Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City , Metro Manila



THIRTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 3346

Introduced by Representative IGNACIO T. ARROYO

EXPLANATORY NOTE

This bill seeks to convert the municipality of Binalbagan in the Province of Negros Occidental into a component city.

The municipality of Binalbagan in the province of Negros Occidental is one of the oldest towns of the country.

In the Pre-Spanish era , Binalbagan , then named Inabangan , was a settlement of early Filipino groups, particularly the Mangyans,the Pintados and the Agtas. At that time , it was already a conglomeration of several barangays and was one of the most flourishing settlements in the island of Buglas , now Negros.

Under the expedition of Don Miguel de Legaspi and Fr. Andrew Urdaneta, the Spanish conquistador Martin De Golti was ordered in 1566 by Legaspi to search for provisions and for an earlier- sent expeditionist, Capt. Juan De Isla. He landed on a part of Binalbagan, made friends with the natives and found Juan De Isla , who was returning to Legaspi's Bohol camp loaded with food. Thus started Binalbagan's history as the base of the successful conquest of Buglas island by the Spaniards. Subsequent Spanish expeditions settled in the town, converted the natives into the Christian religion , and subdivided the island into several encomiendas managed b Spanish administrators. The most number of encomiendas were assigned to Inabangan (Binalbagan).

The municipality of Binalbagan continued to flourish even beyond the Spanish era. By the early 20th century, the town was among the centers of trade and Industry of Negros Island. Binalbagans fast and steady growth was propelled by the earnings of several haciendas,which were planted to rice and sugar cane. As one of the hubs of Negros sugar industry, the municipality has been a major contributor to the country's

economy. It has also produced a number of Filipinos who have risen to national prominence and have brought pride and honor to the Filipino people.

The municipality of Binalbagan has long deserved to be transformed into a city not only because of its historical and cultural significance to the nation but also because cityhood will encourage its people to continue to aspire for growthBinalbagan satisfies the minimum requirements for a component city as provided for in the Local Government Code. Most importantly, this over four-hundred year-old municipality should enjoy the additional incentives that are granted to component cities to allow it to participate more actively in the nation's march towards progress and sustainable development.

It is for this reason that the passage of this bill is earnestly sought.

IGNACIO T. ARROYO
Representative
5th District , Negros Occidental

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House Bill No. 3346

INTRODUCED BY REPRESENTATIVE IGNACIO T. ARROYO

AN ACT CONVERTING THE MUNICIPALITY OF BINALBAGAN, NEGROS OCCIDENTAL, INTO A COMPONENT CITY TO BE KNOWN AS THE CITY OF BINALBAGAN

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

SEC. 1. This Act shall be known as the Charter of the City of Binalbagan in the Province of Negros Occidental.

SEC. 2. **The City of Binalbagan.** – The Municipality of Binalbagan is hereby converted into a component city to be known as the City of Binalbagan, herein after referred to as the City, which shall comprise of the present territory of the Municipality of Binalbagan, Negros Occidental. The territorial jurisdiction of the City shall be within the present metes and bounds of the Municipality of Binalbagan with the area boundaries as follows:

> With a coordinate of latitude 10 8'N and longitude 122 54'E. it is bounded on the north by the Municipality of Hinigaran, on the Northwest by the Municipality of Isabela, On the east by the Municipality of La Libertad, Negros Oriental, on the southeast by the Municipality of Jimalalud, Negros Oriental, on the south by the Municipality of Himamaylan and the west by the Gulf of Panay.

SEC. 3. **Corporate Powers of the City** – The City constitutes a political body corporate and as such is endowed with the attributes of perpetual succession and possessed of the powers which pertains to a municipal corporation, to be exercised on conformity with the provisions of this Charter. The City shall have the following corporate powers:

(1) To have continuous succession in its corporate name:
(2) To sue and be sued;
(3) To have and use a corporate seal;
(4) To acquire and convey real or personal property;

(5) To enter into contracts; and

(6) To exercise which other powers as are granted to corporations, subject to the limitations provided in this Act and other laws.

SEC. 4. **General Powers of the City** – The City shall have a common seal and may alter the same at pleasure. It shall exercise the powers to levy taxes, close and open roads, streets, alleys, parks or squares subject to the provision of the constitution and existing laws. It may take, purchase, receive, hold, lease, convey and dispose of real and personal property for the general interest of the City, condemn private property for public use, contracts and be contracted with, sue and be sued, prosecute and defend to final judgment and execution suites wherein said City is a party, and exercise all the powers as are granted to corporations and / or hereinafter conferred.

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

SEC. 6. **Jurisdiction of the City-** The jurisdiction of the City of Binalbagan, for police purposes only, shall be coextensive with its territorial jurisdiction, and for the purpose of protecting and insuring the purity of the water supply of the City, such police jurisdiction shall also be extend over all territory within the drainage area of such water supply, or within one hundred meters (100 m). of any reservoir, conduit, canal aqueduct or pumping station used in connection with the City or municipal courts of the adjoining municipalities or cities, to try crimes and misdemeanors committed within said drainage area, or within said spaces of one hundred meters (100 m.). The court first taking cognizance of such an offense shall have jurisdiction to try said cases to the exclusion of others. Any license that may be issued within said zone, area or spaces shall be granted by the proper authorities of the city or municipality concerned, and that fees arising therefrom shall accrue to the treasury of the said city or municipality.

