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SENATE

RECEIVED BY: _____

COMMITTEE REPORT NO. 68

Submitted jointly by the Committees on Local Government and Constitutional Amendments, Revision of Codes and Laws on 29 MAR 2006.

Re : House Bill No. 884

Recommending the approval of the bill with amendments.

Sponsors : Senators Lim and Gordon

MR. PRESIDENT:

The Committees on Local Government and Constitutional Amendments, Revision of Codes and Laws, to which was referred House Bill No. 884, introduced by Representatives Ecleo, Barbers, Macias II, De Venecia, Amante, Banaag, Falcon, Pichay, Beltran, Cua (G.), Gidaya, Hataman, Madamba, Magsaysay (E.), Mariano, Noel, Tomawis, Valdez, Abubakar, Amin, Arbison, Dilangalen, Amatong, Antonino-Custodio, Baculio, Badelles, Barinaga, Cabilao, Cari, Cagas, Jalosjos-Carreon, Cerilles, Datumanong, Dimaporo, Espina, Estrella III, Figueroa, Garcia (V.), Guingona III, Gullas, Ipong, Jalosjos (C.), Jaraula, Lagbas, Macarambon, Malanyaon, Martinez, Olaño, Petilla, Ramiro, Real, Romualdo, Salapuddin, Soon-Ruiz, Taliño-Santos, Uy (R.), Villafuerte, Chatto and Jala, entitled:

“AN ACT CREATING THE PROVINCE OF DINAGAT ISLAND”

have considered the same and have the honor to report it back to the Senate, recommending its approval with the following amendments:

1. As an omnibus amendment, add letter “S” every time the word “Island” appears, in reference to the name of the proposed Province. Hence, the name of the new province shall be “THE PROVINCE OF DINAGAT ISLANDS”;
2. On page 3, from line 22 to line 25, delete the entire paragraph;
3. On page 17, between lines 15 and 16, insert the following paragraph:

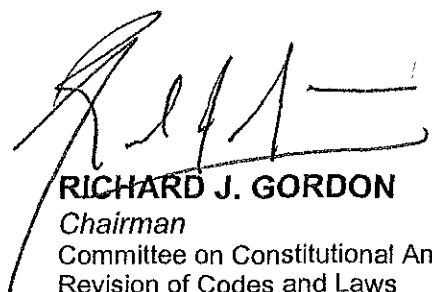
“(A) ADOPT MEASURES AND SAFEGUARDS AGAINST POLLUTION AND FOR THE PRESERVATION OF THE NATURAL ECOSYSTEM IN THE PROVINCE, IN CONSONANCE WITH APPROVED STANDARDS ON HUMAN SETTLEMENTS AND ENVIRONMENTAL SANITATION;

4. Renumber the paragraphs from line 16 in page 17 to line 21 in page 19;
5. On page 23, line 21, delete the word “two”, and in lieu thereof, insert the word “FIVE”;

6. On page 53, line 15, delete the phrase "affected areas" and in lieu thereof, insert the phrase "PROVINCE OF SURIGAO DEL NORTE";
7. On page 53, line 19, before the period (.), add the phrase "AND THE SEVEN MUNICIPALITIES BEING PROPOSED TO COMPRISE THE PROVINCE OF DINAGAT ISLANDS";
8. On page 54, line 3, delete the phrase "effectivity of this Act" and in lieu thereof, insert the phrase "COMMENCEMENT OF CORPORATE EXISTENCE OF THE PROVINCE, AS PROVIDED FOR IN SEC. 51 HEREOF";
9. On page 54, line 12, delete the phrase "effectivity of this Act" and in lieu thereof, insert the phrase "COMMENCEMENT OF CORPORATE EXISTENCE OF THE NEW PROVINCE";
10. Amend the title of the bill to read as follows:

"AN ACT CREATING THE PROVINCE OF DINAGAT ISLANDS"

Respectfully submitted:



RICHARD J. GORDON
Chairman
 Committee on Constitutional Amendments,
 Revision of Codes and Laws
Member, Committee on Local Government



ALFREDO S. LIM
Chairman
 Committee on Local Government
Member, Committee on Constitutional
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Vice Chairpersons:



MANNY VILLAR
 Committee on Constitutional Amendments,
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Member, Committee on Local Government



AQUILINO Q. PIMENTEL, JR.
 Committee on Local Government
Minority Leader, Ex-officio Member

Members:



RODOLFO G. BIAZON
 Committee on Local Government

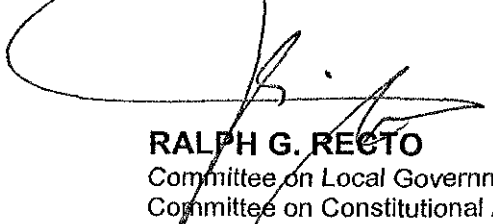
RAMON B. MAGSAYSAY, JR.
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MANUEL "LITO" M. LAPID
Committee on Local Government




RAMON BONG REVILLA, JR.
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RALPH G. RECTO
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"COMPAÑERA" PIA S. CAYETANO
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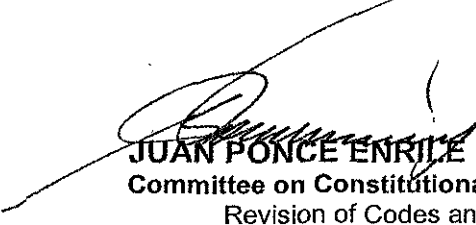
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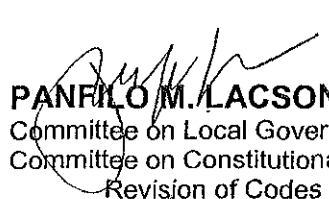
JOKER P. ARROYO
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JINGGOY EJERCITO ESTRADA
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JUAN PONCE ENRILE
Committee on Constitutional Amendments,
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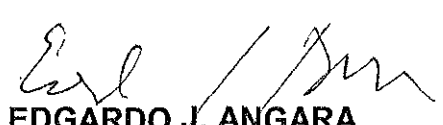
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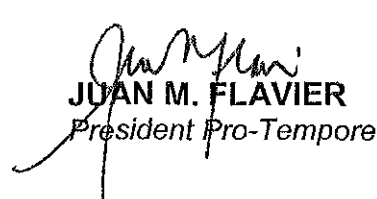
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MA MADRIGAL
Committee on Local Government



EDGARDO J. ANGARA
Committee on Constitutional Amendments,
Revision of Codes and Laws

