



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

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

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

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



1 city engineer, a city health officer, a city civil registrar, a city administrator, a  
2 city legal officer, a city social welfare and development officer, a city  
3 veterinarian and a city general services officer.

4 (b) In addition thereto, the city mayor may appoint a city environment  
5 and natural resources officer, a city architect, a city information officer, a city  
6 cooperatives officer, a city population officer and a city agriculturist.

7 (c) There shall be established in the City, a city fire station to be  
8 headed by a city fire marshal, a city jail to be headed by a city jail warden and  
9 a city school division to be headed by a city school division superintendent.

10 (d) The City of Baybay may.

11 (1) Maintain existing offices not mentioned in subsections (a) and (b)  
12 hereof;

13 (2) Create such other offices as may be necessary to carry out the  
14 purposes of the City, or

15 (3) Consolidate the functions of any office with those of another in the  
16 interest of efficiency and economy

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

### 23 ARTICLE III

#### 24 THE CITY MAYOR AND CITY VICE-MAYOR

25 SEC. 8. *The City Mayor.* - (a) The city mayor shall be the chief  
26 executive of the City. He shall be elected at large by the qualified voters of the  
27 City. No person shall be eligible for the position of city mayor unless at the  
28 time of the election he is at least twenty-one (21) years of age, an actual

1 resident of the City for at least one year prior to his election, and a qualified  
2 voter therein. He shall hold office for three years, unless sooner removed, and  
3 shall receive a minimum monthly compensation corresponding to Salary  
4 Grade thirty (30) as prescribed under Republic Act No. 6758, otherwise  
5 known as the Salary Standardization Law, and the implementing guidelines  
6 issued pursuant thereto.

7 The City mayor, as the chief executive of the city government, shall  
8 exercise such powers and perform such duties and functions as provided  
9 herein.

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

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

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

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

22 (iii) Present the program of government and propose policies and  
23 projects for the consideration of the sangguniang panlungsod at the opening of  
24 the regular session of the sangguniang panlungsod every calendar year and as  
25 often as may be deemed necessary as the general welfare of the inhabitants and  
26 the needs of the city government may require;

27 (iv) Initiate and propose legislative measures to the sangguniang  
28 panlungsod and as often as may be deemed necessary, provide such

1 information and data needed or requested by said sanggunian in the  
2 performance of its legislative functions;

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

6 (vi) Represent the City in all its business transactions and sign on its  
7 behalf all bonds, contracts and obligations, and such other documents upon  
8 authority of the sanggunian pantlungsod or pursuant to law or ordinance;

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

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

14 (ix) Allocate and assign office space to the City and other officials and  
15 employees who, by law or ordinance, are entitled to such space in the city hall  
16 and other buildings owned or leased by the city government,

17 (x) Ensure that all executive officials and employees of the City  
18 faithfully discharge their duties and functions as provided by law and this Act,  
19 and cause to be instituted administrative or judicial proceedings against any  
20 official or employee of the City who may have committed an offense in the  
21 performance of his official duties;

22 (xi) Examine the books, records and other documents of all offices,  
23 officials, agents or employees of the City and, in aid of his executive powers  
24 and authority, require all national officials and employees stationed in or  
25 assigned to the City to make available to him such books, records and other  
26 documents in their custody except those classified by law as confidential,

27 (xii) Furnish copies of executive orders issued by him to the Office of  
28 the President and the Office of the Secretary of the Department of the Interior

1 and Local Government (DILG) within seventy-two (72) hours after their  
2 issuance;

3 (xiii) Visit component barangays of the City at least once every six  
4 months to deepen his understanding of problems and conditions, listen and  
5 give appropriate counsel to local officials and inhabitants of general laws and  
6 ordinances which especially concern them, and otherwise conduct visits and  
7 inspections to ensure that the governance of the City will improve the quality  
8 of life of the inhabitants.

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

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

16 (xvi) Call upon any national official or employee stationed in or  
17 assigned to the City to advise him on matters affecting the City and to make  
18 recommendations thereon; coordinate with said officials and employees in the  
19 formulation and implementation of plans, programs and projects; and, when  
20 appropriate, initiate an administrative or judicial action against a national  
21 government official or employee who may have committed an offense in the  
22 performance of his official duties while stationed in or assigned to the City.

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

27 (xviii) Solemnize marriages, any provision of law to the contrary  
28 notwithstanding;

1 (xix) Conduct an annual *palorong panlungsod*, which shall feature  
2 traditional sports and disciplines included in *national and international* games,  
3 in *coordination with* the Department of Education (DepEd); and

4 (xx) Submit to the provincial governor the following reports: (a) an  
5 annual report containing a summary of all matters pertinent to the  
6 management, administration, and development of *the City and* all information  
7 and data relative to its political, social and economic conditions, and, (b)  
8 supplemental reports when *unexpected* events and situations arise at any time  
9 during the year, particularly when man-made or natural disasters or calamities  
10 affect the general welfare of the City

11 (2) Enforce all laws and ordinances relative to the governance of the  
12 City and in the exercise of its *appropriate* corporate powers, as well as  
13 *implement* all approved policies, programs, projects, services and activities of  
14 the City:

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

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

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

25 (iv) Be entitled to carry the necessary firearms within his territorial  
26 jurisdiction;

27 (v) Act as the deputized representative of the National Police  
28 Commission. Formulate the peace and order plan of the City and, upon its



1 approval, implement the same; and as such exercise the general and  
2 operational control and supervision over the police forces in the City in  
3 accordance with Republic Act No. 6975, otherwise known as the Philippine  
4 National Police Law; and

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

9 (3) Initiate and maximize the generation of resources, and revenues,  
10 and apply the same to the implementation of development plans, program  
11 objectives and priorities, particularly those resources and revenues  
12 programmed for agro-industrial development and countryside growth and  
13 progress.

