a department or office.

13 (b) The secretary to the sanggunian must be a citizen of the
14 Philippines, a resident of the province, of good moral character, a
15 holder of a college degree preferably in law, commerce or public
16 administration from a recognized college or university, and a first
17 grade civil service eligible or its equivalent.

18 (c) The secretary to the sanggunian shall take charge of the
19 office of the *sangguniang panlalawigan*, and shall:

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

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

26 (3) Forward to the provincial governor, for approval, copies
27 of ordinances enacted by the sanggunian and duly certified by the

1 presiding officer, in the manner provided for under Section 54 of the
2 Local Government Code of 1991, as amended;

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

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

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

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

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

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

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

26 SEC. 29. *The Provincial Treasurer.* - (a) The provincial
27 treasurer shall be appointed by the Secretary of Finance from a list

1 of at least three (3) ranking eligible recommendees of the provincial
2 governor, subject to civil service law, rules and regulations.

3 (b) The provincial treasurer must be a citizen of the
4 Philippines, a resident of the province, of good moral character, a
5 holder of a college degree preferably in commerce, public
6 administration or law from a recognized college or university, a first
7 grade civil service eligible or its equivalent and must have acquired
8 experience in treasury or accounting service for at least five (5)
9 years.

10 (c) The provincial treasurer shall be under the
11 administrative supervision of the provincial governor and shall
12 regularly report to the provincial governor on the tax collection
13 efforts in the province.

14 The appointment of the provincial treasurer is mandatory.

15 (d) The provincial treasurer shall take charge of the treasury
16 office, and perform the duties as provided for under Book II of the
17 Local Government Code of 1991, as amended, and shall:

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

22 (2) Take custody of and exercise proper management of the
23 funds of the local government unit concerned;

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

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

5 (5) Maintain and update the tax information system of the
6 local government unit; and

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

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

11 SEC. 30. *The Provincial Assessor.* - (a) The provincial
12 assessor must be a citizen of the Philippines, a resident of the
13 province, of good moral character, a holder of a college degree
14 preferably in civil or mechanical engineering, commerce or any
15 other related course from a recognized college or university, a first
16 grade civil service eligible or its equivalent and must have acquired
17 experience in real property assessment work or in any related field
18 for at least five (5) years.

19 The appointment of the provincial assessor is mandatory.

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

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

26 (2) Initiate, review and recommend changes in policies and
27 objectives, plans and programs, techniques, procedures and

1 practices in the valuation and assessment of real properties for
2 taxation purposes;

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

5 (4) Install and maintain a real property identification and
6 accounting system;

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

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

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

15 (8) Prepare a schedule of the fair market value for the
16 different classes of real properties in accordance with Title II, Book
17 II of the Local Government Code of 1991, as amended;

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

22 (10) Submit every semester a report of all assessments, as
23 well as cancellations and modifications of assessments to the
24 provincial governor and the *sangguniang panlalawigan*; and

25 (11) Exercise technical supervision and visitorial functions
26 over all component city and municipal assessors, coordinate with
27 component city or municipal assessors in the conduct of tax

1 mapping operations and all other assessment activities, and provide
2 all forms of assistance therefor: *Provided, however,* That, upon full
3 provision by the component city or municipality concerned to its
4 assessor's office of the minimum personnel, equipment and funding
5 requirements as may be prescribed by the Secretary of Finance,
6 such functions shall be delegated to the said municipal assessor.

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

9 SEC. 31. *The Provincial Accountant.* - (a) The provincial
10 accountant must be a citizen of the Philippines, a resident of the
11 province, of good moral character, a certified public accountant and
12 must have acquired experience in the treasury or accounting service
13 for at least five (5) years.

14 The appointment of a provincial accountant is mandatory.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 The appointment of the provincial budget officer is
2 mandatory.

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

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

8 (2) Review and consolidate the budget proposals of different
9 departments and offices of the province;

10 (3) Assist the provincial governor in the preparation of the
11 budget and during the budget hearings;

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

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

16 (6) Coordinate with the provincial treasurer, the provincial
17 accountant and the provincial planning and development
18 coordinator for the purpose of budgeting;

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

21 (8) Coordinate with the provincial planning and
22 development coordinator in the formulation of the provincial
23 development plan.

