

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. **5881**



Introduced by HON. FLORENCIO C. GARAY

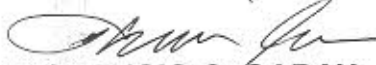
EXPLANATORY NOTE

The Local Government Code of 1991 (Republic Act No. 7160) assures local government units of genuine and meaningful autonomy to enable them to attain fullest development as self-reliant communities and make them more effective partners in the attainment of national goals. Towards this end, the State is mandated to provide for a more responsive and accountable local government structure instituted through a system of decentralization whereby local government units shall be given more powers, authority, responsibilities and resources.

Pursuant to this mandate, this bill seeks to create the Province of Surigao del Oriente, to be composed of the component city and municipalities of the present Second District of Surigao del Sur, namely Bislig City, Barobo, Hinatuan, Lingig and Tagbina. Thus, while retaining the land area, population and income of the original Second District of Surigao del Sur, its formation into the new Province of Surigao del Oriente will provide for a more effective coordination among the comprising local government units, establish a more efficient mechanism that will meet the priority needs and service requirement of the communities and actively participate in the implementation of national programs and policies.

Finally, the creation of the Province of Surigao del Oriente will encourage political independence, facilitate the effective governance of the local government units within its jurisdiction, and further the economic development of the proposed province and its mother province of Surigao.

In view of its national and local importance, the approval of this bill is earnestly sought.


FLORENCIO C. GARAY

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AN ACT
CREATING THE PROVINCE OF SURIGAO DEL ORIENTE

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

ARTICLE I
General Provisions

SECTION 1. *Title.* – This Act shall be known as “The Charter of the Province of Surigao del Oriente”.

SECTION 2. *Province of Surigao del Oriente.* - There is hereby created the new Province of Surigao del Oriente to be composed of the four (4) municipalities and city of the present Surigao del Sur: the City of Bislig, the Municipality of Barobo, the Municipality of Hinatuan, the Municipality of Lingig and the Municipality of Tagbina.

SECTION 3. *Capital Town and Seat of Government.* – The capital town and seat of government of the new Province of Surigao del Oriente shall be the City of Bislig.

SECTION 4. *Corporate Powers of the Province.* - The province 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 provincial corporation to be exercised in conformity with the provision of this Charter. The province shall have the following corporate powers:

- (a) To have continuous succession in its corporate name;
- (b) To sue and be sued;

- (c) To have and use a corporate seal;
- (d) To acquire, hold and convey real or personal property;
- (e) To enter into contracts and agreements; and
- (f) To exercise such other powers, prerogatives or authority, subject to the limitation provided in this Act or other laws.

SECTION 5. *General Powers.* - The province shall have an independent and common seal and may alter the same at its pleasure. It shall exercise the powers to levy taxes, to close and open roads, streets, alleys, parks or squares; to take, purchase, receive, hold, lease, convey and dispose of real and personal property for the general interests of the province; to expropriate or condemn private property for public use; to execute contracts, to sue and be sued; to prosecute, defend and execute suits wherein the province is involved or interested in; and to exercise all the powers granted to corporations or those granted hereafter.

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

SECTION 7. *Legislative District.* - The Province of Surigao del Oriente shall constitute one separate legislative district to commence in the next national election after the effectivity of this Act.

ARTICLE II

Provincial Officials in General

SECTION 8. *Officials of the Provincial Government.* - (A) There shall be, in the Province of Surigao del Oriente, a governor, a vice-governor, members of the sangguniang panlalawigan, a secretary to the sangguniang panlalawigan, a provincial treasurer, a provincial assessor, a provincial budget officer, a provincial accountant, a provincial planning and development coordinator, a provincial engineer, a provincial health officer, a provincial civil registrar, a provincial administrator, a provincial legal officer, a provincial agriculturist, a provincial social welfare and development officer, a provincial environment and natural resources officer, a provincial veterinarian, a provincial general services officer and a provincial cooperatives officer.

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

(C) The sangguniang panlalawigan may:

1. Maintain existing offices not mentioned in subsections (A) and (B) hereof;

2. Create such other offices as may be necessary to carry out the purposes of the provincial government; or
3. Consolidate the functions of any office with those of another in the interest of efficiency and economy.

Unless otherwise provided, heads of departments and offices shall be appointed by the provincial governor with the concurrence of a majority of the sangguniang panlalawigan members, subject to civil service law, rules and regulations. The sangguniang panlalawigan shall act on the appointment within fifteen (15) days from the date

SECTION 9. *Residence and Office.* - During the incumbency of the governor, he shall have his official residence and office in the designated capital of the province. All elective and appointive provincial officials shall hold office in the provincial capital; *Provided*, That upon the resolution of the sangguniang panlalawigan, elective and appointive provincial officials may hold office in any component city of municipality within the province for a period of not more than seven days for any given month.