Ex-officio Members



JUAN M. FLAVIER
President Pro-Tempore



FRANCIS N. PANGILINAN
Majority Leader

HON. FRANKLIN M. DRILON
Senate President



HOUSE OF REPRESENTATIVES

H. No. 884

BY REPRESENTATIVES ECLEO, BARBERS, MACIAS II, DE VENECIA, AMANTE, BANAAG, FALCON, PICHAY, BELTRAN, CUA (G.), GIDAYA, HATAMAN, MADAMBA, MAGSAYSAY (E.), MARIANO, NOEL, TOMAWIS, VALDEZ, ABUBAKAR, AMIN, ARBISON, DILANGALEN, AMATONG, ANTONINO-CUSTODIO, BACULIO, BADELLES, BARINAGA, CABILAO, CARL, CAGAS, JALOSLOS-CARREON, CERILLES, DATUMANONG, DIMAPORÓ, ESPINA, ESTRELLA III, FIGUEROA, GARCIA (V.), GUINGONA III, GULLAS, IPONG, JALOSJOS (C.), JARAULA, LAGBAS, MACARAMBON, MALANYAON, MARTINEZ, OLAÑO, PETILLA, RAMIRO, REAL, ROMUALDO, SALAPUDDIN, SOON-RUIZ, TALIÑO-SANTOS, UY (R.), VILLAFUERTE, CHATTO AND JALA

AN ACT CREATING THE PROVINCE OF DINAGAT ISLAND

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

ARTICLE I

GENERAL PROVISIONS

1
2
3 SECTION 1. *Title.* – This Act shall be known as the “Charter of the
4 Province of Dinagat Island.”

5 SEC. 2. *Province of Dinagat Island.* – There is hereby created a new
6 province from the present Province of Surigao del Norte to be known as the
7 Province of Dinagat Island consisting of the municipalities of Basilisa, Cagdianao,
8 Dinagat, Libjo (Albor), Loreto, San Jose and Tubajon with the following
9 boundaries:

1 Bounded on the North, starting from the desolation point is Surigao Strait;
 2 on the East by the Philippine Sea; on the South-East by Dinagat sound; on the
 3 South by Gaboc Channel and Nonoc Island; on the South-West by Awasan Bay,
 4 Hanigad Island and Hikdop Island; and on the West by Surigao Strait.

5 The geographic positions of four (4) selected outer most points of the main
 6 island of the new Province of Dinagat Island, with latitude and longitude are as
 7 follows:

8 SELECTED OUTER

9 MOST POINTS	LATITUDE	LONGITUDE	REMARKS
10 (1) Northern most Point	10°28'15.6173"	125°42'23.5890"	Desolation Point
11 (2) Eastern most Point	9°53'37.1657"	125°42'20.3417"	Along Dinagat Sound
12 (3) Southern most Point	9°51'12.0722"	125°39'51.1642"	Along Gaboc Channel
13 (4) Western most Point	10°08'14.3014"	125°28'16.6544"	Tungo Point

14 The Province of Dinagat Island contains an approximate land area of eighty
 15 thousand two hundred twelve hectares (80,212 has.) or 802.12 sq. km. more or less
 16 including Hibuson Island and approximately forty-seven (47) islets under the
 17 jurisdiction of the municipalities that comprise the new province.

18 The foregoing provision shall be without prejudice to the resolution by the
 19 appropriate agency or forum of existing boundary disputes or cases involving
 20 questions of territorial jurisdiction between the Province of Dinagat Island and
 21 adjoining local government units (LGUs): *Provided*, That the territorial
 22 jurisdiction of the disputed area or areas shall remain with the LGU, which has
 23 existing administrative supervision over said area or areas until resolution of the
 24 case.

25 SEC. 3. *Capital Town and Seat of Government.* – The capital town and
 26 seat of government of the new Province of Dinagat Island shall be the Municipality
 27 of San Jose.

28 SEC. 4. *Corporate Powers of the Province.* – The province constitutes a
 29 political body corporate and as such is endowed with the attributes of perpetual
 30 succession and possessed of the powers which pertain to a provincial corporation
 31 to be exercised in conformity with the provision of this Charter. The province shall
 32 have the following corporate powers:

- 1 (a) To have a continuous succession in its corporate name;
 2 (b) To sue and be sued;
 3 (c) To have and use a corporate seal;
 4 (d) To acquire, hold and convey real or personal property;
 5 (e) To enter into contracts and agreements; and
 6 (f) To exercise such other powers, prerogatives or authority, subject to the
 7 limitations provided in this Act or other laws.

8 SEC. 5. *General Powers.* – The province shall have an independent and
 9 common seal and may alter the same at its pleasure. It shall exercise the powers to
 10 levy taxes; to close and open roads, streets, alleys, parks or squares; to take,
 11 purchase, receive, hold, lease, convey and dispose of real and personal property for
 12 the general interests of the province; to expropriate or condemn private property for
 13 public use; to contract and to be contracted with, to sue and be sued; to prosecute
 14 and defend to final judgment and execution suits wherein the province is involved
 15 or interested in; and to exercise all the powers as are granted to corporations or as
 16 hereafter granted.

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

19 SEC. 7. *Legislative District.* – The Province of Dinagat Island shall
 20 constitute one, separate legislative district to commence in the next national
 21 election after the effectivity of this Act.

22 The First and Second Legislative Districts of the Province of Surigao del
 23 Norte shall remain intact, including the LGUs comprising each district, and except
 24 for the municipalities indicated in Section 1 hereof, shall not in any way be
 25 affected by the creation of such new legislative district.

26 ARTICLE II

27 PROVINCIAL OFFICIALS IN GENERAL

28 SEC. 9. *Officials of the Provincial Government.* – (A) There shall be in the
 29 Province of Dinagat Island, a governor, a vice governor, members of the
 30 sangguniang panlalawigan, a secretary to the sangguniang panlalawigan, a
 31 provincial treasurer, a provincial assessor, a provincial budget officer, a provincial
 32 planning and development coordinator, a provincial engineer, a provincial health

1 officer, a provincial civil registrar, a provincial administrator, a provincial legal
2 officer, a provincial agriculturist, a provincial social welfare and development
3 officer, a provincial environment and natural resources officer, a provincial
4 veterinarian, a provincial general services officer, a provincial cooperatives officer,
5 and a provincial accountant.

6 (B) In addition thereto, the governor may appoint a provincial architect, a
7 provincial population officer and a provincial information officer.

8 (C) The sangguniang panlalawigan may:

9 (1) Maintain existing offices not mentioned in subsections (a) and (b)
10 hereof;

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

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

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

21 SEC. 10. *Residence and Office.* – During the incumbency of the governor,
22 he shall have his official residence and office in the designated capital of the
23 province. All elective and appointive provincial officials shall hold office in the
24 provincial capital: *Provided,* That upon the resolution of the sangguniang
25 panlalawigan, elective and appointive provincial officials may hold office in any
26 component city or municipality within the province for a period of not more than
27 seven days for any given month.

ARTICLE III

ELECTIVE PROVINCIAL OFFICIALS

1
2
3 SEC. 11. *The Provincial Governor.* – (A) The provincial governor, as the
4 chief executive of the provincial government, shall exercise such powers and
5 perform such duties and functions as provided for in the Local Government Code
6 of 1991 and other laws.