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

26 SEC. 33. *The Provincial Planning and Development*
27 *Coordinator.* - (a) The provincial planning and development

1 coordinator must be a citizen of the Philippines, a resident of the
2 province, of good moral character, a holder of a college degree
3 preferably in urban planning, development studies, economics,
4 public administration or in any related course from a recognized
5 college or university, a first grade civil service eligible or its
6 equivalent and must have acquired experience in development
7 planning or in any related field for at least five (5) years.

8 The appointment of a provincial planning and development
9 coordinator is mandatory.

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

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

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

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

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

23 (5) Prepare comprehensive plans and other development
24 planning documents for the consideration of the provincial
25 development council;

26 (6) Analyze the income and expenditure patterns, and
27 formulate and recommend fiscal plans and policies for the

1 consideration of the finance committee of the province as provided
2 for under Title V, Book II of the Local Government Code of 1991,
3 as amended;

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

6 (8) Exercise supervision and control over the secretariat of
7 the provincial development council.

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

10 SEC. 34. *The Provincial Engineer.* - (a) The provincial
11 engineer must be a citizen of the Philippines, a resident of the
12 province, of good moral character, a licensed civil engineer and must
13 have acquired experience in the practice of the civil engineering
14 profession for at least five (5) years.

15 The appointment of the provincial engineer is mandatory.

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

18 (1) Initiate, review and recommend changes in policies and
19 objectives, plans and programs, techniques, procedures and
20 practices in infrastructure development and public works in general
21 of the province;

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

24 (3) Administer, coordinate, supervise and control the
25 construction, maintenance, improvement and repair of roads,
26 bridges and other engineering and public works projects of the
27 province;

1 (4) Provide engineering services to the province, including
2 investigations and surveys, engineering designs, feasibility studies
3 and project management; and

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

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

8 SEC. 35. *The Provincial Health Officer.* - (a) The provincial
9 health officer must be a citizen of the Philippines, a resident of the
10 province, of good moral character, a licensed medical practitioner
11 and must have acquired experience in the practice of the medical
12 profession for at least five (5) years.

13 The appointment of a provincial health officer is mandatory.

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

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

23 (2) Formulate measures for the consideration of the
24 sanggunian and provide technical assistance and support to the
25 provincial governor in carrying out activities to ensure the delivery
26 of basic services and the provision of adequate facilities relative to

1 health services provided for under Section 17 of the Local
2 Government Code of 1991, as amended;

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

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

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

13 (ii) Advise the provincial governor and the sanggunian on
14 matters pertaining to health;

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

17 (iv) Recommend to the sanggunian, through the provincial
18 health board, the passage of such ordinances as he or she may deem
19 necessary for the preservation of public health;

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

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

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

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

4 (ix) Exercise general supervision over health offices of
5 component cities and municipalities; and

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

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

11 SEC. 36. *The Provincial Administrator.* - (a) The provincial
12 administrator must be a citizen of the Philippines, a resident of the
13 province, of good moral character, a holder of a college degree
14 preferably in public administration, law or any related course from
15 a recognized college or university, a first grade civil service
16 eligible or its equivalent and must have acquired experience in
17 management and administration work for at least five (5) years.

18 The term of the provincial administrator is coterminous with
19 that of the appointing authority.

20 The appointment of the provincial administrator is
21 mandatory.

22 (b) The provincial administrator shall take charge of the
23 office of the administrator, and shall:

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

1 to implement and which the sanggunian is empowered to provide
2 for under the Local Government Code of 1991, as amended;

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

5 (i) Assist in the coordination of the work of all the officials of
6 the province under the supervision, direction and control of the
7 provincial governor and, for this purpose, may convene the chiefs of
8 offices and other officials of the province;

9 (ii) Establish and maintain a sound personnel program for
10 the province designed to promote career development and uphold
11 the merit system in the province; and

12 (iii) Conduct a continuing organizational development of the
13 province with the end in view of instituting effective administrative
14 reforms.

15 (3) Be in the frontline of the delivery of administrative
16 support services, particularly those related to the situations during
17 and in the aftermath of man-made and natural disasters and
18 calamities; and

19 (4) Recommend to the sanggunian and advise the provincial
20 governor on all other matters relative to the management and
21 administration of the province.

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

24 SEC. 37. *The Provincial Legal Officer.* - (a) The provincial
25 legal officer must be a citizen of the Philippines, a resident of the
26 province, of good moral character, a member of the Philippine Bar

1 and must have practiced the law profession for at least five (5)
2 years.