ARTICLE III. Elective Provincial Officials

SECTION 10. *The Provincial Governor.* - (A) The provincial governor, as the chief executive of the provincial government, shall exercise, shall exercise such powers and perform such duties and functions as provided for in the Local Government Code of 1991 and other laws.

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

- (1) Exercise general supervision and control over all programs, projects, services and activities of the provincial government and, in this connection, shall:
 - (a) Determine the guidelines of provincial policies and be responsible to the sangguniang panlalawigan for the program of the government;
 - (b) Direct the formulation of the provincial development plan with the assistance of the provincial development council and,

upon approval thereof by the sangguniang panlalawigan, implement the same;

- (c) Present the program of the government and propose policies and projects for the consideration of the sangguniang panlalawigan at the opening of the regular session of the sangguniang panlalawigan every calendar year and as often as may deemed necessary for the general welfare of the inhabitants and the needs the provincial government may require;
- (d) Appoint all officials and employees whose salaries and wages are wholly or mainly paid out of provincial funds and whose appointments are not otherwise provided for in this Act as well as those he may be authorized by law to appoint;
- (e) Represent the province in all its business transactions and sign on its behalf all bonds, contracts and obligations, and other documents upon authority of the sangguniang panlalawigan or pursuant to law and ordinances;
- (f) Carry out such emergency measures as may be necessary during and in the aftermath of natural and man-made disasters or calamities;
- (g) Determine the time, manner and place of payment of salaries or wages of the provincial officials and employees, in accordance with law or ordinance;
- (h) Allocate and assign office space to provincial and other officials and employees who, by law or ordinance, are entitled to such space in the provincial capitol and other buildings owned or leased by the provincial government;
- (i) Ensure that all executive officials and employees of the province faithfully discharge their duties and functions as provided for by law and the Local Government Code of 1991, and cause to be instituted administrative or judicial proceedings against any official or employee of the province who may have committed an offense in the performance of his official duties;
- (j) Examine the books, records and other documents of all offices, officials, agents or employees of the province and, in aid of his executive powers and authority, require all national officials and employees stationed in the province to make

available to him such books, records and documents in their custody, except those classified by law as confidential;

- (k) Furnish the Office of the President copies of executive orders issued by him within seventy-two (72) hours after their issuance;
- (l) Visit component cities and municipalities of the province at least once every six months to deepen his understanding of problems and conditions, listen and give appropriate counsel to local officials and inhabitants, inform the officials and inhabitants of component cities and municipalities of general laws and ordinances which especially concern them, and otherwise conduct visits and inspections to ensure that the governance of the province will improve the quality of life of the inhabitants;
- (m) 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;
- (n) Authorize official trips of provincial officials and employees outside of the province for a period not exceeding thirty (30) days;
- (o) Call upon any national official or employee stationed in or assigned to the province and advise him on matters affecting the province and to make recommendations thereon; coordinate with said officials or employee in the formulation and implementation of plans, programs and projects, and, when appropriate, initiate an administrative or judicial action against a national government official or employee who may have committed an offense in the performance of his duties while stationed in or assigned to the province;
- (p) Authorize payment for medical care, necessary transportation, subsistence, hospital or medical fees of provincial officials and employees who are injured while in the performance of their official duties and functions, subject to availability of funds;
- (q) Represent the province in inter-provincial or regional sports councils or committees, and coordinate the efforts of component cities or municipalities in the regional or national palaro or sports development activities;

- (r) Conduct an annual palarong panlalawigan, which shall feature traditional sports and disciplines included in the national and international games, in coordination with the Department of Education; and
 - (s) Submit to the Office of the President the following reports: an annual report containing a summary of all matters pertinent to the management, administration and development of the province and all information and data relative to its political, social and economic conditions, and supplemental reports when unexpected events and situations arise at any given time during the year, particularly when man-made or natural disasters or calamities affect the general welfare of the province, region or country;
- (2) Enforce all laws and ordinances relative to the governance of the province and the exercise of the appropriate corporate powers provided for in Section 22 of the Local Government Code of 1991; implement all approved policies, programs, projects, services and activities of the province and, in addition to the foregoing, shall:
- (a) Ensure that the acts of the component cities and municipalities of the province and of its officials and employees are within the scope of their prescribed powers, duties and functions;
 - (b) Call conventions, conferences, seminars or meetings of elective and appointive officials of the province and its component cities and municipalities, including national officials and employees stationed in or assigned to the province, at such time and place and on such subject as he may deem important for the promotion of the general welfare of the province and its inhabitants;
 - (c) Issue 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) In coordination with the mayors of component cities and municipalities and the national police commission, formulate the peace and order plan of the province and, upon its approval, implement the same in accordance with Republic