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

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

12 (a) Determine the guidelines of provincial policies and be responsible to
13 the sangguniang panlalawigan for the program of the government;

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

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

22 (d) Appoint all officials and employees whose salaries and wages are
23 wholly or mainly paid out of provincial funds and whose appointments are not
24 otherwise provided for in this Act as well as those he may be authorized by law to
25 appoint;

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

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

31 (g) Determine the time, manner and place of payment of salaries or wages
32 of the provincial officials and employees, in accordance with law or ordinance;

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

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

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

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

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

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

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

28 (o) Call upon any national official or employee stationed in or assigned to
29 the province to advise him on matters affecting the province and to make
30 recommendations thereon; coordinate with said official or employee in the
31 formulation and implementation of plans, programs and projects; and, when
32 appropriate, initiate an administrative or judicial action against a national

1 government official or employee who may have committed an offense in the
2 performance of his duties while stationed in or assigned to the province;

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

7 (q) Represent the province in inter-provincial or regional sports councils or
8 committees, and coordinate the efforts of component cities or municipalities in the
9 regional or national palaro or sports development activities;

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

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

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

25 (a) Ensure that the acts of the component cities and municipalities of the
26 province and of its officials and employees are within the scope of their prescribed
27 powers, duties and functions;

28 (b) Call conventions, conferences, seminars or meetings of elective and
29 appointive officials of the province and its component cities and municipalities,
30 including national officials and employees stationed in or assigned to the province,
31 at such time and place and on such subject as he may deem important for the
32 promotion of the general welfare of the province and its inhabitants;

1 (c) Issue such executive orders for the faithful and appropriate
2 enforcement and execution of laws and ordinances;

3 (d) Be entitled to carry the necessary firearm within his territorial
4 jurisdiction;

5 (e) In coordination with the mayors of component cities and municipalities
6 and the National Police Commission, formulate the peace and order plan of the
7 province and, upon its approval, implement the same in accordance with Republic
8 Act No. 6975, otherwise known as the Philippine National Police Law; and

9 (f) Call upon the appropriate national law enforcement agencies to
10 suppress disorder, riot, lawless violence, rebellion or sedition, or to apprehend
11 violators of the law when public interest so requires and the police forces of the
12 component city and municipality where the disorder or violation is happening are
13 inadequate to cope with the situation or the violators.

14 (3) Initiate and maximize the generation of resources and revenues, and
15 apply the same to the implementation of development plans, programs, objectives
16 and priorities as provided for under Section 18 of the Local Government Code of
17 1991, particularly those resources and revenues programmed for agro-industrial
18 development and country-wide growth and progress and, relative thereto, shall:

19 (a) Require each head of an office or department to prepare and submit an
20 estimate of appropriations for the ensuing calendar year, in accordance with the
21 budget preparation process under Title V, Book II of the Local Government Code
22 of 1991;

23 (b) Prepare and submit to the sangguniang panlalawigan for approval the
24 executive and supplemental budgets of the province for the ensuing calendar year
25 in the manner provided for under Title V, Book II of the Local Government Code
26 of 1991;

27 (c) Ensure that all taxes and other revenues of the province are collected,
28 and that provincial funds are applied to the payment of expenses and settlement of
29 obligations of the province, in accordance with law or ordinance;

30 (d) Issue licenses and permits and suspend or revoke the same for any
31 violation of the conditions upon which said licenses or permits had been issued,
32 pursuant to law or ordinance;

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

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

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

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

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

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

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

25 (C) The provincial governor shall receive a minimum monthly
26 compensation corresponding to Salary Grade Thirty (30) prescribed under
27 Republic Act No. 6758, otherwise known as the Salary Standardization Law and its
28 implementing guidelines.

29 SEC. 12. *The Vice Governor.* – (A) The vice governor shall:

30 (1) Be the presiding officer of the sangguniang panlalawigan and sign all
31 warrants drawn on the provincial treasury for all expenditures appropriated for the
32 operation of the sangguniang panlalawigan;

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

4 (3) Assume the office of the governor for the unexpired term of the latter in
5 the event of permanent vacancy as provided for in Section 44, Book I of the Local
6 Government Code of 1991;

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

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

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

15 ARTICLE IV

16 THE SANGGUNIANG PANLALAWIGAN

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

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

29 (C) The regular members of the sangguniang panlalawigan and the sectoral
30 representatives shall be elected in the manner as provided for by law, and shall
31 receive a monthly compensation corresponding to Salary Grade Twenty-seven (27)
32 as prescribed under Republic Act No. 6758 and its implementing guidelines.

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

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

9 (a) Review all ordinances approved by the sanggunians of component
10 cities and municipalities and executive orders issued by the mayors of said
11 component units to determine whether these are within the scope of the prescribed
12 powers of the sanggunian and of the mayor;

13 (b) Maintain peace and order by enacting measures to prevent and suppress
14 lawlessness, disorder, riot, violence, rebellion or sedition, and impose penalties for
15 the violation of said ordinances;

16 (c) Approve ordinances imposing a fine not exceeding Five thousand
17 pesos (P5,000.00) or imprisonment not exceeding one year, or both, at the
18 discretion of the court, for the violation of a provincial ordinance;

19 (d) Adopt measures to protect the inhabitants of the province from the
20 harmful effects of man-made or natural disasters and calamities, and to provide
21 relief services and assistance to victims during and in the aftermath of said disasters
22 or calamities and their return to productive livelihood following said events;

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

31 (f) Protect the environment and impose appropriate penalties for acts
32 which endanger the environment, such as dynamite fishing and other forms of

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

5 (g) Subject to the provision of the Local Government Code of 1991 and
6 pertinent laws, determine the powers and duties of officials and employees of the
7 province;

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

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

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

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

26 (l) Provide legal assistance to provincial and municipal officials including
27 the members of the provincial police who, in the performance of their official
28 duties or on the occasion thereof, have to initiate judicial proceedings or defend
29 themselves against legal actions. The sangguniang panlalawigan may authorize the
30 provincial governor to engage the services of private counsel for this purpose; and

31 (m) Provide for group insurance or additional insurance coverage for all
32 officials, including members of barangay tanod brigades and other service units,

1 with public or private insurance companies, when the finances of the provincial
2 government allow said coverage.