3 The term of the provincial legal officer shall be coterminous
4 with that of the appointing authority.

5 The appointment of the provincial legal officer is mandatory.

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

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

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

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

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

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

5 (iii) Render an opinion in writing on any question of law
6 when requested to do so by the provincial governor or the
7 sanggunian;

8 (iv) Investigate or cause to be investigated any provincial
9 official or employee for administrative neglect or misconduct in
10 office and recommend appropriate action to the provincial governor,
11 or the *sangguniang panlalawigan*;

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

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

21 (vii) Review and submit recommendations on ordinances
22 approved and executive orders issued by the component cities and
23 municipalities.

24 (4) Recommend measures to the *sangguniang panlalawigan*
25 and advise the provincial governor on all other matters related to
26 upholding the rule of law; and

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

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

7 SEC. 38. *The Provincial Agriculturist.* – (a) The provincial
8 agriculturist must be a citizen of the Philippines, a resident of the
9 province, of good moral character, a holder of a college degree in
10 agriculture or in any related course from a recognized college or
11 university, a first grade civil service eligible or its equivalent and
12 must have practiced the agriculturist profession or acquired
13 experience in a related field for at least five (5) years.

14 The appointment of the provincial agriculturist is mandatory.

15 (b) The provincial agriculturist shall take charge of the office
16 for agricultural services, and shall:

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

23 (2) Develop plans and strategies and, upon approval thereof
24 by the provincial governor, implement the same, particularly those
25 which have to do with the agricultural programs and projects which
26 the provincial governor is empowered to implement and which the

1 sanggunian is empowered to provide for under the Local
2 Government Code of 1991, as amended;

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

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

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

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

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

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

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

1 (5) Recommend to the sanggunian and advise the provincial
2 governor on all matters related to agriculture and aquaculture
3 which will improve the livelihood and living conditions of the
4 inhabitants.

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

7 SEC. 39. *The Provincial Social Welfare and Development*
8 *Officer.* – (a) The provincial social welfare and development officer
9 must be a citizen of the Philippines, a resident of the province, of
10 good moral character, a duly licensed social worker, or a holder of a
11 college degree preferably in sociology or in any related course from a
12 recognized college or university, a first grade civil service eligible or
13 its equivalent and must have acquired experience in the practice of
14 social work for at least five (5) years.

15 The appointment of a provincial social welfare and
16 development officer is mandatory.

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

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

26 (2) Develop plans and strategies and, upon approval thereof
27 by the provincial governor, implement the same, particularly those

1 which have to do with the social welfare programs and projects
2 which the provincial governor is empowered to implement and
3 which the sanggunian is empowered to provide for under the Local
4 Government Code of 1991, as amended;

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

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

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

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

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

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

24 (vi) Coordinate with government agencies and
25 nongovernmental organizations which have for their purpose the
26 promotion and the protection of all the needy, disadvantaged,
27 underprivileged or impoverished groups or individuals, particularly

1 those identified to be vulnerable and high-risk to exploitation, abuse
2 and neglect.

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

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

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

13 SEC. 40. *The Provincial Veterinarian.* - (a) The provincial
14 veterinarian must be a citizen of the Philippines, a resident of the
15 province, of good moral character, a licensed doctor of veterinary
16 medicine and must have practiced the veterinary profession for at
17 least three (3) years.

18 The appointment of a provincial veterinarian is mandatory.

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

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

26 (2) Develop plans and strategies and, upon approval thereof
27 by the provincial governor, implement the same, particularly those

1 which have to do with the veterinary-related activities which the
2 provincial governor is empowered to implement and which the
3 sanggunian is empowered to provide for under the Local
4 Government Code of 1991, as amended;

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

7 (i) Advise the provincial governor on all matters pertaining
8 to the slaughter of animals for human consumption and the
9 regulation of slaughterhouses;

10 (ii) Regulate the keeping of domestic animals;

11 (iii) Regulate and inspect poultry, milk and dairy products for
12 public consumption;

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

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

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

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

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

3 SEC. 41. *The Provincial General Services Officer.* - (a) The
4 provincial general services officer must be a citizen of the
5 Philippines, a resident of the province, of good moral character, a
6 holder of a college degree in public administration, business
7 administration or management from a recognized college or
8 university, a first grade civil service eligible or its equivalent and
9 must have acquired experience in general services, including the
10 management of supply, property, solid waste disposal and general
11 sanitation for at least five (5) years.