act No. 6975, otherwise known as the Philippine National Police law; and

- (f) Call upon the appropriate national law enforcement agencies to suppress disorder, riot, lawless violence, rebellion or sedition, or to apprehend violators of the law when public interest so requires, and the police forces of the component city and municipality when the former are unable to cope with the situation or the violators;
- (3) Initiate and maximize the generation of resources and revenues, and apply the same to the implementation of development plans, programs, objectives and priorities as provided for under Section 18 of the Local Government Code of 1991, particularly those resources and revenues programmed for agro-industrial development and country-wide growth and progress and, relative thereto, shall
- (a) Require each head of an office or department to prepare and submit an estimate of appropriations for the ensuing calendar year, in accordance with the budget preparation process under Title V, Book II of the Local Government Code of 1991;
 - (b) Prepare and submit to the sangguniang panlalawigan for approval the executive and supplemental budgets of the province for the ensuing calendar year in the manner provided for under Title V, Book II of the Local Government Code of 1991;
 - (c) Ensure that all taxes and other revenues of the province are collected, and that provincial funds are applied to the payment of expenses and settlement of obligations of the province, 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) Adopt adequate measures to safeguard and conserve land, mineral, marine, forest and other resources of the province, in coordination with the mayors of component cities and municipalities;
 - (f) Provide efficient and effective property and supply management in the province; and protect the funds, credits, rights and other properties of the province; and

- (g) Institute or cause to be instituted administrative or judicial proceedings for violations of ordinances in the collection of taxes, fees or charges, and for the recovery of funds and property, and cause the province to be defended against all suits to ensure that its interests, resources and rights are adequately protected.
- (4) Ensure the delivery of basic services and the provision of adequate facilities as provided for under Section 17 of the Local Government Code of 1991 and, in addition thereto, shall:
 - (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 province and of its component cities and municipalities;
 - (b) Coordinate the implementation of technical services by national offices for the province and its component cities and municipalities, including public works and infrastructure programs of the provincial government and its component cities and municipalities;
- (5) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

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

SECTION 11. *The Vice Governor.* - (A) The vice governor shall:

- (1) Be the presiding officer of the sangguniang panlalawigan and sign all warrants drawn on the provincial treasury for all expenditures appropriated for the operation of the sangguniang panlalawigan;
- (2) Subject to civil service law, rules and regulations, appoint all officials and employees including the secretary of the sangguniang panlalawigan, except those whose manner of appointment is specifically provided under existing laws;

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

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

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

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

ARTICLE IV The Sangguniang Panlalawigan

SECTION 12. *Composition.* – (A) The sangguniang panlalawigan, the legislative body of the province, shall be composed of the provincial vice governor as presiding officer, the regular sangguniang panlalawigan members, the president of the provincial chapter of the liga ng mga barangay, the president of the panlalawigan pederasyon ng mga sangguniang kabataan, the president of the provincial federation of sangguniang members of component cities and municipalities and the sectoral representatives, as members.

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

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

SECTION 13. *Powers and Functions.* - (A) The sangguniang panlalawigan, as the legislative body of the province, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the province and its inhabitants pursuant to Section 16 of the Local Government Code of 1991 and in the proper exercise of the corporate powers of the province as provided for under Section 22 of the Local Government Code of 1991, and shall:

- (1) Approve all ordinances and pass resolutions necessary for an efficient and effective provincial government and, in this connection, shall:
 - (a) Review all ordinances approved by the sanggunians of component cities and municipalities and executive orders issued by the mayors of said component units to determine whether these are within the scope of the prescribed powers of the sanggunian and of the mayor;
 - (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 imprisonment not exceeding one year, or both, at the discretion of the court, for the violation of a provincial ordinance;
 - (d) Adopt measures to protect the inhabitants of the province from the harmful effects of man-made or natural disasters and calamities and to provide relief services and assistance to victims during and in the aftermath of said disasters or calamities and 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 means and devices employed to obtain money or property, drug addiction, maintenance of drug 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 province;
 - (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 environmental 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 the disruption of our ecological balance;