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

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

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

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

27 (v) Issue permits, without need of approval therefore from any national  
28 agency, for the holding of activities for any charitable or welfare purpose.

1 excluding prohibited games of chance or shows contrary to law, public policy  
2 and public morals;

3 (vi) Require owners of illegally constructed houses, buildings or other  
4 structures to obtain the necessary permit, subject to such fines and penalties as  
5 may be imposed by law or ordinance, or to make necessary changes in the  
6 construction of the same when said construction violates any law or ordinance,  
7 or to order the demolition or removal of said house, building or structure  
8 within the period prescribed by law or ordinance;

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

11 (viii) Provide efficient and effective property and supply management  
12 in the City and protect the funds, credits, rights and other properties of the  
13 City; and

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

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

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

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

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

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

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

13 *The city vice mayor shall:*

14 (a) Be the presiding officer of the sangguniang panlungsod and sign all  
15 warrants drawn on the city treasury for all expenditures appropriated for the  
16 operation of the sangguniang panlungsod;

17 (b) Subject to civil service law, rules and regulations, appoint all  
18 officials and employees of the sangguniang panlungsod, except those whose  
19 manner of appointment is specifically provided for under existing laws.

20 (c) Assume the office of the city mayor for the unexpired term of the  
21 latter in the event of permanent vacancy;

22 (d) Exercise the powers and perform the duties and functions of the  
23 city mayor in cases of temporary vacancy; and

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

## ARTICLE IV

## THE SANGGUNIANG PANLUNGSOD

1  
2  
3       SEC 10 *Composition.* - (a) The sangguniang panlungsod, the  
4 legislative body of the City, shall be composed of the city vice mayor as  
5 presiding officer, the regular sanggunian members, the president of the city  
6 chapter of the liga ng mga barangay, the president of the panlungsod na  
7 pederasyon ng mga sangguniang kabataan and the sectoral representatives, as  
8 members.

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

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

17       SEC. 11. *Powers, Duties, Functions and Compensation.* - (a) The  
18 sangguniang panlungsod, as the legislative body of the City, shall enact  
19 ordinances, approve resolutions and appropriate funds for the general welfare  
20 of the City and its inhabitants pursuant to Section 16 of the Local Government  
21 Code and in the proper exercise of the corporate powers of the City as  
22 provided for under Section 22 of the Local Government Code, and shall.

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

25       (i) Review all ordinances approved by the sangguniang barangay and  
26 executive orders issued by the punong barangay to determine whether these  
27 are within the scope of the prescribed powers of the sanggunian and of the  
28 punong barangay;

1           (ii) Maintain peace and order by enacting measures to prevent and  
2 suppress lawlessness, disorder, riot, violence, rebellion or sedition and impose  
3 penalties for the violation of said ordinance;

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

7           (iv) Adopt measures to protect the inhabitants of the City from the  
8 harmful effects of man made or natural disasters and calamities and to provide  
9 relief services and assistance for victims during and in the aftermath of said  
10 disasters or calamities and in their return to productive livelihood following  
11 said events;

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

20           (vi) Protect the environment. To this end, it may set aside at least ten  
21 percent (10%) of its development funds for the purpose of maintaining and  
22 enhancing ecological balance of the City. It may also impose appropriate  
23 penalties for acts which endanger the environment, such as dynamite fishing  
24 and other forms of destructive fishing, illegal logging, smuggling of logs,  
25 smuggling of natural resources products and of endangered species of flora  
26 and fauna, slash-and-burn farming and such other activities which result in  
27 pollution, acceleration of or eutrophication of rivers and lakes or of ecological  
28 imbalance;

1           (vii) Subject to the provisions of the Local Government Code and  
2     pertinent laws, determine the powers and duties of officials and employees of  
3     the City;

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

8           (ix) Authorize the payment of compensation to a qualified person not in  
9     the government service who fills up a temporary vacancy in a concurrent  
10    capacity at the rate authorized by law;

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

17          (xi) When the finances of the city government allow, provide for  
18    additional allowances and other benefits to judges, prosecutors, public  
19    elementary and high school teachers, and other national government officials  
20    stationed in or assigned to the City;

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

24          (xiii) Provide for group insurance or additional insurance coverage for  
25    all barangay officials, including members of barangay tanod brigades and  
26    other service units, with public or private insurance companies, when the  
27    finances of the city government allow said coverage.

1           (2) *Generate and maximize the use of resources and revenues for the*  
2 *development plans, program objectives and priorities of the City, with*  
3 *particular attention to agro-industrial development and city-wide growth and*  
4 *progress:*

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

9           (ii) *Subject to the provisions of Book II of the Local Government Code*  
10 *and the applicable laws, and upon the majority vote of all the members of the*  
11 *sangguniang panlungsod, enact ordinances levying taxes, fees and charges,*  
12 *prescribing the rates thereof for general and specific purposes, and granting*  
13 *tax exemption, incentive or relief;*

14           (iii) *Subject to the provisions of Book II of the Local Government Code*  
15 *and upon the majority vote of all the members of the sangguniang panlungsod,*  
16 *authorize the city mayor to negotiate and contract loans and other forms of*  
17 *indebtedness;*

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

23           (v) *Appropriate funds for the construction and maintenance or the*  
24 *rental of buildings for the use of the City and, upon the majority vote of all the*  
25 *members of the sangguniang panlungsod, authorize the city mayor to lease to*  
26 *private parties such public buildings held in a proprietary capacity, subject to*  
27 *existing laws, rules and regulations;*

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

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

6           (viii) Reclassify lands within the jurisdiction of the City, subject to the  
7 pertinent provisions of the Local Government Code.