3 (2) Generate and maximize the use of resources and revenues for the
4 development plans, program of objectives and priorities of the province as
5 provided for under Section 18 of the Local Government Code of 1991, with
6 particular attention to agro-industrial development and country-wide growth and
7 progress and relative thereto, shall:

8 (a) Enact the annual and supplemental appropriations of the provincial
9 government and appropriate funds for specific programs, projects, services and
10 activities of the province, or for other purposes not contrary to law, in order to
11 promote the general welfare of the province and its inhabitants;

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

17 (c) Subject to the provisions of Book II of the Local Government Code of
18 1991 and applicable laws and upon the majority vote of all the members of the
19 sangguniang panlalawigan, authorize the provincial governor to negotiate and
20 contract loans and other forms of indebtedness;

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

26 (e) Appropriate funds for the construction and maintenance or the rental of
27 buildings for the use of the province; and upon the majority vote of all the
28 members of the sangguniang panlalawigan, authorize the provincial governor to
29 lease to private parties such public buildings held in a proprietary capacity, subject
30 to existing laws, rules and regulations;

31 (f) Prescribe reasonable limits and restraints on the use of property within
32 the jurisdiction of the province;

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

4 (h) Reclassify lands within the jurisdiction of the province subject to the
5 pertinent provisions of the Local Government Code of 1991;

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

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

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

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

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

28 (n) Grant loans or provide grants to other LGUs or to national, provincial
29 and municipal charitable, benevolent or educational institutions operated and
30 maintained within the province;

31 (o) Regulate the numbering of residential, commercial, and other
32 buildings; and

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

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

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

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

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

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

20 (e) Any law to the contrary notwithstanding, authorize and license the
21 establishment, operation and maintenance of cockpits, and regulate cockfighting
22 and commercial breeding of gamecocks. Existing rights should not be prejudiced;

23 (f) Subject to the guidelines prescribed by the Department of
24 Transportation and Communications, regulate the operation of tricycles and grant
25 franchises for the operation thereof within the territorial jurisdiction of the
26 province; and

27 (g) Upon approval by a majority vote of all the members of the
28 sangguniang panlalawigan, grant a franchise to any person, partnership,
29 corporation or cooperative to do business within the province; establish, construct,
30 operate and maintain ferries, wharves, markets or slaughterhouses; or undertake
31 such other activities within the province as may be allowed by existing law.

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

4 (a) Declare, prevent or abate nuisance;

5 (b) With the concurrence of a majority of the members of the sangguniang
6 panlalawigan, a quorum being present, deny the entry of legalized gambling by
7 ordinance into any part of the province or regulate its location in the province;

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

14 (d) Regulate the disposal of clinical and other wastes from hospitals,
15 clinics, and other similar establishments;

16 (e) Regulate the establishment, operation and maintenance of cafes, bars,
17 restaurants, beer, wine and liquor stores, hotels, motels, inns, pension houses,
18 dorms and lodging houses, and other similar establishments, including tourist
19 guides and transportation services;

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

22 (g) Regulate the establishment and provide for the inspection of steam
23 boilers or any heating device in buildings and structures, and the storage of
24 *flammable and highly combustible* materials within the province;

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

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

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

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

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

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

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

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

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

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

27 (e) Regulate the use of streets, avenues, alleys, sidewalks, bridges, parks,
28 and other public places and approve the construction, improvement, repair and
29 maintenance of the same; establish bus and vehicle stops and terminals or regulate
30 the use of the same by privately owned vehicles which serve the public; regulate
31 garages and operation of conveyances for hire; designate stands to be occupied by
32 public vehicles when not in use; regulate the putting up of signs, signposts,

1 awnings and awning posts on the streets; and provide for the lighting, cleaning and
2 sprinkling of streets and public places;

3 (f) Regulate traffic on all streets and bridges; prohibit encroachments or
4 obstacles thereon and, when necessary in the interest of public welfare, authorize
5 the removal of encroachments and illegal settlement structures and constructions in
6 public lands and areas;

7 (g) Subject to existing laws, establish and provide for the maintenance,
8 repair and operation of an efficient waterworks system to supply water for the
9 inhabitants and to purify the source of the water supply; regulate the construction,
10 maintenance, repair and use of hydrants, pumps, cisterns and reservoirs; and
11 protect the purity and quantity of the water supply of the province;

12 (h) Regulate the drilling and excavation of the ground for ground water
13 source, laying of water, gas, sewer and other pipes, and the construction, repair and
14 maintenance of public drains, sewers, cesspools, tunnels and similar structures;
15 regulate the placing of poles and the use of crosswalks, curbs and gutters, adopt
16 measures to ensure public safety against open canals, manholes, live wires, and
17 other similar hazards to life and property, and regulate the construction and use of
18 private water closets, privies, and other similar structures in buildings and homes;

19 (i) Regulate the placing, stringing, attaching, installing, repair and
20 construction of all gas mains, electric telegraph and telephone wires and cables,
21 conduits, meters, support structures, and other similar apparatus and provide for the
22 correction, condemnation and removal of the same when found to be dangerous to
23 the welfare of the inhabitants;

24 (j) Subject to the availability of funds and to existing laws, rules and
25 regulations, provide for the establishment and operation of vocational and technical
26 schools and similar post-secondary institutions; and, with the approval of the
27 Department of Education and subject to existing laws on tuition fees, fix
28 reasonable tuition fees and other school charges in educational institutions
29 supported by the provincial government;

30 (k) Establish an education and training scholarship fund for the poor but
31 deserving constituents in schools located within its jurisdiction or of students
32 residing within the province;

1 (l) Approve measures and adopt quarantine regulations to prevent the
2 introduction and spread of diseases within its territorial jurisdiction;

3 (m) Provide for the care of paupers, the aged, the sick, persons of unsound
4 mind, abandoned minors, abused children, disabled persons, juvenile delinquents,
5 drug dependents, and other needy and disadvantaged persons, particularly children
6 and youth below eighteen (18) years of age; subject to availability of funds,
7 establish and support the operation of centers and facilities for said needy and
8 disadvantaged persons and facilitate the efforts to promote the welfare of families
9 below the poverty threshold, the disadvantaged and the exploited;

10 (n) Establish and provide for the maintenance and improvement of jails
11 and detention centers, institute a sound jail management program, and appropriate
12 funds for the subsistence of detainees and convicted prisoners in the province;

13 (o) Establish a provincial council whose purpose is the promotion of
14 culture and the arts, coordinate with government agencies and nongovernmental
15 organizations and, subject to the availability of funds, appropriate funds for the
16 support and development of the same; and

17 (p) Establish a provincial council for the elderly and veterans which shall
18 formulate policies and adopt measures mutually beneficial to the elderly and to the
19 province; and, subject to the availability of funds, appropriate funds to support
20 programs and projects for the elderly; and provide incentives for nongovernmental
21 agencies and entities to support the programs and projects of the elderly.

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

25 ARTICLE V

26 PROCESS OF LEGISLATION

27 *SEC. 15. Internal Rules of Procedure.* – (A) On the first regular session
28 following the election of its members and within ninety (90) days thereafter, the
29 sangguniang panlalawigan shall adopt its own rules of procedure.