SEC.7. **The Officials of the City of Binalbagan.** – (a) There shall be in the City of Binalbagan a city mayor, a city vice-mayor, sanguniang panlungsod members, a secretary to the sangguniang panlungsod, a city treasurer, a city assessor, a city accountant, a city budget officer, a city planning and development coordinator, a city engineer, a city zoning administrator, a city health officer, a city civil registrar, a city administrator, a city legal officer, a city veterinarian, a city social welfare and development officer, a city general services officer and a city agriculturist.

(b) In addition thereto, the city mayor may appoint a city architect, a city information officer, a city population officer, a city environment and natural resources officer, a city cooperatives officer, an assistant city treasurer, and an assistant city assessor.

(c) The City of Binalbagan may say:

(1) Maintain existing offices not mentioned in

Subsections (a) and (b) thereof;

(2) Create such other offices as may be Necessary to carry out the purpose of The City; or

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

(d) Unless otherwise provided herein, all appointive city officials of the City shall be appointed by the city mayor with the concurrence of the majority of all the sangguniang panlungsod members, subject to civil service law, rules and regulations. The sanguniang panlungsod shall act on the appointments within fifteen (15) days from the date of their submission otherwise the same shall be deemed confirmed.

(e) Effective and appointive city officials shall receive such compensation, allowances and other emoluments as may be determined by law or ordinate, subject to budgetary limitation on personal services prescribed under title Five, Book II of Republic Act No. 7160. Provided, That no increase in compensation of the mayor, vice-mayor and sangguniang panlungsod members shall take effect until after the expiration of their term, unless otherwise superseded by legal orders.

SEC. 8. **The City Mayor** – (a) The city mayor shall be the chief executive of the City. He shall be elected at large by the qualified voters of the City.

No personal shall be eligible for the position of the city mayor unless at the time of the election:

(1) He is at least twenty-one (21) years of age;
(2) An actual resident of the City for at least One (1) year prior to his election; and
(3) An actual resident of the City for at least One (1) year prior to his election; and

He shall hold office for three (3) years unless sooner removed , and shall receive a minimum monthly compensation corresponding to the salary grade thirty (30), as prescribed under Republic Act No. 6758 and the implementing guidelines issued pursuant thereto, including all emoluments and allowances as may be allowed by law.

(b) The city mayor, as the chief executive of the city Government, shall exercise such power and perform Such duties and functions as provided herein:

(1) Exercise those powers expressly granted to Him by law, those necessarily implied Therefrom, as well as powers necessary, Appropriate or incidental for the efficient And effective governance of the City and Those which are essential to the promotion Of general welfare:

(a) Determine the guidelines of City policies and be Responsible to the Sangguniang panlungsod for the program of government

(b) Direct the formation of the City development plan, with The assistance of the city Development council and, Upon approval thereof by the Sangguniang panlungsod, Implement the same;

(c) Present the program of government and propose policies and projects for the consideration of the sangguniang panlungsod every calendar year and as often as may be deemed necessary as the general welfare of the inhabitants and the needs of the city government may require;

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

(e) Appoint all officials and employees whose salaries and wages are wholly or mainly paid out of city funds and whose appointments are not otherwise provided for in this act as well as those he may be authorized by law to appoint;

(f) Represent the City in all its business transactions and signs in its behalf all bonds, contracts and obligations, and such other documents upon authority of the sangguniang panlungsod or pursuant to existing laws or ordinances;

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

(h) Determine the time, manner and place of payment of salaries or wages of the officials and employees of the city, in accordance with law or ordinance;

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

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

(k) Examine the books, records and other documents of all offices, officials, agents or employees of the City and, in aid of his executive powers and authority, require all national officials and employees stationed in or

assigned to the City to make available to him such books, records and other documents in their custody, except those classified by laws as confidential;

(l) Furnish copies of executive orders issued by him to the respective council chairmen within seventy-two (72) hours after their issuance;

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

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

(o) Authorize official trips of city officials and employees outside of the City for a period not exceeding thirty (30) days;

(p) Call upon any national official or employee stationed in or assigned to the City to advise him on matters affecting the city and to make recommendations thereon; coordinate with said officials or employees in the formulation and implementation of plans, programs and projects; and, when appropriate, initiate any administrative or judicial

action against a national government official or employee who may have committed an offense in the performance of his official duties while stationed in or assigned to the City;

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

(r) Solemnize marriages, any provision of law to the contrary notwithstanding;

(s) Conduct an annual palarong panlungsod, which shall feature traditional sports and disciplines included in national and international games, in coordination with the Department of Education, Culture and Sports; and

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

(2) Enforce all laws and ordinances relative to the governance of the City and in the exercise of its appropriate corporate powers as well as

implement all approved policies, programs, projects, services and activities of the City;

(a) Ensure that the acts of the City's component barangays are within the scope of their prescribed powers, duties and functions;

(b) Call conventions, conferences, seminars or meetings of elective and appointive officials and employees stationed in or assigned to the city, at such time and place and on such subject as he may deem important to the promotion of the general welfare of the local government unit and its inhabitants;

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

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

(e) Acts as the deputized representative of the National Police Commission, formulate the peace and order plan of the City and upon its approval, implement the same and as such exercise general and operational control and supervision over the local police forces in the City, in accordance with Republic Act No. 6975; and

(f) Call upon the appropriate law enforcement agencies to suppress disorder, riot, lawlessness, violence, rebellion or sedition, or to apprehend violators of the law when

public interest so requires and the city forces are inadequate to cope with the situation or the violators.