8           (ix) Enact integrated zoning ordinances in consonance with the  
9 approved comprehensive 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  
12 limits or zones in accordance with the provisions of the Fire Code;

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

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

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



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

3           (xiv) Regulate the inspection, weighing and measuring of articles of  
4 commerce.

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

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

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

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

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

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

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

1 grant franchises for the operation thereof within the territorial jurisdiction of  
2 the City; and

3 (vii) Upon approval by a majority vote of all the members of the  
4 sangguniang panlungsod, grant a franchise to any person, partnership,  
5 corporation or cooperative to do business within the City; establish, construct,  
6 operate and maintain ferries, wharves, markets or slaughterhouses; or  
7 undertake such other activities within the City as may be allowed by existing  
8 laws: *Provided*, That cooperatives shall be given preference in the grant of  
9 such franchise.

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

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

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

18 (iii) Require that buildings and the premises thereof and any land within  
19 the City be kept and maintained in a sanitary condition; impose penalties for  
20 any violation thereof, or, upon failure to comply with said requirement, have  
21 the work done at the expense of the owner, *administrato*r or tenant concerned;  
22 or require the filling up of any lands or premises to a grade necessary for  
23 proper sanitation;

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

26 (v) Regulate the establishment, operation and maintenance of cafes,  
27 restaurants, beerhouses, hotels, motels, inns, pension houses, lodging houses  
28 and other similar establishments, including tourist guides and transports.

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

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

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

15           (ix) Provide for the impounding of stray animals; regulate the keeping  
16 of animals in homes or as part of a business, and the slaughter, sale or  
17 disposition of the same; and adopt measures to prevent and penalize cruelty to  
18 animals; and

19           (x) Regulate the establishment, operation and maintenance of funeral  
20 parlors and the burial or cremation of the dead, subject to existing laws, rules  
21 and regulations.

22           (5) Approve ordinances which shall ensure the efficient and effective  
23 delivery of the basic services and facilities as provided for under the Local  
24 Government Code and, in addition to said services and facilities, shall

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

27           (ii) Establish markets, slaughterhouses or animal corrals and authorize  
28 the operation thereof by the city government; and regulate the construction and

1 operation of private markets, talipapas or other similar buildings and  
2 structures;

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

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

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

16 (vi) Regulate traffic on all streets and bridges, prohibit encroachments  
17 or obstacles thereon and, when necessary in the interest of public welfare,  
18 authorize the removal of encroachments and illegal constructions in public  
19 places;

20 (vii) Subject to existing laws, establish and provide for the  
21 maintenance, repair and operation of an efficient waterworks system to supply  
22 water for the inhabitants and to purify the source of the water supply; regulate  
23 the construction, maintenance, repair and use of hydrants, pumps, cisterns and  
24 reservoirs; protect the purity and quantity of the water supply of the City and,  
25 for this purpose, extend the coverage of appropriate ordinances over all  
26 territory within the drainage area of said water supply and within one hundred  
27 meters (100 m.) of the reservoir, canal, conduit, aqueduct, pumping station or

1 watershed used in connection with the water service; and regulate the  
2 consumption, use or wastage of water and fix and collect charges therefor:

3 (viii) Regulate the drilling and excavation of the ground for the laying  
4 of water, gas, sewer and other pipes and the construction, repair and  
5 maintenance of public drains, sewers, cesspools, tunnels and similar structures;  
6 regulate the placing of poles and the use of crosswalks, curbs and gutters;  
7 adopt measures to ensure public safety against open canals, manholes, live  
8 wires and other similar hazards to life and property; and regulate the  
9 construction and use of private water closets, privies and other similar  
10 structures in buildings and homes;

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

16 (x) Subject to the availability of funds and the existing laws, rules and  
17 regulations, establish and provide for the operation of vocational and technical  
18 schools and similar post-secondary institutions and, with the approval of the  
19 (DepEd) and subject to existing laws on tuition fees, fix and collect reasonable  
20 tuition fees and other school charges in educational institutions supported by  
21 the city government;

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

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

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

1           (xiv) Provide for the care of disabled persons, paupers, the aged, the  
2 sick, persons of unsound mind, abandoned minors, juvenile delinquents, drug  
3 dependents, abused children and the youth below eighteen (18) years of age,  
4 and subject to the availability of funds, establish and provide for the operation  
5 of centers and facilities for the said needy and disadvantaged persons.

6           (xv) Establish and provide for the maintenance and improvement of  
7 jails and detention centers, institute a sound jail management program and  
8 appropriate funds for the subsistence of detainees and convicted prisoners in  
9 the City;

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

14          (xvii) Establish a city council for the elderly and senior citizens which  
15 shall formulate policies and adopt measures mutually beneficial to the elderly  
16 and to the community; provide incentives for nongovernmental agencies and  
17 entities and, subject to the availability of funds, appropriate funds to support  
18 programs and projects for the benefit of the elderly.

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

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

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28

## ARTICLE V

## PROCESS OF LEGISLATION

1  
2  
3       SEC. 12. *Internal Rules of Procedure.* – (a) On the first regular session  
4 following the election of its members and within ninety (90) days thereafter,  
5 the sangguniang panlungsod shall adopt or update its existing rules of  
6 procedure.