12 The appointment of a provincial general services officer is
13 mandatory.

14 (b) The provincial general services officer shall take charge
15 of the office of general services, and shall:

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

23 (2) Develop plans and strategies and, upon approval thereof
24 by the provincial governor, implement the same, particularly those
25 which have to do with general services supportive to the welfare of
26 the inhabitants which the provincial governor is empowered to

1 implement and which the sanggunian is empowered to provide for
2 under the Local Government Code of 1991, as amended;

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

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

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

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

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

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

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

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

1 (viii) Perform all other functions pertaining to supply and
2 property management heretofore performed by the local government
3 treasurer and to enforce policies on records creation, maintenance
4 and disposal.

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

10 (5) Recommend to the sanggunian and advise the provincial
11 governor on all matters relative to general services.

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

14 SEC. 42. *The Provincial Architect.* - (a) The provincial
15 architect must be a citizen of the Philippines, a resident of the
16 province, of good moral character, a duly licensed architect and
17 must have practiced the architectural profession for at least five (5)
18 years.

19 The appointment of a provincial architect is optional.

20 (b) The provincial architect shall take charge of the office on
21 architectural planning and design, and shall:

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

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

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

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

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

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

24 (4) Be in the frontline of the delivery of basic services
25 involving architectural planning and design, particularly those
26 related to the redesigning of spatial distribution of basic facilities

1 and physical structures during and in the aftermath of man-made
2 and natural disasters and calamities; and

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

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

9 SEC. 43. *The Provincial Population Officer.* - (a) The
10 provincial population officer must be a citizen of the Philippines, a
11 resident of the province, of good moral character, a holder of a
12 college degree with specialized training in population development
13 from a recognized college or university, a first grade civil service
14 eligible or its equivalent and must have experience in the
15 implementation of programs on population development or
16 responsible parenthood for at least five (5) years.

17 The appointment of a provincial population officer is optional.

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

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

26 (2) Develop plans and strategies and, upon approval thereof
27 by the provincial governor, implement the same, particularly those

1 which have to do with the integration of population development
2 principles and methods in programs and projects which the
3 provincial governor is empowered to implement and which the
4 sanggunian is empowered to provide for under the Local
5 Government Code of 1991, as amended; and

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

8 (i) Assist the provincial governor in the implementation of
9 the constitutional provisions relative to population development and
10 the promotion of responsible parenthood;

11 (ii) Establish and maintain an updated data bank for
12 program operations, development planning and an educational
13 program to ensure the people's participation in and undertaking of
14 population development; and

15 (iii) Implement appropriate training programs responsive to
16 the cultural heritage of the inhabitants.

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

19 SEC. 44. *The Provincial Environment and Natural Resources*
20 *Officer.* - (a) The provincial environment and natural resources
21 officer must be a citizen of the Philippines, a resident of the
22 province, of good moral character, a holder of a college degree
23 preferably in environment, forestry, agriculture or any related
24 course from a recognized college or university, a first grade civil
25 service eligible or its equivalent and must have acquired experience
26 in environmental and natural resources management, conservation
27 and utilization for at least five (5) years.

1 The appointment of a provincial environment and natural
2 resources officer is optional.

3 (b) The provincial environment and natural resources officer
4 shall take charge of the office on environment and natural
5 resources, and shall:

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

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

18 (3) In addition to the foregoing duties and functions, the
19 environment and natural resources officer shall:

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

24 (ii) Provide extension services to beneficiaries of forest
25 development projects and technical, financial and infrastructure
26 assistance;

1 (iii) Manage and maintain seed banks and produce seedlings
2 for forests and tree parks;

3 (iv) Provide extension services to beneficiaries of forest
4 development projects and render assistance for natural
5 resources-related conservation and utilization activities consistent
6 with ecological balance;

7 (v) Promote small-scale mining and utilization of mineral
8 resources, particularly the mining of gold; and

9 (vi) Coordinate with government agencies and
10 nongovernmental organizations in the implementation of measures
11 to prevent and control land, air and water pollution with the
12 assistance of the Department of Environment and Natural
13 Resources (DENR);

14 (4) Be in the frontline of the delivery of services concerning
15 the environment and natural resources, particularly in the renewal
16 and rehabilitation of the environment during and in the aftermath
17 of man-made and natural disasters or calamities; and

18 (5) Recommend to the sanggunian and advise the provincial
19 governor on all matters relative to the protection, conservation,
20 maximum utilization, application of appropriate technology and
21 other matters related to the environment and natural resources.