(3) Initiate and maximize the generation of resources and revenues and apply the same in the implementation of development plans, programs objectives and priorities, particularly those resources and revenues programmed for agro-industrial development and countryside growth and progress:

(a) Require each head of office or department to prepare and submit an estimate of appropriations for the ensuing calendar year, in accordance with the budget preparation process and in accordance with the provisions of the Local Government Code ;

(b) Prepare and submit to the sangguniang panglungsod for approval the executive and supplemental budget of the City for the ensuing calendar year in the manner provided for under the Local Government

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

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

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

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

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

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

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

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

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

(b) Coordinate the implementation of technical services, including public works and infrastructure programs, rendered by national offices.

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

(6) During his incumbency, the city mayor shall hold office in the city hall.

SEC. 9. **The City Vice-Mayor** – (a) There shall be a city vice-mayor who shall be elected in the same manner as the city mayor and shall, at the same time of his election, possess as the same qualifications as the city mayor. He shall hold office for three (3) years unless sooner removed, and shall receive a monthly compensation corresponding to salary grade twenty-six (26) as prescribed under Republic Act No. 6578 and the implementing guidelines issued pursuant thereto, including all emoluments and allowances allowed by law.

(b) The city vice-mayor shall:

(1) Act as presiding officer of the sangguniang panlungsod and sign all warrants drawn on the city treasury for all expenditures appropriated for the operation of the sangguniang panlungsod

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

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

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

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

(6) During his incumbency, the city vice-mayor shall hold office in the city hall.

SEC. 10 **The Sangguniang Palungsod** – (a) The Sangguniang Panlungsod, the legislative body of the City, shall be composed of the city vice-mayor as presiding officer, the ten (10) regular sanggunian members, the president of the city chapter of the Liga ng mga Barangay, the president of the Panlungsod na Pederasyon ng mga Sangguniang Kabataan the sectoral representatives, as member.

(b) In addition thereto; there shall be three (3) sectoral representatives: one (1) from the women; and as shall be determined by the sangguniang panlugsod within ninety (90) days prior to the holding of the local elections, one (1) from the agricultural or industrial workers and one (1) from the other sectors, including the urban poor, indigenous cultural communities and disabled persons.

(c) The regular members of the sangguniang pnlungsod and the sectoral representatives shall be elected in the manner as may be provided by law. The elective members of the sangguniang panlungsod shall posses the same qualifications as that of the city mayor and city vice-mayor except that candidates for said position must be at least eighteen (18) years of age on election day.

(d) The sangguniang panlungsod members shall receive a minimum monthly compensation corresponding to salary allowances allowed by law.

(e) The sangguniang panlungsod shall:

(1) Approve ordinances and pass resolutions necessary for an efficient and effective city government and relative thereto, shall:

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

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

(c) Approve ordinances imposing a fine not exceeding Five Thousand Pesos (P5,000.00) or an imprisonment for a period not exceeding one (1) year, or both at the discretion of the court, for the violation of a city ordinance;

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

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

(f) Protect the environment and impose appropriate penalties for acts which endanger the environment, such as dynamite fishing and other forms of destructive fishing, illegal logging and smuggling of logs, smuggling of natural resources products and of endangered species of flora and fauna, slash and burn farming, and such other activities which result in pollution, acceleration of eutrophication of rivers and lakes or of ecological imbalances;

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

(h) Determine the positions and the salaries, wages,

allowances and other emoluments and benefits of officials and employees paid wholly or mainly from city funds and provide for expenditures necessary for the proper conduct of programs, projects, services and activities of the city government;

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

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

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

(l) Provide legal assistance to barangay officials who, in the performance of their duties or on the occasion thereof, have to initiate judicial proceedings or defend themselves against legal action; and

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

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

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

(b) Subject to the provisions of Book II of the Local Government Code and applicable laws and upon the majority vote of all members of the sangguniang panlungsod, enact ordinances levying taxes, fees and charges, prescribing the rates thereof for general and

specific purposes, and granting tax exemptions, incentives or relief;

© Subject to the provision of Book II of the Local Government Code and upon the majority vote of all the members of the sangguniang panlungsod, authorize the city mayor to negotiate and contract loans and other forms of indebtedness;

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

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

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

(g) Adopt a comprehensive land use plan for the city;

(h) Reclassify lands within the jurisdiction of the City,

subject to the pertinent provisions of the Local Government Code;

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

(k) Subject to the provisions of Book II of the Local Government Code, grant the exclusive privilege of construction of fish corrals or fish pens, prawn fry or kawag-kawag, or fry of any species of fish within the city waters;

(l) With the Concurrence of at least two-thirds (2/3) of all members of the sangguniang panlungsod, grant tax exemptions, incentives or relief to entities engaged in community growth- inducing industries, subject to the provisions of the Local Government Code;

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

(n) Regulate the numbering of residential, commercial and other buildings; and

(o) Regulate the inspection, weighing and measuring of articles of commerce.