- (g) Subject to the provisions of the Local Government Code of 1991 and pertinent laws, determine the powers and duties of officials and employees of the province;
 - (h) Consistent with the Salary Standardization Law, determine the positions and salaries, wages, allowances and other emoluments and benefits of officials and employees paid wholly or mainly from provincial funds, and provide for expenditures necessary for the proper conduct of programs, projects, services and activities of the provincial government;
 - (i) Authorize the payment of compensation to a 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 the mechanism and the appropriate funds needed to ensure the safety and protection of all provincial 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 provincial government;
 - (k) When the finances of the provincial government allow, provide for additional allowances and other benefits to judges, prosecutors, public elementary and high school teachers, and other national government officials stationed or assigned to the province;
 - (l) Provide legal assistance to provincial and municipal officials including the members of the provincial police who, in the performance of their official duties or on the occasion thereof, have to initiate judicial proceedings or defend themselves against legal actions. The sangguniang panlalawigan may authorize the provincial governor to engage the services of private counsel for this purpose; and
 - (m) Provide for group insurance or additional insurance coverage for all officials, including members of barangay tanod brigades and other service units, with public or private insurance companies, when the finances of the provincial government allow said coverage.
- (2) Generate and maximize the use of resources and revenues for the development plans, program objectives and priorities of the

province as provided for under Section 18 of the Local Government Code of 1991, with particular attention to agro-industrial development and country-wide growth and progress and relative thereto, shall:

- (a) Enact the annual and supplemental appropriations of the provincial government and appropriate funds for specific programs, projects, services and activities of the province, or for other purposes not contrary to law, in order to promote the general welfare of the province and its inhabitants;
- (b) Subject to the provisions of Book II of the Local Government Code of 1991 and applicable laws and upon the majority vote of all the members of the sangguniang panlalawigan, enact ordinances levying taxes, fees and charges, prescribing the rates thereof for general and specific purposes, and granting tax exemptions, incentives or reliefs;
- (c) Subject to the provisions of Book II of the Local Government Code of 1991 and applicable laws and upon the majority vote of all the members of the sangguniang panlalawigan, authorize the provincial governor to negotiate and contract loans and other forms of indebtedness;
- (d) Subject to the provisions of Book II of the Local Government Code of 1991 and applicable laws and upon the majority vote of all the members of the sangguniang panlalawigan, 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 buildings for the use of the province; and upon the majority vote of all the members of the sangguniang panlalawigan, authorize the provincial governor to lease to private parties such public buildings held in a 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 province;
- (g) Review the comprehensive land use plans and zoning ordinances of component cities and municipalities and adopt a comprehensive provincial land use plan, subject to existing laws;

- (h) Reclassify lands within the jurisdiction of the province subject to the pertinent provisions of the Local Government Code of 1991;
- (i) Adopt measures to enhance the full implementation of the national agrarian reform program in coordination with the Department of Agrarian Reform;
- (j) Enact integrated zoning ordinances in consonance with the approved comprehensive provincial land use plan, subject to existing laws, rules and regulations; establish fire limits or zones, particularly in populated centers, and regulate the construction, repair or modification of buildings within said fire limits or zones in accordance with the provisions of the Fire Code;
- (k) Subject to national law, process and approve subdivision plans for residential, commercial or industrial purposes and other development purposes, and collect processing fees and other charges, the proceeds of which shall accrue entirely to the province: Provided, however, That where approval of a national agency or office is required by law, said approval shall not be withheld for more than thirty (30) days from receipt of the application. Failure to act on the application within the period stated above shall be deemed as approval thereof;
- (l) Subject to the provisions of Book II of the Local Government code of 1991, grant the exclusive privilege of constructing fish corrals or fish pens, or the taking or catching of bangus fry, prawn fry or kawag-kawag, or fry of any species of fish within the provincial waters;
- (m) With the concurrence of at least two-thirds (2/3) of all the members of the sangguniang panlalawigan, grant tax exemptions, incentives or relief to entities engaged in community growth-inducing industries, subject to the provisions of the Local Government code of 1991;
- (n) Grant loans or provide grants to other LGUs or to national, provincial and municipal charitable, benevolent or educational institutions operated and maintained within the province;
- (o) Regulate the numbering of residential, commercial and other buildings; and
- (p) Regulate the inspection, weighing and measuring of articles of commerce.

- (3) Subject to the provision of the Local Government code of 1991, grant franchises, approve the issuance of permits or licenses, or enact ordinances levying taxes, fees and charges upon such conditions and for such purpose intended to promote the general welfare of the inhabitants of the province, and pursuant to the legislative authority, shall:
- (a) Fix and impose reasonable fees and charges for all services rendered by the provincial government to private persons or entities;
 - (b) Regulate and fix license fees for any business or practice of profession within the province 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 province shall be operated by the provincial 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. 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 franchises for the operation thereof within the territorial jurisdiction of the province; and
 - (g) Upon approval by a majority vote of all the members of the sangguniang panlalawigan, grant a franchise to any person, partnership, corporation or cooperative to do business within the province; establish, construct, operate and maintain ferries, wharves, markets or slaughterhouses; or undertake such other activities within the province as may be allowed by existing law.