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

24 SEC. 45. *The Provincial Cooperatives Officer.* - (a) The
25 provincial cooperatives officer must be a citizen of the Philippines, a
26 resident of the province, of good moral character, a holder of a
27 college degree preferably in business administration with special

1 training in cooperatives or any related course from a recognized
2 college or university, a first grade civil service eligible or its
3 equivalent and must have acquired experience in cooperatives
4 organization and management for at least five (5) years.

5 The appointment of a provincial cooperatives officer is
6 optional.

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

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

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

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

23 (i) Assist in the organization of cooperatives;

24 (ii) Provide technical and other forms of assistance to
25 existing cooperatives to enhance their viability as an economic
26 enterprise and social organization; and

1 (iii) Assist cooperatives in establishing linkages with
2 government agencies and nongovernmental organizations involved
3 in the promotion and integration of the concept of cooperatives in
4 the livelihood of the people and other community activities;

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

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

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

16 SEC. 46. *The Provincial Information Officer.* - (a) The
17 provincial information officer must be a citizen of the Philippines, a
18 resident of the province, of good moral character, a holder of a
19 college degree preferably in journalism, mass communication or any
20 related course from a recognized college or university, a first grade
21 civil service eligible or its equivalent and must have acquired
22 experience in writing articles and research papers, or in writing for
23 print, television or broadcast media for at least three (3) years.

24 The term of the provincial information officer is coterminous
25 with that of his or her appointing authority.

26 The appointment of a provincial information officer is
27 optional.

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

3 (1) Formulate measures for the consideration of the
4 sanggunian and provide technical assistance and support to the
5 provincial governor in providing the information and research data
6 required for the delivery of basic services and the provision of
7 adequate facilities so that the public becomes aware of the said
8 service and may fully avail of the same;

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

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

18 (i) Provide relevant, adequate and timely information to the
19 provincial government and its inhabitants;

20 (ii) Maintain effective liaison with the various sectors of the
21 community on matters and issues that affect the livelihood and the
22 quality of life of the inhabitants and encourage support for
23 programs of the local and national government; and

24 (iii) Furnish information and data on the province to
25 government agencies or offices as may be required by law or
26 ordinance and nongovernmental organizations to be furnished to
27 said agencies and organizations;

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

6 SEC. 48. *The Provincial Jail Service.* – (a) There shall be
7 established and maintained in the province, within two (2) months
8 upon the commencement of the corporate existence of the new
9 province by the DILG, a secured, clean, adequately equipped and
10 sanitary jail facility for the custody and safekeeping of prisoners,
11 any fugitive from justice, or person detained awaiting investigation
12 or trial and/or retransfer to the national penitentiary, and/or violent
13 mentally ill person who endangers himself or the safety of others,
14 duly certified as such by the proper medical health officer, pending
15 the transfer to a mental institution.

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

26 SEC. 49. *The Provincial Schools Division.* – (a) The DepEd
27 shall, within two (2) months upon the commencement of the

1 corporate existence of the province herein created, establish and
2 maintain a separate schools division in the province whose
3 jurisdiction shall cover all the municipalities of the new province.

4 (b) The provincial schools division shall be headed by a
5 division superintendent who must possess the necessary
6 qualifications required by the DepEd.

7 SEC. 50. *The Provincial Prosecution Service.* - (a) There
8 shall be established and maintained a prosecution service by the
9 Department of Justice (DOJ), within two (2) months upon the
10 commencement of the corporate existence of the province herein
11 created. The Provincial Prosecution Service shall be headed by a
12 provincial prosecutor and such number of assistant prosecutors as
13 may be necessary, which shall be organizationally part of the DOJ,
14 and under the supervision and control of the Secretary of the DOJ.
15 The qualifications, manner of appointment, rank, salary and
16 benefits of the provincial prosecutor and assistant prosecutors shall
17 be governed by existing laws covering prosecutors in the DOJ.

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

24 ARTICLE IX

25 TRANSITORY AND FINAL PROVISIONS

26 SEC. 51. *Plebiscite.* - The provinces of Palawan del Norte,
27 Palawan Oriental, and Palawan del Sur shall be created upon

1 approval by the majority of the votes cast by the voters of the
2 affected areas in a plebiscite to be conducted and supervised by the
3 Commission on Elections (COMELEC) on the second Monday of
4 May 2022 following the effectivity of this Charter.