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

(a) Fix and impose reasonable Fees and charges for all services rendered by the city government to private persons or entities;

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

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

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

(e) Any law to the contrary notwithstanding, authorize and

license the establishment, operation and maintenance of cockpits and regulate cockfighting and commercial breeding of gamecocks: *Provided,* that existing rights should not be prejudiced;

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

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

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

(a) Declare, prevent or abate any Nuisance;

(b) Require that buildings and the premises thereof and nay land within the City be kept and maintained in a sanitary condition; impose penalties for any violation thereof or upon failure to comply with said

requirement, have the work done at the expenses of the owner, administrator or tenant concerned; or require the filing up of any land or premises to a grade necessary for proper sanitation;

© Regulate the disposal of clinical and other wastes from hospitals, clinics and other similar establishments;

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

(e) Regulate the sale, giving away or dispensing of any intoxicating malt, vine, mixed or fermented liquors at any retail outlet;

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

(g) Regulate the establishment, operation and maintenance of any entertainment or amusement facilities, including theatrical performances, circuses, billiard pools, public dancing schools, public dance halls, sauna baths, massage parlors, and other places for entertainment, particularly those which tend to disturb the community or annoy the inhabitants, or require the suspension of the same; or

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

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

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

(a) Provide for the establishment, maintenance, protection and conservation of communal forest and watersheds, tree parks, green belts and other similar forest development projects;

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

© Regulate the preparation and sale of meat, poultry, fish, vegetables, fruits, fresh dairy products and other foodstuffs for public consumption;

(d) Regulate the use of streets, avenues, alleys, sidewalks, bridges, parks and other public places and approve the construction, improvement, repair and maintenance of the

same; establish bus and vehicle stops and terminals or regulate the use of the same by privately-owned vehicles which serves the public; regulate garages and the operation of conveyances for hire; designate stands to be occupied by public vehicles when not in use; regulate the putting of signs, signposts, awnings and awning posts on the streets; and provide for the lightning, cleansing and sprinkling of streets and public places;

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

(f) Subject to existing laws, establish and provide for the maintenance, repair and operation of an efficient waterworks system to supply water for the inhabitants and to purify the source of the water supply; regulate the construction, maintenance, repair and use of hydrants, pumps, cisterns and reservoirs; protect the purity and quality of the water supply of the City and, for this purpose, extend the coverage of appropriate ordinances over all territory within the drainage area of the said water supply and within one hundred meters (100 m.) of reservoir, conduit, canal, aqueduct, pumping station or watershed used in connection with the water service; and regulate the consumption, use

or wastage of water and fix and collect charges therefore;

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

(h) Regulate the placing, stringing, attaching, installing, repair and construction of all gas mains, electric, telegraph and telephone wires, conduits, meters and other apparatus; and provide for the correction, condemnation or removal of the same when found to be dangerous, defective or otherwise hazardous to the welfare of the inhabitants;

(i) Subject to the availability of funds and to existing laws, rules and regulations, establish and provide for the operation of vocational and technical schools and similar post-secondary institutions and, with the approval of the Department of Education, Culture and Sports and subject to existing laws on tuition fees and other school charges in educational institutions

supported by the city government;

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

(k) Approve and adopt quarantine regulations to prevent the introduction and spread of diseases;

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

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

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

(o) Establish a city council whose purpose is the promotion of culture and the arts, coordinate with government agencies and non- governmental organization and, subject to the

availability of funds, appropriate funds for the support and development of the same; and

(p) Establish a city council for the elderly which shall formulate policies and adopt measures beneficial to the elderly and to the community, provide incentives for non-governmental agencies and entities and, subject to the availability of funds, appropriate funds to support programs and projects for the benefit of the elderly; and

(q) Authorize the establishment, maintenance and operation by the city government of ferries, wharves and other structures intended to alleviate productivity related to marine and seashore or offshore activities.

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

SEC. 11. **Internal Rules of Procedures**- (a) On the first regular session following the election of its members and within ninety (90) days thereafter, the sangguniang panlungsod shall adopt or update its existing rules of procedures.

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

(1) The organization of the sanggunian and the election of its officers as well as the creation of standing committees which shall include, but shall not be limited to, the committees on appropriations, women and family, human rights, youth and sports development, environmental protection, and cooperatives; the general jurisdiction of each

committee; and the election of the chairman and members of each committee;

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

(3) The legislative process;

(4) The parliamentary procedures which include the conduct of members during session;

(5) The discipline of members for disorderly behavior and absences without justifiable cause for four (4) consecutive sessions, for which they maybe censured, reprimanded or excluded from the session, suspended for not more than sixty (60) days or expelled: *Provided,* That the penalty of suspension or expulsion shall require the concurrence of at least two-thirds (2/3) vote of all the sanggunian members: *Provided,* That if the member did not participate during the deliberations, the disclosure shall be made before voting on the ordinance or resolution on second and third readings; and

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

SEC. 13. **Session.** – (a) On the first day of the session immediately following the election of its member, the sangguniang panlungsod shall be resolution, fix the day, time and place of its regular sessions. The minimum number of regular sessions shall be once a week for the sangguniang panlungsod and twice a month for the sangguniang barangay.]

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

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

(d) In the case of special sessions of the sanggunian, a written notice to the members shall be served personally at the member's usual place of residence at least twenty-four (24) hours before the special session is held. Unless concurred in by two-thirds (2/3) vote of the sanggunian members present, there being a quorum, no matters may be considered at a special session expect those stated in the notice.