- (4) Regulate activities relative to the use of land, buildings and structures within the province in order to promote the general welfare and, for said purpose, shall:
- (a) Declare, prevent or abate nuisance;
 - (b) With the concurrence of a majority of the members of the sangguniang panlalawigan, a quorum being present, deny the entry of legalized gambling by ordinance into any part of the province or regulate its location in the province;
 - (c) Require the buildings and the premises thereof and any land within the province be kept and maintained in a sanitary condition, impose penalties for any violation thereof; or upon failure to comply with such requirements, have the work done at the expense of the owner, administrator or tenant concerned, and require the filling up of any land or premises to a grade necessary for proper implementations;
 - (d) Regulate the disposal of clinical and other wastes from hospitals, clinics and other similar establishments;
 - (e) Regulate the establishment, operation and maintenance of cafes, bars, restaurants, beer, wine and liquor stores, hotels, motels, inns, pension houses, dorms and lodging houses, and other similar establishments, including tourist guides and transportation services;
 - (f) Regulate the sale, giving away, dispensing of any intoxicating malt, vino, or mixed or fermented liquors at any provincial retail outlets;
 - (g) Regulate the establishment and provide for the inspection of steam boilers or any heating device in buildings and structures, and the storage of inflammable and highly combustible materials within the province;
 - (h) Regulate the establishment, operation and maintenance of any entertainment or amusement facilities, including the theatrical and stage performances, circuses, billiard pools, public dancing halls, computer gaming cafes and bars, health and fitness spas, sauna baths, massage parlors and other places for entertainment or amusement; regulate such events or activities for amusement or entertainment, particularly those which tend to disturb the community or annoy the inhabitants, or require the suspension or suppression of the same; or prohibit certain forms of amusement or entertainment in order to protect the social and moral welfare of the community;

- (i) Regulate the establishment, operation and maintenance of funeral parlors and the burial or cremation of the dead, subject to existing laws, rules and regulations;
 - (j) Regulate the establishment, service, operation and maintenance of gyms, sports centers, health and fitness spas, and similar centers and parlors, subject to existing laws, rules and regulations; and
- (5) Approve ordinances which shall ensure the efficient and effective delivery of the basic services and facilities as provided for in Section 17 of the Local Government Code of 1991 and, in addition to said services and facilities, shall:
- (a) Adopt measures and safeguards against pollution and for the preservation of the natural ecosystem in the province, in consonance with approved standards on human settlements and environmental sanitation;
 - (b) Provide for the establishment, maintenance, protection and conservation of communal forests and watersheds, tree parks, greenbelts, mangroves and other similar forest development projects;
 - (c) Establish markets, slaughterhouses or animal corrals and authorize the operation thereof by the provincial government; and regulate the construction and operation of private markets, talipapas or other similar buildings and structures;
 - (d) Authorize the establishment, maintenance and operation by the provincial government of ferries, wharves and other structures intended to accelerate productivity related to marine and seashore or offshore activities;
 - (e) Regulate the preparation and sale of meat, poultry, fish, vegetables, fruits, fresh dairy products and other foodstuffs for public consumption;
 - (f) 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 vehicles stops and terminals or regulate the use of the same by privately-owned vehicles which serve the public; regulate garages and operation of conveyances for hire; designate stands to be occupied by public vehicles when not in use; regulate the putting up

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

- (g) 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 settlement structures and constructions in public lands and areas;
 - (h) 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; and protect the purity and quantity of the water supply of the province;
 - (i) Regulate the drilling and excavation of the ground for ground water source, laying of water, gas, sewer and other pipes, and the construction, repair and maintenance of public drains, sewers, 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 building and homes;
 - (j) Regulate the placing, stringing, attaching, installing, repair and construction of all gas mains, electric telegraph and telephone wires and cables, conduits, meters, support structures, and other similar apparatus and provide for the correction, condemnation and removal of the same when found to be dangerous to the welfare of the inhabitants;
 - (k) Subject to the availability of funds and to existing laws, rules and regulations, provide for the establishment and operation of vocational and technical schools and similar post-secondary institutions; and, with the approval of the Department of Education;
- (6) Such other rules as the sanggunian may adopt.

SEC. 15. *Full Disclosure of Financial and Business Interests of Sangguniang Panlalawigan Members.* – (A) Every sangguniang panlalawigan members shall, upon assumption to office, make a full disclosure of his business and financial interest. He shall, upon assumption to office, make a full disclosure of his business and financial interest. He shall also disclose any business and financial, professional relationship, or any relation by affinity or consanguinity

within the fourth civil degree which he may have with any person, firm or entity affected by any ordinance or resolution under consideration by the sanggunian of which he is a member, which relationship may result in conflict of interest. Such relationship shall include:

- (1) Ownership of stocks or capital, or investment in the entity or firm to which the ordinance or resolution may apply; and
- (2) Contracts or agreements with any person or entity which the ordinance or resolution under consideration may effect.