30 (B) The rules of procedure shall provide for the following:

31 (1) The organization of the sanggunian and the election of its officers as
32 well as the creation of standing committees which shall include, but shall not be

1 limited to, the committees on appropriations, revenues, engineering and public
2 works, education and health, women and family, human rights, youth and sports
3 development, environmental protection, peace and order and traffic, and
4 cooperatives; the 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 of members
9 during sessions;

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

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

19 SEC. 16. *Full Disclosure of Financial and Business Interests of*
20 *Sangguniang Panlalawigan Members.* – (A) Every sangguniang panlalawigan
21 member shall, upon assumption to office, make a full disclosure of his business and
22 financial interests. He shall also disclose any business and financial, professional
23 relationship, or any relation by affinity or consanguinity within the fourth civil
24 degree which he may have with any person, firm or entity affected by any
25 ordinance or resolution under consideration by the sanggunian of which he is a
26 member, which relationship may result in conflict of interest. Such relationship
27 shall include:

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

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

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

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

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

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

18 SEC: 17. *Sessions.* – (A) On the first day of session immediately following
19 the election of its members, the sangguniang panlalawigan shall, by resolution, fix
20 the day, time and place of its regular sessions. The minimum number of regular
21 sessions of the sangguniang panlalawigan shall be once a week;

22 (B) When the public interest so demands, special sessions may be called by
23 the provincial governor or by a majority of the members of the sanggunian;

24 (C) All sanggunian sessions shall be open to the public unless a closed-
25 door session is ordered by an affirmative vote of a majority of the members
26 present, there being a quorum, in the public interest or for reasons of security,
27 decency or morality. No two sessions, regular or special, may be held in a single
28 day; and

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

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

4 (E) The sanggunian shall keep a journal and a record of its proceedings
5 which may be published upon resolution of the sangguniang panlalawigan.

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

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

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

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

30 (B) The veto shall be communicated by the governor to the sanggunian
31 panlalawigan within fifteen (15) days; otherwise, the ordinance shall be deemed
32 approved as if he had signed it.

1 SEC. 22. *Permanent Vacancy in the Office of the Provincial Governor.* –

2 (A) If a permanent vacancy occurs in the office of the governor, the vice governor
3 shall become the governor. If the vice governor refuses to assume the position of
4 governor, the highest ranking sangguniang panlalawigan member shall become the
5 governor. If a permanent vacancy occurs in the office of the vice governor, the
6 highest ranking sangguniang panlalawigan member or, in case of his permanent
7 incapacity, the second highest ranking sangguniang panlalawigan member shall
8 become the provincial governor or vice governor, as the case may be. Subsequent
9 vacancies in said offices shall be filled automatically by the other sanggunian
10 members according to their ranking as defined herein:

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

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

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

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

23 SEC. 23. *Permanent Vacancies in the Sanggunian.* – (A) Permanent
24 vacancies in the sangguniang panlalawigan where automatic succession as
25 provided above does not apply shall be filled by appointments in the following
26 manner:

27 (1) The President, through the Executive Secretary shall make the
28 aforesaid appointments;

29 (2) Only the nominee of the political party under which the sanggunian
30 member concerned had been elected shall be appointed in the manner herein
31 provided. The appointee shall come from the political party as that of the
32 sanggunian member who caused the vacancy and shall serve the unexpired term of

1 the vacant office. In the appointment herein mentioned, a nomination and a
2 certificate of membership of the appointee from the highest official of the political
3 party concerned are conditions *sine qua non*, and any appointment without such
4 nomination and certification shall be null and void *ab initio* and shall be a ground
5 for administrative action against the official responsible therefor;

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

9 (4) In case of vacancy in the representation of the sangguniang kabataan,
10 the sangguniang barangay, and the provincial league of councilors in the
11 sangguniang panlalawigan, said vacancy shall be filled automatically by the
12 official next in rank of the organization concerned.

13 SEC. 24. *Temporary Vacancy in the Office of the Provincial Governor.* –

14 (A) When the governor is temporarily incapacitated to perform his duties for
15 physical or legal reasons such as, but not limited to, leave of absence, travel abroad
16 and suspension from office, the vice governor shall automatically exercise the
17 powers and perform the duties and functions of the governor, except the power to
18 appoint, suspend or dismiss employees which can only be exercised if the period of
19 temporary incapacity exceeds thirty (30) working days.

20 (B) Said temporary incapacity shall terminate upon submission to the
21 sangguniang panlalawigan of a written declaration by the governor that he has
22 reported back to office. In case where the temporary incapacity is due to legal
23 cause, the governor shall also submit necessary documents showing that the said
24 legal cause no longer exists.

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

31 (D) In the event, however, that the governor fails or refuses to issue such
32 authorization, the vice governor shall have the right to assume the powers, duties

1 and functions of the said office on the fourth day of absence of the governor,
2 subject to the limitations provided in subsection (c) hereof.

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

6 ARTICLE VII

7 APPOINTIVE PROVINCIAL OFFICIALS:

8 THEIR QUALIFICATIONS, POWERS AND DUTIES

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

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

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

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

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

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

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

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

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

4 (7) Keep his office and all non-confidential records therein open to the
5 public during the usual business hours;

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

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

12 (D) Exercise such powers and perform such other duties and functions as
13 may be prescribed by law or ordinance relative to his position.

14 SEC. 26. *The Provincial Treasurer.* - (A) The treasurer shall be appointed
15 by the Secretary of Finance from the list of at least three ranking eligible
16 recommendees of the governor, subject to civil service law, rules and regulations;

17 (B) The treasurer shall be under the administrative supervision of the
18 governor to whom he shall report regularly on the tax collection efforts in the local
19 government unit.

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

26 The appointment of the provincial treasurer shall be mandatory.

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

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

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

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

6 (4) Inspect private commercial and industrial establishments within the
7 jurisdiction of the province in relation to the implementation of tax ordinances,
8 pursuant to the provisions of Book II of the Local Government Code of 1991;

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

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

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

15 SEC. 27. *The Provincial Assessor.* – (A) No person shall be appointed
16 assessor unless he is a citizen of the Philippines, a resident of the province, of good
17 moral character, a holder of a college degree preferably in civil or mechanical
18 engineering, commerce, or any other related course from a recognized college or
19 university and a first grade civil service eligible or its equivalent. He must have
20 acquired experience in real property assessment work or in any related field for at
21 least five years.

22 The appointment of the provincial assessor shall be mandatory.

23 (B) The assessor shall take charge of the assessor's office, perform the
24 duties provided for under Book II of the Local Government Code of 1991, and
25 shall:

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

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

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

1 (4) Install and maintain a real property identification and accounting
2 system;

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

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

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

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

13 (9) Issue, upon request of any interested party, certified copies of
14 assessment records of real property and all other records relative to its assessment,
15 upon payment of a service charge or fee to the treasurer;

16 (10) Submit every semester a report of all assessments, as well as
17 cancellations and modifications of assessments to the governor and the
18 sangguniang panlalawigan; and

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

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

29 SEC. 28. *The Provincial Accountant.* - (A) No person shall be appointed
30 accountant unless he is a citizen of the Philippines, a resident of the province, of
31 good moral character and a certified public accountant. He must have acquired
32 experience in the treasury or accounting service for at least five years.