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

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

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

16       (3) The legislative process;

17       (4) The parliamentary procedures which include the conduct of  
18 members during sessions;

19       (5) The discipline of members for disorderly behavior and absences  
20 without justifiable cause for *four consecutive sessions for which they may be*  
21 censured, reprimanded or excluded from the session, suspended for not more  
22 than sixty (60) days, or expelled: *Provided,* That the penalty of suspension or  
23 expulsion shall require the concurrence of at least two-thirds (2/3) vote of all  
24 the sanggunian members: *Provided, further,* That the member convicted by  
25 final judgment to imprisonment of *at least one year for any crime involving*  
26 moral turpitude shall be automatically expelled from the sanggunian.

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

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

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

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

14           In the absence of a specific constitutional or statutory provision  
15 applicable to this situation, "conflict of interest" refers in general to one where  
16 it may be reasonably deduced that a member of a sanggunian may not act in  
17 the public interest due to some private, pecuniary or other personal  
18 considerations that may tend to affect his judgment to the prejudice of the  
19 service or the public.

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

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



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

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

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

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

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

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

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

25 SEC. 15. *Quorum.* – (a) A majority of all the members of the  
 26 sanggunian who have been elected and qualified shall constitute a quorum to  
 27 transact official business. Should a question of quorum be raised during a

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

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

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

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

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

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

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

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

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

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

1 (c) If the sangguniang panlalawigan finds that such an ordinance or  
2 resolution is beyond the power conferred upon the sangguniang panlungsod  
3 concerned, it shall declare such ordinance or resolution invalid in whole or in  
4 part. The sangguniang panlalawigan shall enter its action in the minutes and  
5 shall advise the corresponding city authorities of the action it has taken.

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

9 *SEC. 19. Review of Barangay Ordinances by the Sangguniang*  
10 *Panlungsod.* – (a) Within ten (10) days after its enactment, the sangguniang  
11 barangay shall furnish copies of all barangay ordinances to the sangguniang  
12 panlungsod for review as to whether the ordinance is consistent with law and  
13 city ordinances.

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

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

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



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

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

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

7 (d) Those with dual citizenship;

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

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

13 (g) The insane or feeble-minded.

14 SEC. 23. *Permanent Vacancy in the Office of the City Mayor and the*  
15 *City Vice Mayor.* – (a) If a permanent vacancy occurs in the office of the city  
16 mayor, the city vice mayor concerned shall become the city mayor. If a  
17 permanent vacancy occurs in the office of the city vice mayor, the highest  
18 ranking sangguniang panlungsod member or, in case of his permanent  
19 incapacity, the second highest ranking sangguniang panlungsod member shall  
20 become the city mayor or the city vice mayor, as the case may be. Subsequent  
21 vacancies in the said offices shall be filled automatically by the other  
22 sanggunian members according to their ranking as defined herein.

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

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

27 (d) For purposes of this Act, a permanent vacancy arises when an  
28 elective local official fills a higher vacant office, refuses to assume office, fails

1 to qualify, dies, is removed from office, voluntarily resigns or is otherwise  
2 permanently incapacitated to discharge the functions of his office.

3 (e) For purposes of succession as provided in this Act, ranking in the  
4 sanggunian shall be determined on the basis of the proportion of votes  
5 obtained by each winning candidate to the total number of registered voters in  
6 the City immediately preceding local election

7 *Sec. 24. Permanent Vacancies in the Sanggunian* - Permanent  
8 vacancies in the sangguniang panlungsod where automatic succession as  
9 provided above does not apply shall be filled by appointments in the following  
10 manner:

11 (a) The governor shall make the aforesaid appointments;

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

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

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

1           Sec. 25. *Temporary Vacancy in the Office of the City Mayor*   (a)

2   When the city mayor is temporarily incapacitated to perform his duties for  
3   physical or legal reasons such as, but not limited to, leave of absence, travel  
4   abroad and suspension from office, the city vice mayor or the highest ranking  
5   sangguniang panlungsod member shall automatically exercise the powers and  
6   perform the duties and functions of the city mayor, except the power to  
7   appoint, suspend or dismiss employees which can only be exercised if the  
8   period of temporary incapacity exceeds thirty (30) working days

9           (b) *Said temporary incapacity shall terminate upon submission to the*  
10   sangguniang panlungsod of a written declaration by the city mayor that he has  
11   reported back to office. In case where the temporary incapacity is due to legal  
12   cause, the city mayor shall also submit necessary documents showing the said  
13   legal causes no longer exist.

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

20           (d) In the event, however, that the city mayor fails or refuses to issue  
21   such authorization, the city vice mayor or the highest ranking sangguniang  
22   panlungsod member, as the case may be, shall have the right to assume the  
23   powers, duties and functions of the said office on the fourth day of absence of  
24   the city mayor, subject to the limitations provided in subsection (c) hereof.

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



## ARTICLE VII

## THE APPOINTIVE OFFICIALS OF THE CITY

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2  
3       SEC. 26. *The Secretary to the Sangguniang Panlungsod.* – (a) There  
4 shall be a secretary to the sangguniang panlungsod who shall be a career  
5 official with the rank and salary equal to a head of a department of office.

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

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

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

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

18       (3) Forward to the city mayor, for approval, copies of ordinances  
19 enacted by the sangguniang panlungsod and duly certified by the presiding  
20 officer;

21       (4) Forward to the Department of Budget and Management (DBM)  
22 copies of the appropriation ordinances passed by the sangguniang panlungsod  
23 as provided for under Section 326, Book II of the Local Government Code,

24       (5) Forward to the sangguniang panlalawigan copies of duly approved  
25 ordinances in the manner provided in Sections 56 and 57 under Book I of the  
26 Local Government Code;

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

4           (7) Record in a book kept for the purpose all ordinances and  
5 resolutions enacted or adopted by the sangguniang panlungsod, with the dates  
6 of passage and publication thereof.