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

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

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

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

SEC. 15. **Approval of Ordinances/ Resolutions.** - (a) Every ordinance enacted and / or resolution passed by the sangguniang panlugsod shall be presented to the city mayor. If the city mayor approves the same, he shall affix his signature on each and every page thereof; otherwise, he shall veto it and return the same with his objections to the sanggunian may override the veto of the city mayor by two-thirds (2/3) vote of the members, thereby making the ordinace or resolution effective for all legal intents and purposes.

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

SEC. 16. **Veto Power of the City Mayor.** - (a) The city mayor may veto any ordinance of the sangguniang panlungsod on the ground that it is *ultra vires* or prejudicial to the public welfare, stating this reasons therefore in writing.

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

SEC. 17. **Effectivity of Ordinances or Resolution.** - (a) Unless otherwise stated in the ordinace or the resolution approving the local development plan and public investment program, the same shall take effect after ten (10) days from the date a copy thereof is posted in a bulletin board at the entrance of the city hall of Binalbagan and in at least two (2) other conspicuous places in the City of Binalbagan.

(b) The secretary to the sangguniang panlungsod shall cause the posting of an ordinance or resolution in the bulletin board at the entrance of the city hall of Binalbagan and in at least two (2) conspicuous places in the City of Binalbagan nat later than five (5) days after approval thereof.

The text of the ordinance or resolution shall be disseminated and posted in Filipino or English and in the language or dialect understood by the majority of the people in the City, and the secretary of the sangguniang panlungsod shall record such fact in a book kept for the purpose, stating the dates of approval and posting.

© The main features of the ordinance or resolutiopn duly enacted or adopted shall, in addition to being posted, be published once in a local newspaperof general circulation within the City: *Provided*, That in the absence thereof, the ordinance or resolution shall be published in any newspaper of general circulation: *Provided, further*, That the gist of all ordinances with penal sanctions shall also be published in a newspaper of general circulation.

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

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

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

© Those convicted by final judgment for violating the oath of allegiance to the Republic of the Philippines;

(d) Those with dual citizenship;

(e) Fugitive from justice in criminal or nonpolitical cases here and abroad;

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

(g) The insane or feeble-minded.

SEC. 21. **Permanent Vacancy in the Office of the City Mayor and City Vice-Mayor.** – (a) If a permanent vacancy occurs in the office of the city mayor, the city vice-mayor shall *ipso facto* become the city mayor. If a permanent vacancy occurs in the offices of the mayor or vice-mayor, the highest ranking sangguniang panlungsod member or, in case of his permanent inability, the secondhighest ranking sangguniang panlungso member shall *ipso facto* become the city mayor or the city vice-mayor, as the case may be. Subsequent vacancies in the said offices shall be filled automatically by the other sangguniang members according to their ranking as defined herein.

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

© The successors as defined herein shall serve only the unexpired terms of their predecessors.

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

For purposes of succession as provided in this Act, ranking in the sangguniang panlungsod shall be determined on the basis of the proportion of votes obtained by each winning candidate to the total number of registered voters in the City in the immediately preceding local election.

SEC. 22. **Permanent Vacancies in the Sanggunian.** –

(a) Permanent vacancies in the sangguniang panlungsod automatic succession as provided above does not apply shall be filled by appointment in the following manner:

(1) The President, through the executive secretary, shall make the aforesaid appointments;

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

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

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

SEC. 23. **Temporary Vacancy in the Office of the City Mayor.-**

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

(b) Said temporary incapacity shall terminate upon submission to the sangguniag panlungsod of a written declaration by the city mayor that he has reported back to office. In cases where the temporary incapacity is due to legal causes, the city mayor shall submit necessary documents showing that said legal causes no longer exist.

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

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

(e) Except as provided above, the city mayor shall in no case authorize any local official to assume the powers, duties and functions of the office other than the city vice-mayor or the

highest ranking member of the sangguniang panlungsod, as the case may be.

SEC. 24. **city Elective Officer.-** (a) There shall be established in the city government of the City of Binalbagan the following offices for its elective officials:

(1) The office of the city mayor;

(2) The office of the city vice-mayor; and

(3) The office of the members of the sangguniang panlungsod.

SEC. 25. **The Secretsry to the Sangguniang Panlungsod.-** (a) There shall be a secretary to the sangguniang panlungsod who shall be a career official with the rank of and salary equal to a head of department or office and who shall be appointed by the city vice-mayor.

(b) No person shall be appointed secretary to the sangguniang panlungsod unless he is a citizen of the Philippines, a resident of the City of Binalbagan for at least three (3) years on the date of appointment, of good moral character, a holder of a college degree preferably in law, commerce or public administration from a recognized college or university, and a first grade civil service eligible or its equivalent.

© The secretary to the sangguniang panlungsod shall take charge of the office of the sangguniang panlungsod, and shall:

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

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

(3) Forward to the city mayor, for approval, copies of ordinances enacted by the sangguniang panlungsod and present the same to the presiding officer;

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

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

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

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

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

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

SEC. 26. **The City Treasurer.** - (a) The city treasurer shall be appointed by the Secretary of Finance from a list of at least three (3) ranking eligible recommendees of the city mayor, subject to civil service law, rules and regulations.

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

© No person shall be appointed city treasurer unless he is a citizen of the Philippines, a resident of the City of Binalbagan for at least three (3) years on

SEC. 28. **The City Assessor.-** (a) The city assessor must be a citizen of the Philippines, a resident of the City of Binalbagan for at least three (3) years on the date of appointment, of good moral character, a holder of college degree preferably in civil or mechanical engineering, commerce or in other related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in real property assessment work or in any related field for at least five (5) years immediately preceding the date of his appointment.