1 The appointment of a provincial accountant is mandatory.

2 (B) The accountant shall take charge of both the accounting and internal
3 audit services of the province, and shall:

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

5 (2) Prepare and submit financial statements to the governor and to the
6 *sangguniang panlalawigan*;

7 (3) Apprise the *sanggunian* and other local government officials on the
8 financial condition and operations of the provincial government;

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

11 (5) Review supporting documents before preparation of vouchers to
12 determine completeness of requirements;

13 (6) Prepare statements of cash advances, liquidation, salaries, allowances,
14 reimbursements and remittances pertaining to the provincial government;

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

17 (8) Post individual disbursements to the subsidiary ledger and index
18 cards;

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

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

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

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

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

29 SEC. 29. *The Provincial Budget Officer.* (A) No person shall be
30 appointed budget officer unless he is a citizen of the Philippines, a resident of the
31 province, of good moral character, a holder of a college degree preferably in
32 accounting, economics, public administration or any related course from a

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

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

5 (B) The budget officer shall take charge of the budget office, and shall:

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

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

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

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

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

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

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

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

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

24 (D) The appropriations for personal services of the budget officer shall be
 25 provided for in full in the annual budget of the provincial government.

26 SEC. 30. *The Provincial Planning and Development Coordinator.* – (A)
 27 No person shall be appointed planning and development coordinator unless he is a
 28 citizen of the Philippines, a resident of the province, of good moral character, a
 29 holder of a college degree preferably in urban planning, development studies,
 30 economics, public administration or any related course from a recognized college
 31 or university and a first grade civil service eligible or its equivalent. He must have

1 acquired experience in development planning or any related field for at least five
2 years.

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

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

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

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

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

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

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

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

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

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

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

28 SEC. 31. *The Provincial Engineer.* – (A) No person shall be appointed
29 engineer unless he is a citizen of the Philippines, a resident of the province, of good
30 moral character and a licensed civil engineer. He must have acquired experience in
31 the practice of his profession for at least five years.

32 The appointment of the provincial engineer shall be mandatory.

1 (B) The engineer shall take charge of the engineering office, and shall:

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

5 (2) Advise the governor on infrastructure, public works and other
6 engineering matters;

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

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

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

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

16 SEC. 32. *The Provincial Health Officer.* – (A) No person shall be
17 appointed health officer unless he is a citizen of the Philippines, a resident of the
18 province, of good moral character and a licensed medical practitioner. He must
19 have acquired experience in the practice of his profession for at least five years.

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

21 (B) The health officer shall take charge of the office on health services,
22 and shall:

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

28 (2) Formulate measures for the consideration of the sangguniang
29 panlalawigan and provide technical assistance and support to the governor in
30 carrying out activities to ensure the delivery of basic services and provision of
31 adequate facilities relative to health services provided for under Section 17 of the
32 Local Government Code of 1991;

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

6 (4) In addition to the foregoing duties and functions, the health officer
7 shall:

8 (a) Formulate and implement policies, plans, programs and projects to
9 promote the health of the people of the province;

10 (b) Advise the governor and the sanggunian on matters pertaining to
11 health;

12 (c) Execute and enforce all laws, ordinances and regulations relating to
13 public health;

14 (d) Recommend to the sanggunian, through the provincial health board,
15 the passage of such ordinances as he may deem necessary for the preservation of
16 public health;

17 (e) Recommend the prosecution of any violation of sanitary laws,
18 ordinances and regulations;

19 (f) Direct the sanitary inspection of all business establishments selling
20 food items or providing accommodations such as hotels, motels, lodging houses,
21 pension houses, and the like, in accordance with the Sanitation Code.

22 (g) Conduct health information campaigns and render health intelligence
23 service;

24 (h) Coordinate with other government agencies and nongovernmental
25 organizations involved in the promotion and delivery of health services; and

26 (i) Exercise general supervision over health offices of component cities
27 and municipalities.

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

30 (C) Exercise such other powers and perform such other duties and
31 functions as may be prescribed by law or ordinance.

1 SEC. 33. *The Provincial Civil Registrar.* – (A) No person shall be
2 appointed civil registrar unless he is a citizen of the Philippines, a resident of the
3 province, of good moral character, a holder of a college degree from a recognized
4 college or university and a first grade civil service eligible or its equivalent. He
5 must have acquired experience in civil registry work for at least five years.

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

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

10 The civil registrar shall take charge of the office of the civil registry, and
11 shall:

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

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

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

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

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

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

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

29 (f) Receive applications for the issuance of a marriage license and, after
30 determining that the requirements and supporting certificates and publication
31 thereof for the prescribed period have been complied with, issue the license upon
32 payment of the authorized fee to the treasurer; and)

1 (g) Coordinate with the National Statistics Office in conducting
2 educational campaigns for vital registration and assist in the preparation of
3 demographic and other statistics for the province.

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

6 SEC. 34. *The Provincial Administrator.* – (A) No person shall be appointed
7 administrator unless he is a citizen of the Philippines, a resident of the province, of
8 good moral character, a holder of a college degree preferably in public
9 administration, law or any related course from a recognized college or university,
10 and a first grade civil service eligible or its equivalent. He must have acquired
11 experience in management and administration work for at least five years.

12 The term of the administrator is coterminous with that of his appointing
13 authority.

14 The appointment of an administrator shall be mandatory.

15 (B) The administrator shall take charge of the office of the administrator,
16 and shall:

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

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

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

27 (b) Establish and maintain a sound personnel program for the province
28 designed to promote career development and uphold the merit principle in the
29 province; and

30 (c) Conduct a continuing organizational development of the province,
31 with the end in view of instituting effective administrative reforms.

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

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

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

8 SEC. 35. *The Provincial Legal Officer.* – (A) No person shall be appointed
9 legal officer unless he is a citizen of the Philippines, a resident of the province, of
10 good moral character and a member of the Philippine Bar. He must have practiced
11 his profession for at least five years.

12 The term of the legal officer shall be coterminous with that of his appointing
13 authority.

14 The appointment of a legal officer shall be mandatory.

15 (B) The legal officer, the chief legal counsel of the province, shall take
16 charge of the office for legal services, and shall:

17 (1) Formulate measures for the consideration of the sanggunian and
18 provide legal assistance and support to the governor in carrying out the delivery of
19 basic services and provision of adequate facilities as provided for under Section 17
20 of the Local Government Code of 1991;

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

26 (3) In addition to the foregoing duties and functions, the legal officer
27 shall:

28 (a) Represent the province in all civil actions and special proceedings
29 wherein the province or any official thereof, in his official capacity is a party:
30 *Provided,* That actions or proceedings where a component city or municipality is a
31 party adverse to the provincial government or to another component city or

1 municipality, a special legal officer may be employed to represent the adverse
2 party;

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

7 (c) Render his opinion in writing on any question of law when requested
8 to do so by the governor or the sanggunian;

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

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

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

19 (g) Review and submit recommendations on ordinances approved and
20 executive orders issued by component municipalities.