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

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

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

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

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

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

25           (c) No person shall be appointed city treasurer unless he is a citizen of  
26 the Philippines, a resident of the City of Baybay, of good moral character, a  
27 holder of a college degree preferably in commerce, public administration or  
28 law from a recognized college or university, and a first grade civil service

1 eligible or its equivalent. He must have acquired experience in treasury or  
2 accounting service for at least five years.

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

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

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

10 (2) Take custody and exercise proper management of the funds of the  
11 City;

12 (3) Take charge of the disbursement of all funds of the City and such  
13 other funds the custody of which may be entrusted to him by law or other  
14 competent authority;

15 (4) Inspect private commercial and industrial establishments within the  
16 jurisdiction of the City in relation to the implementation of tax ordinances,  
17 pursuant to the provisions of the Local Government Code;

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

19 (6) Perform such other duties and functions and exercise such other  
20 powers as provided for under Republic Act No. 7160, otherwise known as the  
21 Local Government Code of 1991, and those that are prescribed by law or  
22 ordinance.

23 *S.L.C. 28. The Assistant City Treasurer.* – (a) The assistant city  
24 treasurer may be appointed by the Secretary of Finance from a list of at least  
25 three ranking eligible recommendees of the city mayor, subject to civil service  
26 law, rules and regulations.

27 (b) No person shall be appointed assistant city treasurer unless he is a  
28 citizen of the Philippines, a resident of the City of Baybay, of good moral

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

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

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

13 *SEC. 29. The City Assessor.* -- (a) The city assessor must be a citizen of  
14 the Philippines, a resident of the City of Baybay, of good moral character, a  
15 holder of a college degree preferably in civil or mechanical engineering,  
16 commerce or any other related course from a recognized college or university,  
17 and a first grade civil service eligible or its equivalent. He must have acquired  
18 experience in real property assessment work or in any related field for at least  
19 five years immediately preceding the date of his appointment.

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

22 (c) The city assessor shall take charge of the city assessment  
23 department, and shall:

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

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

- 1 (3) Establish a systematic method of real property assessment;
- 2 (4) Install and maintain a real property identification and accounting  
3 systems;
- 4 (5) Prepare, install and maintain a system of tax mapping, showing  
5 graphically all properties subject to assessment and gather all data concerning  
6 the same;
- 7 (6) Conduct frequent physical surveys to verify and determine whether  
8 all real properties within the City are properly listed in the assessment rolls;
- 9 (7) Exercise the functions of appraisal and assessment primarily for  
10 taxation purposes of all real properties in the City;
- 11 (8) Prepare a schedule of the fair market value of the different classes  
12 of real properties in accordance with the provisions of the Local Government  
13 Code,
- 14 (9) Issue, upon request of any interested party, certified copies of  
15 assessment records of real properties and all other records relative to its  
16 assessment, upon payment of a service charge or fee to the city treasurer;
- 17 (10) Submit every semester a report of all assessments, as well as  
18 cancellations and modifications of assessments to the city mayor and the  
19 sangguniang panlungsod; and
- 20 (11) Perform such other duties and functions and exercise such other  
21 powers as provided for under Republic Act No. 7160, otherwise known as the  
22 Local Government Code of 1991, and those that are prescribed by law or  
23 ordinance.

24 SEC. 30. *The Assistant City Assessor.* – (a) The assistant city assessor  
25 must be a citizen of the Philippines, a resident of the City of Baybay, of good  
26 moral character, a holder of a college degree preferably in civil or mechanical  
27 engineering, commerce or any related course from a recognized college or  
28 university, and a first grade civil service eligible or its equivalent. He must

1 have acquired experience in assessment or in any related field for at least three  
2 years immediately preceding the date of his appointment.

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

5 (c) The assistant city assessor shall assist the city assessor and perform  
6 such other duties as the latter may assign to him. He shall have the authority  
7 to administer oaths and all declarations of all real property for purposes of  
8 assessment

9 SEC. 31. *The City Accountant.* – (a) The city accountant must be a  
10 citizen of the Philippines, a resident of the City of Baybay, of good moral  
11 character and a certified public accountant. He must have acquired experience  
12 in the treasury or accounting service for at least five years immediately  
13 preceding the date of his appointment.

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

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

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

19 (2) Prepare and submit financial statements to the city mayor and to  
20 the sangguniang panlungsod;

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

23 (4) *Certify to the availability of budgetary allotment to which*  
24 *expenditures and obligations may be properly charged,*

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

27 (6) Prepare statements of cash advances, liquidations, salaries,  
28 allowances, reimbursements and remittances pertaining to the City;

1           (7) Prepare statements of journal vouchers and liquidations of the same  
2 and other adjustments related thereto,

3           (8) Post individual disbursements to the subsidiary ledger and index  
4 cards;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (9) Perform such other duties and functions and exercise such other  
15 powers as provided for under Republic Act No. 7160, otherwise known as the  
16 Local Government Code of 1991, and those that are prescribed by law or  
17 ordinance.

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

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



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

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

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

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

9 (4) Monitor and evaluate the implementation of the different  
10 development programs, projects and activities in the City in accordance with  
11 the approved development plan,

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

14 (6) Analyze the income and expenditure patterns and formulate and  
15 recommend fiscal plans and policies for consideration of the finance  
16 committee of the sangguniang panlungsod;

17 (7) Promote people's participation in development planning within the  
18 City;

19 (8) Exercise supervision and control over the secretariat of the local  
20 development council; and

21 (9) Perform such other duties and functions and exercise such other  
22 powers as provided for under Republic Act No. 7160, otherwise known as the  
23 Local Government Code of 1991, and those that are prescribed by law or  
24 ordinance.