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

© The city assessor shall take charge of the city assessor's office, and shall:

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

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

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

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

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

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

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

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

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

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

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

SEC. 30. **The City Accountant.**- (a) The city accountant must be a citizen of the Philippines, and a resident of the City of Binalbagan for at least three (3) years on the date of appointment, of good moral character, and a certified public accountant. He must have acquired experience in the treasury or accounting service for at least five (5) years immediately preceding the date of his appointment.

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

© The city accountant shall take charge of both the office on accounting and internal audit service, and shall:

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

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

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

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

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

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

(7) Post individual disbursement to the subsidiary ledger and index card;

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

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

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

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

(12) Perform such other duties and functions and exercise such other powers as provided for under Republic Act 7160, otherwise known as the Local Government Code of 1991, and those that are prescribed by law or ordinance.

SEC.31. **The City Budget Officer.**- (a) The city budget officer must be a citizen of the Philippines, a resident of the City of Binalbagan for at least three (3) years on the date of appointment, of good moral character, a holder of a college degree preferably in accounting, economics, public administration or any related course from a recognized college or university,

and a first grade civil service eligible or its equivalent. He must have acquired experience in government budgeting or in any related field for at least five (5) years immediately preceding the date of his appointment.

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

© The city budget officer shall take charge of the city budget office; and shall :

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

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

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

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

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

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

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

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

(9) Perform such other duties and functions and exercise such other

powers as provided for under Republic Act No. 7160, otherwise known as the Local Government Code of 1991, and those that are prescribed by the law or ordinance.

SEC. 32. **The City Planning and Development Coordinator.**- (a) The city planning and development coordinator must be a citizen of the Philippines, a resident of the City of Binalbagan for at least three (3) years on the date of appointment, of good moral character, a holder of a college degree preferably in urban planning, development studies, economics, public administration or any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in development planning or in any related field for at least five (5) years immediately preceding the date of his appointment.

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

© The city planning and development coordinator shall take charge of the city planning and development office, and shall:

(1) Formulate integrated economic, social physical and other development plans and policies for consideration of the city development council.

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

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

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

(5) Prepare comprehensive plans and other development planning

documents for the consideration of local development council;

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

(7) Promote people participation in development planning within the City; and

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

SEC. 33. –**The City Engineer.**- (a) The city engineer must be a citizen of the Philippines, a resident of the City of Binalbagan for at least three (3) years on the date of appointment, of good moral character, and a licensed engineer. He must have acquired experience in the practice of his profession for at least five (5) years immediately preceding the date of his appointment.

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

© The city engineer shall take charge of the city engineering office, and shall:

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

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

(3) Administer, coordinate, supervise and control the construction, maintenance, improvement and repair of roads, bridges and other

engineering and public works projects of the City;

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

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

SEC. 34. **The City Health Officer.-** (a) The city health officer must be a citizen of the Philippines, a resident of the City of Binalbagan for at least three (3) years on the date of his appointment, of good moral character, and a licensed medical practitioner. He must have acquired experience in the practice of his profession for at least five (5) year immediately preceding the date of his appointment.

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

© The city health officer shall take charge of the office of the city health service, and shall:

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

(2) Formulate measures for the consideration of the sangguniang panlungsod and provide technical assistance and support to the city mayor in carrying out activities to ensure the delivery of basic services

and provision of adequate facilities relative to health services;

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

(4) Be in the frontline of the delivery of health services, particularly during and in the aftermath of man-made and natural disasters and calamities; and

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

SEC. 35. **The City Civil Registrar.** - (a) The city civil registrar must be a citizen of the Philippines, a resident of the City of Binalbagan, for at least three (3) years on the date of his appointment, of good moral character, a holder of a college degree from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in civil registry work for at least five (5) year immediately preceding the date of his appointment.

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

© The city civil registrar shall be responsible for the civil registration programs in the City of Binalbagan, pursuant to the Civil Registry Law, the Civil Code and other pertinent laws, rules and regulations issued to implement them.

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

(1) Develop plans and strategies and, upon approval thereof by the city

mayor, implement the same, particularly those which have to do with civil registry programs and projects which the city mayor is empowered to implement and which the sangguniang panlungsod is empowered to provide; and

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

SEC. 36 . **The City Administrator.** - (a) The city administrator must be a citizen of the Philippines, a resident of the City of Binalbagan, for at least three (3) years on the date of his appointment, of good moral character, a holder of a college degree preferably in public administration, law or any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in management and administration work for at least five (5) year immediately preceding the date of his appointment.

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

(c) The city administrator shall take charge of the office of the city administrator, and shall:

(1) Develop plans and strategies and, upon approval thereof by the city mayor, implement the same, particularly those which have to do with the management and administration-related programs and projects which the city mayor is empowered to implement and which the sangguniang panlungsod is empowered to provide;

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

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

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

SEC. 37 . **The City Legal Officer.** - (a) The city legal officer must be a citizen of the Philippines, a resident of the City of Binalbagan, for at least three (3) years on the date of appointment, of good moral character and a member of the Philippine Bar. He must have practiced his profession for at least five (5) year immediately preceding the date of his appointment.