21 (4) Recommend measures to the sangguniang panlalawigan and advise
22 the governor on all other matters related to the upholding of the rule of law; and

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

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

28 SEC. 36. *The Provincial Agriculturist.* – (A) No person shall be appointed
29 agriculturist unless he is a citizen of the Philippines, a resident of the province, of
30 good moral character, a holder of a college degree in agriculture or any related
31 course from a recognized college or university and a first grade civil service

1 eligible or its equivalent. He must have acquired experience in a related field for at
2 least five years.

3 The appointment of a provincial agriculturist shall be mandatory.

4 (B) The agriculturist shall take charge of the office for agricultural
5 services, and shall:

6 (1) Formulate measures for the approval of the sanggunian and provide
7 technical assistance and support to the governor in carrying out said measures to
8 ensure the delivery of basic services and provision of adequate facilities relative to
9 agricultural services as provided for under Section 17 of the Local Government
10 Code of 1991;

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

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

18 (a) Ensure that maximum assistance and access to resources in the
19 production, processing and marketing of agricultural and aqua cultural and marine
20 products are extended to farmers, fishermen and local entrepreneurs;

21 (b) Conduct or cause to be conducted location-specific agricultural
22 researches and assist in making available the appropriate technology arising out of
23 and disseminating information on basic research on crops, prevention and control
24 of plant diseases and pests, and other agricultural matters which will maximize
25 productivity;

26 (c) Assist the governor in the establishment and extension services of
27 demonstration farms or aqua culture and marine products;

28 (d) Enforce rules and regulations relating to agriculture and aquaculture;
29 and

30 (e) Coordinate with government agencies and nongovernmental
31 organizations which promote agricultural productivity through appropriate
32 technology compatible with environmental integrity.

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

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

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

9 SEC. 37. *The Provincial Social Welfare and Development Officer.* – (A)
10 No person shall be appointed social welfare and development officer unless he is a
11 citizen of the Philippines, a resident of the province, of good moral character, a
12 duly licensed social worker and a holder of a college degree preferably in
13 sociology or any related course from a recognized college or university, and a first
14 grade civil service eligible or its equivalent. He must have acquired experience in
15 the practice of social work for at least five years.

16 The appointment of a provincial social welfare and development officer
17 shall be mandatory.

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

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

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

30 (3) In addition to the foregoing duties, the social welfare and
31 development officer shall:

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

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

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

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

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

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

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

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

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

28 SEC. 38. *The Provincial Environment and Natural Resources Officer.* —

29 (A) No person shall be appointed environment and natural resources officer unless
30 he is a citizen of the Philippines, a resident of the province, of good moral
31 character, a holder of a college degree preferably in environment, forestry,
32 agriculture or any related course from a recognized college or university and a first

1 grade civil service eligible or its equivalent. He must have acquired experience in
2 environmental and natural resources management, conservation and utilization for
3 at least five years.

4 The appointment of a provincial environment and natural resources officer
5 shall be mandatory.

6 (B) The environment and natural resources officer shall take charge of the
7 office on environment and natural resources, and shall:

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

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

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

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

23 (b) Establish, maintain, protect and preserve communal forests,
24 watersheds, tree parks, mangroves, greenbelts, commercial forests and similar
25 forest projects like industrial tree farms and agro-forestry projects;

26 (c) Provide extension services to beneficiaries of forest development
27 projects and technical, financial and infrastructural assistance;

28 (d) Manage and maintain seed banks and produce seedlings for forests
29 and tree parks;

30 (e) Provide extension services to beneficiaries of forest development
31 projects and render assistance for natural resources-related conservation and
32 utilization activities consistent with ecological balance;

1 (f) Promote small-scale mining and utilization of mineral resources,
2 particularly mining of gold; and

3 (g) Coordinate with government agencies and nongovernmental
4 organizations in the implementation of measures to prevent and control land, air
5 and water pollution with the assistance of the Department of Environment and
6 Natural Resources.

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

11 (5) Recommend to the sanggunian and advise the governor on all matters
12 related to the protection, conservation, maximum utilization, application of
13 appropriate technology and other matters related to the environment and natural
14 resources.

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

17 SEC. 39. *The Provincial Veterinarian.* – (A) No person shall be appointed
18 veterinarian unless he is a citizen of the Philippines, a resident of the province, of
19 good moral character and a licensed doctor of veterinary medicine. He must have
20 practiced his profession for at least three years.

21 The appointment of a provincial veterinarian shall be mandatory.

22 (B) The veterinarian shall take charge of the office for veterinary services
23 and shall:

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

28 (2) Develop plans and strategies and, upon approval thereof by the
29 governor, implement the same, particularly those which have to do with veterinary-
30 related activities which the governor is empowered to implement and which the
31 sanggunian is empowered to provide for under the Local Government Code of
32 1991;

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

3 (a) Advise the governor on all matters pertaining to the slaughter of
4 animals for human consumption and regulation of slaughterhouses;

5 (b) Regulate the keeping of domestic animals;

6 (c) Regulate and inspect poultry, milk and dairy products for public
7 consumption;

8 (d) Enforce all laws and regulations for the prevention of cruelty to
9 animals; and

10 (e) Take the necessary measures to eradicate, prevent or cure all forms of
11 animal diseases.

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

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

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

22 SEC. 40. *The Provincial General Services Officer.* - (A) No person shall
23 be appointed general services officer unless he is a citizen of the Philippines, a
24 resident of the province, of good moral character, a holder of a college degree in
25 public administration, business administration or management from a recognized
26 college or university and a first grade civil service eligible or its equivalent. He
27 must have acquired experience in general services, including management of
28 supply, property, solid waste disposal and general sanitation for at least five years.