25 SEC. 34. *The City Engineer.* – (a) The city engineer must be a citizen  
26 of the Philippines, a resident of the City of Baybay, of good moral character  
27 and a licensed civil engineer. He must have acquired experience in the

1 practice of his profession for at least five years immediately preceding the date  
2 of his appointment.

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

5 (c) The city engineer shall take charge of the city engineering office,  
6 and shall:

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

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

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

15 (4) Provide engineering services to the City, including investigation  
16 and survey, engineering designs, feasibility studies and project management,  
17 *and*

18 (5) Perform such other duties and functions and exercise such other  
19 powers as provided for under Republic Act No. 7160, otherwise known as the  
20 *Local Government Code of 1991*, and those that are prescribed by law or  
21 ordinance.

22 SEC. 35. *The City Health Officer.* -- (a) The city health officer must be  
23 a citizen of the Philippines, a resident of the City of Baybay, of good moral  
24 character, and a licensed medical practitioner. He must have acquired  
25 experience in the practice of his profession for at least five years immediately  
26 preceding the date of his appointment.

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

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

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

8 (2) Formulate measures for the consideration of the sangguniang  
9 panlungsod and provide technical assistance and support to the city mayor in  
10 carrying out activities to ensure the delivery of basic services and the  
11 provisions of adequate facilities relative to health services as provided for  
12 under Section 17 of the *Local Government Code*;

13 (3) Develop plans and strategies and, upon approval thereof by the city  
14 mayor, implement the same, particularly those which have to do with health  
15 programs and projects which the city mayor is empowered to implement and  
16 which the sangguniang panlungsod is empowered to provide for under the  
17 *Local Government Code*; and

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

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

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

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

26 (iv) Recommend to the sangguniang panlungsod through the local  
27 health board, the passage of such ordinances as he may deem necessary for the  
28 preservation of public health;

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

3 (vi) Direct the sanitary inspection of all business establishments selling  
4 food items or providing accommodation such as hotels, motels, lodging  
5 houses, pension houses and *the like*, in accordance with the Sanitation Code;

6 (vii) Conduct health information campaigns and render health  
7 intelligence services;

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

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

13 (5) *Perform* such other duties and functions and exercise such other  
14 powers as provided for under Republic Act No. 7160, otherwise known as the  
15 Local Government Code of 1991, and those that are prescribed by law or  
16 ordinance.

17 SEC. 36. *The City Civil Registrar.* – (a) The city civil registrar must be  
18 a citizen of the Philippines, a resident of the City of Baybay, of good moral  
19 character, a holder of a college degree from a recognized college or university,  
20 and a first grade civil service eligible or its equivalent. He must have acquired  
21 experience in civil registry work for at least five years immediately preceding  
22 the date of his appointment.

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

25 (c) The city civil registrar shall be responsible for the civil registration  
26 program in the City of Baybay, pursuant to the Civil Registry Law, the Civil  
27 Code, and other pertinent laws, rules and regulations issued to implement  
28 them.

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

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

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

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

12 (ii) File, keep and preserve in a secured place the books required by  
13 law;

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

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

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

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

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

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

4 SEC. 37. *The City Administrator.* - (a) The city administrator must be  
5 a citizen of the Philippines, a resident of the City of Baybay, of good moral  
6 character, a holder of a college degree preferably in public administration, law  
7 or any other related course from a recognized college or university, and a first  
8 grade civil service eligible or its equivalent. He must have acquired  
9 experience in management and administrative work for at least five years  
10 immediately preceding the date of his appointment.

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

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

15 (d) The city administrator shall take charge of the city administrator's  
16 office, and shall:

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

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

25 (3) Recommend to the sangguniang panlungsod and advise the city  
26 mayor on all matters relative to the management and administration of the  
27 City; and

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

4           SEC: 38. *The City Legal Officer.* – (a) The city legal officer must be a  
5 citizen of the Philippines, a resident of the City of Baybay, of good moral  
6 character, and a member of the Philippine Bar. He must have practiced his  
7 profession for at least five years immediately preceding the date of his  
8 appointment.

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

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

13           (1) Formulate measures for the consideration of the sangguniang  
14 panlungsod and provide legal assistance and support to the city mayor in  
15 carrying out the delivery of basic services and the provision of adequate  
16 facilities;

17           (2) Develop plans and strategies and upon approval thereof by the city  
18 mayor, implement the same, particularly those which have to do with the  
19 programs and projects related to legal services which the city mayor is  
20 empowered to implement and which the sangguniang panlungsod is  
21 empowered to provide;

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

24           (4) Be in the frontline of protecting human rights and prosecuting any  
25 violations thereof, particularly those which occur during and in the aftermath  
26 of man-made or natural disasters and calamities; and

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

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

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

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

16           (1) Formulate measures for the approval of the *sangguniang*  
17 *panlungsod* and provide *technical assistance* and support to the city mayor in  
18 carrying out measures to ensure delivery of basic services and the provisions  
19 of adequate facilities relative to social welfare and development services;

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

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



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

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

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

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

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

16           (1) Formulate measures for the consideration of the sangguniang  
17 panlungsod and provide technical assistance and support to the city mayor in  
18 carrying out measures to ensure the *delivery of basic services and the*  
19 *provisions of adequate facilities.*

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

24           (3) *Be in the frontline of the veterinary-related activities, such as the*  
25 *outbreak of highly-contagious and deadly diseases, and in situations resulting*  
26 *in the depletion of animals for work and human consumption, particularly*  
27 *those arising from and in the aftermath of man-made and natural disasters or*  
28 *calamities;*