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

(c) The city legal officer, the chief legal counsel of the City shall take charge of the office for legal services, and shall:

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

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

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

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

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

SEC. 38 . **The City Social Welfare and Development Officer.** - (a) The city social welfare and development officer must be a citizen of the Philippines, a resident of the City of Binalbagan, for at least three (3) years on the date of appointment, of good moral character, a duly licensed social worker or a holder of a college degree preferably in sociology or any other related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in the practice of social work for at least five (5) years immediately preceding the date of his appointment.

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

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

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

(2) Develop plans and strategies and, upon approval thereof by the city

mayor, implement the same, particularly those which have to do with social welfare and development programs and projects related to legal services which the city mayor is empowered to implement and which the sangguniang panlungsod is empowered to provide;

(3) Be in the frontline of service delivery; particularly those whichhave to do with immediate relief and assistance during and in the aftermath of man-made and natural disasters and calamities;

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

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

SEC. 39 . **The City Environment and Natural Resources Officer.** - (a) The city environment and natural resources officer must be a citizen of the Philippines, a resident of the City of Binalbagan, for at least three (3) years on the date of appointment, of good moral character, a holder of a college degree preferably in environment, forestry, agriculture or any other related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in environmental and natural resources management, conservation and utilization work for at least five (5) years immediately preceding the date of his appointment

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

(c) The city environment and natural resources officer shall take charge of the office of environment and natural resources, and shall:

(1) Formulate measures for the consideration of the sangguiniang panlungsod and provide technical assistance and support to the city mayor in carrying out measures to ensure the delivery of basic services and provision of adequate facilities relative to environment and natural resources;

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

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

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

(5) Perform such other duties and functions and exercise such other powers as provided for under Republic Act No. 7160, otherwise known as the Local Government

Code of 1991, and those that are prescribed by law or ordinance.

SEC. 40 . **The City Architect.** - (a) The city architect must be a citizen of the Philippines, a resident of the City of Binalbagan, for at least three (3) years on the date of appointment, of good moral character, a duly licensed architect. He must have practiced his profession for at least five (5) years immediately preceding the date of his appointment.

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

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

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

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

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

(4) Recommend to the sangguniang panlungsod and advise the city

mayor on all matters relative to the architectural planning and design as it relates to the total socioeconomic development of the City ; and

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

SEC. 41 . **The City Information Officer.** - (a) The city information officer must be a citizen of the Philippines, a resident of the City of Binalbagan, for at least three (3) years on the date of appointment, of good moral character, a holder of a college degree preferably in journalism, mass communication or any other related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have experience in writing articles and research papers, or in writing for print, television or broadcast media for at least five (5) years immediately preceding the date of his appointment.

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

(c) The city information officer shall take charge of the office of public information, and shall:

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

(2) Develop plans and strategies and, upon approval thereof by the city mayor, implement the same, particularly those which have to do with public information and research data to support programs and projects which the city mayor is empowered to implement and which

the sangguniang panlungsod is empowered to provide;

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

(4) Recommend to the sangguniang panlungsod and advise the city mayor on all matters relative to public information and research data as they relate to the total socio-economic development of the City; and

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

SEC. 42. **The City Cooperatives Officer.** - (a) The city cooperatives officer must be a citizen of the Philippines, a resident of the City of Binalbagan, for at least three (3) years on the date of appointment, of good moral character, a holder of a college degree preferably in business administration with special training in cooperatives or any other related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have experience in cooperatives organization and management for at least five (5) years immediately preceding the date of his appointment.

(b) The city social cooperatives officer shall take charge of the office for the development of cooperatives, and shall:

(1) Formulate measures for the considerationof the sangguiniang panlungsod and provide technical assistance and support to the city mayor in carrying out measures to

ensure the delivery of basic services and provision of facilities through the development of cooperatives, and in providing access to such service and facilities;

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

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

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

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

SEC. 43. **The City Population Officer.** - (a) The city population officer must be a citizen of the Philippines, a resident of the City of Binalbagan, for at least three (3) years on the date of appointment, of good moral character, a holder of a college degree with specialized training in

population development from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have experience in the Implementation of programs on population development or responsible parenthood for at three (3) years immediately preceding the date of his appointment.

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

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

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

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

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

SEC. 44. **The City Veterinarian.** - (a) The city veterinarian must be a citizen of the Philippines, a resident of the City of Binalbagan, for at least three (3) years on the date of appointment, of good moral character, and

a licensed doctor of veterinary medicine. He must have practice his profession for at least three (3) years immediately preceding the date of his appointment.

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

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

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

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

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

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

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

SEC. 45. **The City General Services Officer.** - (a) The city general services officer must be a citizen of the Philippines, a resident of the City of Binalbagan, for at least three (3) years on the date of appointment, of good moral character, a holder of a college degree on public administration, business administration or management from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have acquired experience in general services, including management of supply, property, solid waste disposal and general sanitation for at least five (5) years immediately preceding the date of his appointment.

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

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

(2) Develop plans and strategies and, upon approval thereof by the city mayor, implement the same, particularly those which have to do with general services supportive of the welfare of the inhabitants of the City which the city mayor is empowered to implement and which the sangguniang panlungsod is empowered to provide;

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

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

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

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

SEC. 46. **The City Agriculturist.** - (a) The city agriculturist must be a citizen of the Philippines, a resident of the City of Binalbagan, for at least three (3) years on the date of appointment, of good moral character, a holder of a college degree in agriculture or any other related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He must have practiced his profession in agriculture or acquired experience in related field for at five (5) years immediately preceding the date of his appointment.