5 The amount necessary for the conduct of the plebiscite shall
6 be charged against the appropriations of the COMELEC.

7 SEC. 52. *Commencement of Corporate Existence.* – The
8 provinces of Palawan del Norte, Palawan Oriental, and Palawan Del
9 Sur shall commence its corporate existence upon the election and
10 qualification of its provincial governor, provincial vice governor and
11 majority of the members of the *sangguniang panlalawigan*.

12 The election of the provincial officials of the newly created
13 provinces shall be held on the second Monday of May in the year
14 2022.

15 SEC. 53. *Officials of the Newly Created Provinces.* – The first
16 set of elective officials of the newly created provinces shall be
17 elected in the May 2022 national and local elections.

18 The provincial officials who were duly elected and qualified in
19 the election immediately preceding the May 2022 national and local
20 elections shall continue to serve their unexpired terms of office until
21 the provincial officials of the three (3) provinces shall have been
22 elected and qualified.

23 SEC. 54. *Residents of the City of Puerto Princesa.* – The
24 residents of the City of Puerto Princesa, as a highly urbanized city,
25 shall not be qualified to vote in the plebiscite and for candidates for
26 provincial elective positions.

1 The district representatives who were duly elected and
2 qualified in the election immediately preceding the May 2022
3 national and local elections of the present First Legislative District,
4 Second Legislative District, and Third Legislative District shall
5 continue to represent their respective districts until the
6 representatives for the newly created legislative districts for the
7 three (3) provinces and the highly urbanized City of Puerto Princesa
8 shall have been elected and qualified.

9 SEC. 55. *Organization of the Provincial Government.* – All
10 provincial appointive positions in the newly created provinces shall
11 be filled within sixty (60) days upon commencement of its corporate
12 existence. This shall be done without prejudice to the officials and
13 employees of the present Province of Palawan who may wish to
14 serve in any of the newly created provinces.

15 SEC. 56. *Present Provincial Properties.* – Following the
16 plebiscite and creation of the provinces, the ownership of real
17 properties and infrastructure projects of each LGU situated in the
18 present Province of Palawan shall belong to the province where it is
19 situated. Real properties located in the City of Puerto Princesa,
20 owned by the present Province of Palawan or held in trust for the
21 national government, shall be co-owned and/or co-managed by the
22 three (3) provinces for the mutual benefit of its constituents.
23 Decision as to its use and disposition shall be made upon a
24 consensus of at least two (2) provinces to be embodied in a
25 memorandum of agreement duly entered into in accordance with
26 the Local Government Code of 1991, as amended.

1 SEC. 57. *Funds, Obligations and Assets of the Newly Created*
2 *Provinces.* – Following the plebiscite and creation of the provinces,
3 the funds, obligations and assets of all kinds of the present Province
4 of Palawan subsisting at the time of the effectivity of the creation
5 the three (3) provinces herein created shall be distributed among
6 the three (3) provinces proportionately with the income of the
7 municipalities comprising the same: *Provided, however,* That if the
8 obligation had been contracted to finance a project belonging to any
9 one of the three (3) provinces, the said province shall be solely
10 responsible to settle such obligation.

11 Transitory projects and activities, such as land acquisition,
12 office building construction, furnishing of offices; purchase of
13 furniture, fixture and equipment; assignment of present properties;
14 assignment of employees, hiring of new personnel, education and
15 training of officials, employees and personnel; and all other projects
16 and activities that will ensure the full and complete management,
17 operations and service delivery of the provinces upon the
18 commencement of its corporate existence, shall be financed and
19 implemented by the present Provincial Government of Palawan.

20 SEC. 58. *Applicability of Laws.* – The provisions of Republic
21 Act No. 7160, otherwise known as the “Local Government Code of
22 1991”, as amended, and other laws as are applicable to provinces
23 shall govern the provinces herein created insofar as they are not
24 inconsistent with the provisions of this Act.

25 SEC. 59. *Separability Clause.* – If any part of this Act is
26 declared invalid or unconstitutional, the other parts or provisions
27 hereof shall remain valid and effective.

1 SEC. 60. *Effectivity.* – This Act shall take effect fifteen (15)
2 days upon its publication in the *Official Gazette* or in a newspaper of
3 general and local circulation.

Approved,

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