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

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

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

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

(C) 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 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 members' usual place of residence at least twenty-four (24) hours before the special session is held.

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

SEC. 17. *Quorum.* - (A) A majority of all the members of the sanggunian who have been elected and qualified shall constitute a quorum to transact official business. Should a question of quorum be raised during the 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 that a quorum is constituted, or a majority of 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 sanggunian, to be assisted by a member or members of the police force assigned in the territorial jurisdiction of the province, to arrest the absent member and present him at the session.

(C) 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 of quorum.

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

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

SEC. 19. *Veto Power of the Governor.* - (A) the provincial governor may veto any ordinance of the sangguniang panlalawigan on the ground that it is prejudicial to the public welfare, stating his reasons thereof in writing.

(B) The governor shall have the power to veto any particular item or items of an appropriations ordinance, an ordinance or resolution adopting a local development plan, a public investment program, or an ordinance directing the payment of money or creating liability. In such case, the veto shall not affect the item or items which are not objected to. The vetoed item or items shall not take effect unless the sangguniang panlalawigan overrides the veto in the manner

herein provided; otherwise, the item or items in the appropriations ordinance of the previous year corresponding to those vetoed, if any, shall be deemed reenacted.

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

ARTICLE VI

SUCCESSION FOR ELECTIVE PROVINCIAL OFFICIALS

Sec. 20. Permanent Vacancy in the Office of the Provincial Governor. – (A) If a permanent vacancy occurs in the office of the governor, the vice governor shall become the governor. If the vice governor refuses to assume the position of governor, the highest ranking sangguniang panlalawigan member shall become the governor. If a permanent vacancy occurs in the office of the vice governor, the highest ranking sangguniang panlalawigan member or, in case of his permanent incapacity, the second highest ranking sangguniang panlalawigan member shall become the provincial governor or vice governor, as the case may be. Subsequent vacancies in said offices shall be filled automatically by the other sanggunian members according to their ranking as defined herein:

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

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

(3) 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; and

(4) For purposes of succession as provided in this Act, ranking in the sangguniang panlalawigan 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 province in the immediately preceding local elections.

SEC. 21. *Permanent Vacancies in the Sanggunian.* – (A) Permanent vacancies in the sangguniang panlalawigan where automatic succession as provided above does not apply shall be filled by appointments 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 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 a ground for administrative action against the official responsible therefore;

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

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

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

(A) When the governor is temporarily 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 vice governor shall automatically exercise the powers and perform the duties and functions of the governor, 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.

ARTICLE VII

APPOINTIVE PROVINCIAL OFFICIALS: THEIR QUALIFICATIONS, POWERS AND DUTIES

SEC. 23. *The Secretary to the Sangguniang Panlalawigan.* – (A) There shall be a secretary to the sangguniang panlalawigan who shall be a career official, with the rank and salary equal to a head of department or office.

(B) No person shall be appointed secretary to the sanggunian unless he is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a degree preferably in law, commerce or

public administration from a recognized college or university, and a first grade civil service eligible or its equivalent.

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

- (1) Attend meetings of the sanggunian and keep a journal of its proceedings;
- (2) Keep the seal of the local government unit and affix the same with his signature to all ordinances, resolutions and other official acts of the sanggunian, and present the same to the presiding officer for his signatures;
- (3) Forward to the governor, for approval, copies of ordinances enacted by the sanggunian and duly certified by the presiding officer, in the manner provided for in Section 54, of the Local Government Code of 1991;
- (4) Forward to the sangguniang bayan or sangguniang panlungsod, as the case may be, copies of duly approved ordinances, in the manner provided in Sections 56 and 57 of the Local Government Code of 1991;
- (5) Furnish, upon the request of any interested party, certified copies of records of public character in his custody, upon payment to the treasurer of such fees as may be prescribed by ordinances;
- (6) Record in a book kept for the purpose, all ordinances and resolutions enacted or adopted by the sanggunian, with the dates of passage and publication thereof;
- (7) Keep his office and all non-confidential records therein open to the public during the usual business hours;
- (8) Translate into the dialect used by the majority of the 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 of 1991; and
- (9) Take custody of the local archives and, where applicable, the local library and annually account for the same.

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

SEC. 24 *The Provincial Treasurer.* – (A) The treasurer shall be appointed by the Secretary of Finance from the list of at least three ranking eligible recommendees of the governor, subject to civil service law, rules and regulations.

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

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

The appointment of the provincial treasurer shall be mandatory.