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

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

(1) Formulate measures for the approval of the sangguiniang panlungsod and provide technical assistance and support to the city mayor in carrying out measures to ensure the delivery of basic services and provision of adequate facilities relative to agricultural services as provided for under Section 17 of the Local Government Code;

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

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

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

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

(iii) Assist the city mayor in the establishment and extension services of demonstration farms or aqua-culture and marine products;

(iv) Enforce rules and regulations relating to agriculture and aqua-culture; and

(v) Coordinate with government agencies and non-governmental organizations which promote agricultural productivity through appropriate technology compatible with environmental integrity.

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

(5) Recommend to the sangguniang panlungsod and advise the city mayor on all matters related to agriculture and aqua-culture which will improve the livelihood and living conditions of the inhabitants; and

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

SEC. 47. **The City Zoning Administrator.** - (a) The city zoning administrator must be a citizen of the Philippines, a resident of the City of Binalbagan, for at least three (3) years on the date of appointment, of good moral character, a holder of a college degree , preferably a member of the Philippine Bar or a civil engineer, or any other related course from a recognized college or university. He must be a first grade civil service eligible or its equivalent and have acquired experience in related work for at five (5) years immediately preceding the date of his appointment.

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

© The city zoning administrator shall administer and enforce the provisions of the Land Use and

Zoning Ordinance of the City with the following specific powers and duties:

(1) To grant or deny, with or without conditions applications for the granting of exceptions and variances in accordance with the provisions of the Land Use and Zoning Ordinance;

(2) To issue certificate of locational viability;

(3) To issue certificate of locational clearance;

(4)To serve notice requiring the removal of any use in violation of the Land Use and Zoning Ordinance upon the owner, agent or tenant of the building, land or upon the architect, builder, contractor or other persons who commit or assist in any such violation;

(5) To call upon the city and/ or provincial prosecutor to institute any necessary legal proceedings to enforce the provision of the ordinance.

(6) To monitor ongoing/existing projects and issue notice of violation (if any);

(7) To coordinate with the city planning and development coordinator in the implementation of the ordinance or on other related matters thereto;

(8) To call upon the station commander of the PNP or his duly authorized representative to assist in the implementation and enforcement of the ordinance;

(9) To report to the city development council and the sangguniang panlungsod of Binalbagan all the exceptions and variances granted so that the Land Use and Zoning Map can be correspondingly be updated

and also a report on the program and problems encountered in the administration and enforcement of the ordinance, making the necessary recommendations thereon; and

(10) He shall head the zoning review committee as chairman

SEC. 48. **The City Fire Station Service.** - (a) There shall be established in the City at least one (1) fire station with adequate personnel, firefighting facilities and equipment, subject to the standards, rules and regulations as may be promulgated by the Department of the Interior and Local Government . The City shall provide the necessary land or site of the station.

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

© The city fire station shall be responsible for the fire protection and various emergency services such as rescue and evacuation of injured people at fire-related incidents and, in general, all fire prevention and suppression measures to secure the safety of life and property of the citizenry.

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

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

SEC. 50. **Municipal Ordinances Existing at the Time of the Approval of this Act.**- All municipal ordinances of the Municipality of

Binalbagan existing at the time of the approval of this Act shall continue to be in force within the City of Binalbagan until the sangguniang panlungsod shall, by ordinance, provide otherwise.

SEC. 51. **Suspension of Increase in Rates of Local Taxes.-** No increase in the rates of local taxes shall be imposed by the City of Binalbagan within a period of five (5) years from its acquisition of corporate existence.

SEC. 52. **Plebiscite.-** The City of Binalbagan shall acquire corporate existence upon the ratification of its creation by a majority of the votes cast by qualified voters in a plebiscite to be conducted in the present Municipality of Binalbagan within sixty (60) days from the approval of this Act. The expenses for such plebiscite shall be borne by the Municipality of Binalbagan. The Commission on Elections shall conduct and supervise such plebiscite.

SEC. 53. **Officials of the City of Binalbagan.-** The present elective officials of the Municipality of Binalbagan shall continue to exercise their powers and functions until their three-year term shall have expired or until such time that a new election is held and duly elected officials shall have already qualified and assumed their offices. The appointive officials and employees of the Municipality shall likewise continue exercising their functions and duties as such as they shall be automatically absorbed by the city government of the City of Binalbagan.

SEC. 54. **Succession Clause.-** The City of Binalbagan shall succeed to all the assets, properties, liabilities and obligations of the Municipality of Binalbagan.

SEC. 55. **Representative District.-** Until otherwise provided by law, the City of Binalbagan shall continue to be part of the Fifth Congressional District of the Province of Negros Occidental.

SEC. 56. **Applicability of Laws.-** The provisions of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, and other laws pertaining to the Province of Negros Occidental and such laws as are applicable to cities shall govern the City of Binalbagan insofar as they are not inconsistent with the provisions of the Act.

SEC.57. **Separability Clause.-** If any part of this Act is declared invalid or unconstitutional, the other parts or provisions thereof shall remain valid and effective.

SEC. 58. **Repeating Clause.-** All laws, decrees, rules or regulations or parts there inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 59. **Effectivity.-** This Act shall take effect upon its approval.

Approved.