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

30 (B) The general services officer shall take charge of the office of general
31 services, and shall:

1 (1) Formulate measures for the consideration of the sanggunian and
2 provide technical assistance and support to the governor in carrying out measures
3 to ensure the delivery of basic services and provision of adequate facilities pursuant
4 to Section 17 of the Local Government Code of 1991, and those which require
5 general services expertise and technical support services;

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

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

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

16 (b) With the approval of the governor, assign building or land space to
17 provincial officials or other public officials, who by law are entitled to such space;

18 (c) Recommend to the governor the reasonable rental rates for local
19 government properties, whether real or personal, which will be leased to public or
20 private entities by the provincial government;

21 (d) Recommend to the governor the reasonable rental rates of private
22 properties which may be leased for the official use of the provincial government;

23 (e) *Maintain and supervise janitorial, security, landscaping and other*
24 *related services in all local government public buildings and other real property,*
25 *whether owned or leased by the provincial government;*

26 (f) Collate and disseminate information regarding prices, shipping and
27 other costs of supplies and other items commonly used by the provincial
28 government;

29 (g) Perform archival and record management with respect to records of
30 offices and departments of the province; and

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

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

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

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

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

20 The appointment of a provincial cooperatives officer shall be mandatory.

21 (B) The cooperatives officer shall take charge of the office for the
22 development of cooperatives, and shall:

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

28 (2) Develop plans and strategies and, upon approval thereof by the
29 governor, implement the same, particularly those which have to do with integration
30 of cooperatives principles and methods in programs which the governor is
31 empowered to implement and which the sanggunian is empowered to provide for
32 under the Local Government Code of 1991;

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

3 (a) Assist in the organization of cooperatives;

4 (b) Provide technical and other forms of assistance to existing
5 cooperatives to enhance their viability as an economic enterprise and social
6 organization; and

7 (c) Assist cooperatives in establishing linkages with government agencies
8 and nongovernmental organizations involved in the promotion and integration of
9 the concept of cooperatives in the livelihood of the people and other community
10 activities.

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

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

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

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

24 The appointment of a provincial architect shall be optional.

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

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

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

6 (3) In addition to the foregoing duties and functions, the architect shall:

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

11 (b) Review and recommend for appropriate action of the sanggunian and the
12 governor, the architectural plan and design submitted by governmental and
13 nongovernmental entities or individuals, particularly those for undeveloped,
14 underdeveloped and poorly-designed areas; and

15 (c) Coordinate with government agencies and nongovernmental entities
16 and individuals involved in the aesthetics and the maximum utilization of the land
17 and water within the jurisdiction of the province, compatible with environmental
18 integrity and ecological balance.

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

23 (5) Recommend to the sanggunian and advise the governor on all other
24 matters related to architectural planning and design as it relates to the total
25 socioeconomic development of the province.

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

28 SEC. 43. *The Provincial Population Officer.* – (A) No person shall be
29 appointed population officer unless he is a citizen of the Philippines, a resident of
30 the province, of good moral character, a holder of a college degree with specialized
31 training in population development from a recognized college or university and a
32 first grade civil service eligible or its equivalent. He must have acquired experience

1 in the implementation of programs on population development or responsible
2 parenthood for at least five years.

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

4 (B) The population officer shall take charge of the office on population
5 development, and shall:

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

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

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

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

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

24 (c) Implement appropriate training programs responsive to the cultural
25 heritage of the inhabitants.

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

28 SEC. 44. *The Provincial Information Officer.* - (A) No person shall be
29 appointed information officer unless he is a citizen of the Philippines, a resident of
30 the province, of good moral character, a holder of a college degree preferably in
31 journalism, mass communications or any related course from a recognized college
32 or university and a first grade civil service eligible or its equivalent. He must have

1 acquired experience in writing articles and research papers, or in writing for print,
2 television or broadcast media for at least three years;

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

4 (B) The information officer shall take charge of the office on public
5 information, and shall:

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

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

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

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

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

24 (c) Assist the governor in the establishment, maintenance and promotion
25 of local area tourism programs and projects; and

26 (d) Furnish information and data on the province to government agencies
27 or offices as may be required by law or ordinance and nongovernmental
28 organizations to be furnished to said agencies and organizations.

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

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

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

6 ARTICLE VIII

7 THE PROVINCIAL FIRE STATION, THE PROVINCIAL JAIL, THE PROVINCIAL SCHOOL
8 DIVISION, THE PROVINCIAL PROSECUTION SERVICE AND THE PROVINCIAL
9 ENGINEERING DISTRICT

10 SEC. 45. *The Provincial Fire Station Service.* - (A) There shall be
11 established in the Province of Dinagat Island at least five fire stations with
12 adequate personnel, fire fighting facilities and equipment, by the Department of the
13 Interior and Local Government (DILG) within two months upon the
14 commencement of the corporate existence of the new province.

15 The provincial government shall provide the necessary land or sites of the
16 provincial fire stations.

17 (B) The provincial fire station service shall be headed by a provincial fire
18 marshal whose qualifications shall be as those provided for under Republic Act No.
19 6975, otherwise known as the Philippine National Police Law.

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

24 SEC. 46. *The Provincial Jail Service.* - (A) There shall be established and
25 maintained in the Province of Dinagat Island, within two months from the
26 commencement of the corporate existence of the province, by the DILG a secured,
27 clean, adequately equipped and sanitary jail facility for the custody and
28 safekeeping of prisoners, any fugitive from justice, or person detained awaiting
29 investigation or trial and/or transfer to the national penitentiary, and/or violent
30 mentally ill person who endangers himself or the safety of others, duly certified as
31 such by the proper medical health officer, pending the transfer to a mental
32 institution.

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

7 SEC. 47. *The Dinagat Island Provincial School Division.* – (A) The
8 Department of Education shall, within two months from the commencement of the
9 corporate existence of the province herein created, establish and maintain a
10 separate school division in the Province of Dinagat Island whose jurisdiction shall
11 cover the municipalities under the lone legislative district of the province.

12 (B) The provincial school division shall be headed by a division
13 superintendent who must possess the necessary qualifications required by the
14 Department of Education.

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

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

29 The regional trial courts and other courts under the DOJ of adjoining
30 municipalities shall continue to try crimes and misdemeanors committed within the
31 jurisdiction of the new province. The court first taking jurisdiction of such offense
32 shall thereafter retain exclusive jurisdiction thereof.

1 SEC. 53. *Organization of the Provincial Government.* – All provincial
2 appointive positions in the Province of Dinagat Island as enumerated in Section 9
3 hereof shall be filled within sixty (60) days after the effectivity of this Act. This
4 shall be done without prejudice to the officials and employees of the present
5 Province of Surigao del Norte, who may wish to serve in the Province of Dinagat
6 Island.

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

12 SEC. 55. *Proportionate Division.* – Upon the effectivity of this Act, the
13 obligations, funds, assets and other properties of the present Province of Surigao
14 del Norte shall be divided proportionately between the Province of Surigao del
15 Norte and the Province of Dinagat Island by the President of the Philippines upon
16 the recommendation of the Commission on Audit.

17 SEC. 56. *Applicability of Laws.* – The provisions of Republic Act No.
18 7160, otherwise known as the Local Government Code of 1991, and other laws as
19 are applicable to provinces shall govern the Province of Dinagat Island insofar as
20 they are not inconsistent with the provisions of this Act.

21 SEC. 57. *Separability Clause.* – If any part of this Act is declared invalid
22 or unconstitutional, the other parts or provisions hereof shall remain valid and
23 effective.

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

Approved,