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

- (1) Advise the governor or the sanggunian, as the case may be, and other local government and national officials concerned regarding the disposition of local government funds and on such other matters relative to public finance;
- (2) Take custody and exercise proper management of the funds of the local government unit concerned;
- (3) Take charge of the disbursement of all local government funds and such other funds the custody of which may be entrusted to him by law or other competent authority;
- (4) Inspect private commercial and industrial establishments within the jurisdiction of the province in relation to the implementation of tax ordinances, pursuant to the provisions of Book II of the Local Government Code of 1991;
- (5) Maintain and update the tax information system of the local government unit; and
- (6) Exercise such other powers and perform such other functions and duties as may be prescribed by law or ordinances.

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

SEC. 25. *The Provincial Assessor.* – (A) No person shall be appointed assessor unless he is a citizen of the Philippines, a resident of the province, of good moral character, a holder of a college degree preferably in civil or mechanical engineering, commerce 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 real property assessment work or in any related field for at least five years.

The appointment of the provincial assessor shall be mandatory.

(B) The assessor shall take charge of the assessor's office, perform the duties provided for under Book II of the Local Government Code of 1991, 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 province 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 province;
- (8) Prepare a schedule of the fair market value for the different classes of real properties, in accordance with Title 2, Book II of the Local Government Code of 1991;

- (9) Issue, upon request of any interested party, certified copies of assessment records of real property and all other records relative to its assessment, upon payment of a service charge or fee to the treasurer;
- (10) Submit every semester a report of all assessments, as well as cancellations and modifications of assessments to the governor and the sangguniang panlalawigan; and
- (11) Exercise technical supervision and visitorial functions over all component city and municipal assessors, coordinate with component city or municipal assessors, coordinate with component city or municipal assessors in the conduct of tax mapping operations and all other assessment activities, and provide all forms of assistance therefore: *Provided, however,* That upon full provision by the component city or municipality concerned to its assessor's office of the minimum personnel, equipment and funding requirements as may be prescribed by the Secretary of Finance, such functions shall be delegated to the said municipal assessor.

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

SEC. 26 *The Provincial Accountant.* – (A) No person shall be appointed accountant unless he is a citizen of the Philippine, a resident of the province of good moral character and a certified public accountant. He must have acquired experience in the treasury or accounting service for at least five years.

The appointment of a provincial accountant is mandatory.

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

- (1) Install and maintain an internal audit system in the province;
- (2) Prepare and submit financial statements to the governor and to the sangguniang panlalawigan;
- (3) Apprise the sanggunian and other local government officials on the financial condition and operations of the provincial government;
- (4) Certify to the availability of budgetary allotment to 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 provincial government;
- (7) Prepare statements of journal vouchers and liquidation of the same and other adjustments related thereto;
- (8) Post individual disbursements to the subsidiary ledger and index cards;
- (9) Maintain individual ledgers for officials and employees of the provincial government pertaining to payrolls and deductions;
- (10) Record and post in index cards details of purchased furniture, fixtures and equipment, including disposal thereof, if any;
- (11) Account for all issued requests for obligations and maintain keep all records and reports related thereto; and
- (12) Prepare journals and the analysis of obligations and maintain and keep all records and reports related thereto.

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

SEC. 27. *The Provincial Budget Officer.* – (A) no person shall be appointed budget officer unless he is a citizen of the Philippines, a resident of the province, 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 years.

The appointment of the provincial budget officer shall be mandatory.

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

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

- (2) Review and consolidate the budget proposals of different departments and offices of the province;
- (3) Assist the governor in the preparation of the budget and during the budget hearings;
- (4) Study and evaluate budgetary implications of proposed legislation and submit comments and recommendations thereon;
- (5) Submit periodic budgetary reports to the Department of Budget and Management;
- (6) Coordinate with the treasurer, the accountant and the planning and development coordinator for the purpose of budgeting;
- (7) Assist the sangguniang panlalawigan in reviewing the approved budgets of component cities and municipalities; and
- (8) Coordinate with the planning and development coordinator in the formulation of the provincial development plan.

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

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

SEC. 28. *The Provincial Planning and Development Coordinator.* – (A) No person shall be appointed planning and development coordinator unless he is citizen of the Philippines, a resident of the province, 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 any related field for at least five years.

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

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

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

- (2) Conduct continuing studies, researchers and training programs necessary to evolve plans and programs for implementation;
- (3) Integrate and coordinate all sectoral plans and studies undertaken by the different development programs, projects and activities in the province in accordance with the approved development plans;
- (4) Monitor and evaluate the implementation of the different development programs, projects and activities in the province in accordance with the approved development plan;
- (5) Prepare comprehensive plans and other development planning documents for the consideration of the provincial development council;
- (6) Analyze the income and expenditure patterns, and formulate and recommend fiscal plans and policies for consideration of the finance committee of the province;
- (7) Promote people participation in development planning within province; and
- (8) Exercise supervision and control over the secretariat of the provincial development council.