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

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

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

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

18           (c) The city general services officer shall take charge of the office on  
19 general services, and shall:

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

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

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

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

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

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

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

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

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

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

1           (1) *Formulate measures for the consideration of the sangguniang*  
2 *panlungsod and provide assistance and support to the city mayor in carrying*  
3 *out measures to ensure the delivery of basic services and the provisions of*  
4 *adequate facilities relative to environment and natural resources services as*  
5 *provided for under Section 17 of the Local Government Code;*

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

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

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

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

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

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

1 (c) The city architect shall take charge of the office on the architectural  
2 planning and design, and shall:

3 (1) Formulate measures for the consideration of the sangguniang  
4 panlungsod and provide technical assistance and support to the city mayor in  
5 carrying out measures to ensure the delivery of basic services and the  
6 provisions of adequate facilities relative to architectural planning and design;

7 (2). Develop plans and strategies and, upon approval thereof by the city  
8 mayor, implement the same, particularly those which have to do with  
9 architectural planning and design programs and projects which the city mayor  
10 is empowered to implement and which the sangguniang panlungsod is  
11 empowered to provide for;

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

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

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

22 *SEC. 44. The City Information Officer.* (a) The city information  
23 officer must be a citizen of the Philippines, a resident of the City of Baybay, of  
24 good moral character, a holder of a college degree preferably in journalism,  
25 mass communication or any related course from a recognized college or  
26 university, and a first grade civil service eligible or its equivalent. He must  
27 have experience in writing articles and research papers, or writing for print,

1 television or broadcast media for at least five years immediately preceding the  
2 date of his appointment.

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

5 (c) The city information officer shall take charge of the city  
6 information and community relations department, and shall.

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

12 (2) Develop plans and strategies and, upon approval thereof by the city  
13 mayor, implement the same, particularly those which have to do with public  
14 information and research data to support programs and projects which the city  
15 mayor is empowered to implement and which the sangguniang panlungsod is  
16 empowered to provide;

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

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

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

27 SEC. 45. *The City Cooperatives Officer.* – (a) The city cooperatives  
28 officer must be a citizen of the Philippines, a resident of the City of Baybay, of

1 good moral character, a holder of a college degree preferably in business  
2 administration with special training on cooperatives or any related course from  
3 a recognized college or university, and a first grade civil service eligible or its  
4 equivalent. He must have experience in cooperatives organization and  
5 management for at least five years immediately preceding the date of his  
6 appointment.

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

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

11 (1) Formulate measures for consideration of the sangguniang  
12 panlungsod and provide technical assistance and support to the city mayor in  
13 carrying out measures to ensure the delivery of basic services and the  
14 provision of facilities through the development of cooperatives and in  
15 providing access to such services and facilities;

16 (2) Develop plans and strategies and, upon approval thereof by the city  
17 mayor, implement the same, particularly those which have to do with the  
18 integration of cooperative principles and methods in programs which the city  
19 mayor is empowered to implement and which the sangguniang panlungsod is  
20 empowered to provide;

21 (3) Be in the frontline of cooperative organization, rehabilitation or  
22 viability enhancement, particularly during and in the aftermath of man-made  
23 and natural disasters and calamities, to aid in their survival and, if necessary,  
24 subsequent rehabilitation:

25 (4) Recommend to the sangguniang panlungsod and advise the city  
26 mayor on all other matters relative to cooperatives development and viability  
27 enhancement which will improve the livelihood and the quality of life of the  
28 inhabitants, and

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

4           SEC. 46. *The City Population Officer.* – (a) The city population officer  
5 must be a citizen of the Philippines, a resident of the City of Baybay, of good  
6 moral character, a holder of a college degree preferably with specialized  
7 training in population development from a recognized college or university,  
8 and a first grade civil service eligible or its equivalent. He must have  
9 experience in the implementation of programs or population development or  
10 responsible parenthood for at least five years immediately preceding the date  
11 of his appointment.

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

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

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

21           (2) Develop plans and strategies and, upon approval thereof by the city  
22 mayor, implement the same, particularly those which have to do with the  
23 integration of population development principles and methods in programs  
24 and projects which the city mayor is empowered to implement and which the  
25 sangguniang panlungsod is empowered to provide; and

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



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

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

10          (c) The city agriculturist shall take charge of the office for the  
11 agricultural services, and shall:

12           (1) Formulate measures for the approval of the sangguniang  
13 panlungsod and provide technical assistance and support to the city mayor in  
14 carrying out measures to ensure the delivery of basic services and the  
15 provisions of adequate facilities relative to agricultural services;

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

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

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

25           (ii) Conduct or cause to be considered location-specific agricultural  
26 researches and assist in making available the appropriate technology arising  
27 out of and disseminating information on basic research on crops, prevention

1 and control of plant diseases and pests, and other agricultural matters which  
2 will maximize productivity;

3 (iii) Assist the city mayor in the establishment and the extension  
4 services of demonstration farms or aquaculture and marine products;

5 (iv) Enforce rules and regulations relating to agriculture and  
6 aquaculture; and

7 (v) Coordinate with government agencies and nongovernmental  
8 organizations, which promote agricultural productivity through appropriate  
9 technology compatible with environmental integrity.

10 (4) Be in the frontline of the delivery of basic agricultural services.  
11 particularly those needed for the survival of the inhabitants during and in the  
12 aftermath of man-made and natural disasters or calamities;

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

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

#### 19 ARTICLE IX

20 THE CITY FIRE STATION SERVICE, THE CITY JAIL SERVICE, THE CITY SCHOOL  
21 DIVISION AND THE CITY PROSECUTION SERVICE

22 SEC. 48. *The City Fire Station Service.* – There shall be established in  
23 the City at least one fire station with adequate personnel, fire fighting facilities  
24 and equipment, subject to the standards, rules and regulations that may be  
25 promulgated by the Department of the Interior and Local Government (DILG).  
26 The City shall provide the necessary land or site of the station.

27 The city fire station shall be responsible for the provision of various  
28 emergency services such as the rescue and evacuation of injured people at fire-

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

3         *SEC. 49. The City Jail Service.* – (a) There shall be established and  
4 maintained in the City a secured, clean, adequately equipped and sanitary jail  
5 for the custody and safekeeping of prisoners, any fugitive from justice, or  
6 person detained awaiting investigation or trial and/or violent mentally ill  
7 person who endangers himself or the safety of others, duly certified as such by  
8 the proper medical health officer, pending the transfer to a mental institution.

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

16         *SEC. 50. The City School Division* – (a) There shall be established and  
17 maintained by the DepEd a city school division of the City of Baybay whose  
18 area of jurisdiction will cover all the school districts within the City.

19         (b) The city school division shall be headed by a division  
20 superintendent who must possess the necessary qualifications required by the  
21 DepEd.

22         *SEC. 51. The City Prosecution Service.* – (a) There shall be established  
23 in the City a prosecution service to be headed by a city prosecutor and such  
24 number of assistant prosecutors as may be necessary, who shall be  
25 organizationally part of the Department of Justice (DOJ), and under the  
26 supervision and control of the Secretary of Justice and whose qualifications,  
27 manner of appointment, rank, salary and benefits shall be governed by existing  
28 laws covering prosecutors in the DOJ,

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

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

## 12 ARTICLE X

### 13 TRANSITORY AND FINAL PROVISIONS

14 SEC. 52. *Municipal Ordinances Existing at the Time of the Approval*  
15 *of this Act.* – All municipal ordinances of the Municipality of Baybay existing  
16 at the time of the approval of this Act shall continue to be in force within the  
17 City of Baybay until the sangguniang panlungsod ordinance shall provide  
18 otherwise.

19 SEC. 53. *Plebiscite.* – The City of Baybay shall acquire corporate  
20 existence upon the ratification of its creation by a majority of the votes cast by  
21 *the qualified voters in a plebiscite to be conducted in the present Municipality*  
22 *of Baybay within thirty (30) days from the approval of this Act.* The expenses  
23 for such plebiscite shall be borne by the Municipality of Baybay. The  
24 Commission on Elections shall conduct and supervise such plebiscite.

25 SEC. 54. *Officials of the City of Baybay.* – The present elective  
26 officials of the Municipality of Baybay shall continue to exercise their powers  
27 and functions until such time that a new election is held and the duly-elected  
28 officials shall have already qualified and assumed their offices. The

1 appointive officials and employees if the City shall likewise continue  
2 exercising their functions and duties and they shall be automatically absorbed  
3 by the city government of the City of Baybay.

4 SEC. 55. *Succession Clause.* – The City of Baybay shall succeed to all  
5 the assets, properties, liabilities and obligations of the Municipality of Baybay.

6 SEC. 56. *Election of Provincial Governor and Sangguniang*  
7 *Panlalawigan Members of the Province of Leyte.* – The qualified voters of the  
8 City of Baybay shall be qualified to vote and run for any elective position in  
9 the elections for provincial governor, provincial vice governor, sangguniang  
10 panlalawigan members and other elective officers for the Province of Leyte.

11 SEC. 57. *Jurisdiction of the Province of Leyte.* – The City of Baybay  
12 shall, unless otherwise provided by law, continue to be under the jurisdiction  
13 of the Province of Leyte.

14 SEC. 58. *Suspension of Increase in Rates of Local Taxes.* – No  
15 increase in the rates of local taxes shall be imposed by the City within the  
16 period of five years from its acquisition of corporate existence.

17 SEC. 59. *Representative District.* – Until otherwise provided by law,  
18 the City of Baybay shall continue to be a part of the Fifth Congressional  
19 District of the Province of Leyte.

20 SEC. 60. *Limitation.* – Within three years from the approval of this  
21 Act, no new race track, jai-alai fronton, gambling casino or cockpit shall be  
22 licensed or allowed to operate in the City.

23 SEC. 61. *Reservation.* – Nothing herein contained shall preclude the  
24 determination by the appropriate agency or forum of boundary disputes or  
25 cases involving questions of territorial jurisdiction between the City of Baybay  
26 and any of the adjoining local government units even after the effectivity of  
27 this Act.

1           SEC. 62. *Applicability of Laws.* – The provisions of Republic Act No.  
2 7160, otherwise known as the Local Government Code of 1991, and other  
3 laws pertaining to the Province of Leyte and such laws as are applicable to  
4 cities shall govern the City of Baybay insofar as they are not inconsistent with  
5 the provisions of this Act.

6           SEC. 63. *Exemption from Republic Act No. 9009.* – The City of  
7 Baybay shall be exempted from the income requirement prescribed under  
8 Republic Act No. 9009.

9           SEC. 64. *Separability Clause.* – If, for any reason or reasons, any part  
10 or provisions of this Charter shall be held unconstitutional, invalid or  
11 inconsistent with the Local Government Code of 1991, other parts or  
12 provisions hereof which are not affected thereby shall continue to be in full  
13 force and effect. Moreover, in cases where this Charter is silent or unclear, the  
14 pertinent provisions of the Local Government Code shall govern, if so  
15 provided therein.

16           SEC. 65. *Effectivity.* – This Act shall take effect fifteen (15) days after  
17 its complete publication in at least two newspapers of general and local  
18 circulations.

Approved,