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

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

The appointment of the provincial engineer shall be mandatory.

- (B) The engineer shall take charge of the 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 province;
 - (2) Advise the governor 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 province;
- (4) Provide engineering services to the province, including investigation and survey, engineering designs, feasibility studies and project management; and
- (5) Exercise technical supervision over all engineering offices of component cities and municipalities.

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

SEC. 30. *The Provincial Health Officer.* – (A) No person shall be appointed health officer unless he is a citizen of the Philippines, a resident of the province, of good moral character and a licensed medical practitioner. He must have acquired experience in the practice of his profession for at least five years.

The appointment of a provincial health officer shall be mandatory.

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

- (1) Supervise the personnel and staff of said office, formulate program implementation guidelines and rules and regulations for the operation of the said office for the approval of the governor, in order to assist him in the efficient, effective and economical implementation of health services programs geared towards the implementation of health-related projects and activities;
- (2) Formulate measures for the consideration of the sangguniang panlalawigan and provide technical assistance and support to the governor in carrying out activities to ensure the delivery of basic services and provision of adequate facilities relative to health services provided for under Section 17 of the Local Government Code of 1991;
- (3) Develop plans and strategies and, upon approval thereof by the governor, implement the same, particularly those which have to do with health programs

and projects which the governor is empowered to implement and which the sanggunian is empowered to provide for under the Local Government Code of 1991;

- (4) In addition to the foregoing duties and functions, the health officer shall:
- (a) Formulate and implement policies, plans, programs and projects to promote the health of the people of the province;
 - (b) Advise the governor and the sanggunian on matters pertaining to health;
 - (c) Execute and enforce all laws, ordinances and regulations relating to public health;
 - (d) Recommend to the sanggunian, through the provincial health board, the passage of such ordinances as he may deem necessary for the preservation of public health;
 - (e) Recommend the prosecution of any violation of sanitary laws, ordinances and regulations;
 - (f) Direct the sanitary inspection of all business establishments selling food items or providing accommodations such as hotels, motels, lodging houses, pension houses and the like, in accordance with the Sanitation code.
 - (g) Conduct health information campaigns and render health intelligence service;
 - (h) Coordinate with other government agencies and nongovernmental organizations involved in the promotion and delivery of health services; and
 - (i) Exercise general supervision over health offices of component cities and municipalities.
- (5) Be in frontline of the delivery of health services, particularly during and in the aftermath of man-made and natural disasters and calamities.

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

SEC. 31. *The Provincial Civil Registrar.* – (A) No person shall be appointed civil registrar unless he is a citizen of the Philippines, a resident of the province, 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 years.

The appointment of a provincial civil registrar shall be mandatory.

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

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

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

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

- (a) Accept all registrable documents and judicial decrees affecting the civil status of persons;
- (b) File, keep and preserve in a secure place the books required by law;
- (c) Transcribe and enter immediately upon receipt all registrable documents and judicial decrees affecting the civil status of persons in the appropriate civil registry books;
- (d) Transmit to the office of the civil registrar-general, within the prescribed period, duplicate copies of registered documents required by law;
- (e) Issue certified transcripts or copies of any certificate or registered documents upon payment of the prescribed fees to the treasurer by law;

- (f) Receive applications for the issuance of a marriage license and, after determining that the requirements and supporting certificates and publication thereof for the prescribed period have been complied with, issue the license upon payment of the authorized fee to the treasurer; and
- (g) Coordinate with the National Statistics Office in conducting educational campaigns for vital registration and assist in the preparation of demographic and other statistics for the province.

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

SEC. 32. *The Provincial Administrator.* – (A) No person shall be appointed administrator unless he is a citizen of the Philippines, a resident of the province, 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 years.

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

The appointment of a provincial administrator shall be, mandatory.

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

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

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

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

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

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

(3) 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; and

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

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

SEC. 33. *The Provincial Legal Officer.* - (A) No person shall be appointed legal officer unless he is a citizen of the Philippines, a resident of the province, of good moral character and a member of the Philippine Bar. He must have practiced his profession for at least five (5) years.

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

The appointment of a provincial legal officer shall be mandatory.

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

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

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

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

- (a) Represent the province in all civil actions and special proceedings wherein the province or any official thereof, in his official capacity, is a party: Provided, That actions or proceedings where a component city or municipality is a party adverse to the provincial government or to another component city or municipality, a special legal officer may be employed to represent the adverse party;
 - (b) When required by the provincial governor or the sanggunian, draft ordinances, contracts, bonds, leases and other instruments involving any interest of the province and provide comments and recommendations on any instruments already drawn;
 - (c) Render his opinion in writing on any question of law when requested to do by the provincial governor or the sanggunian;
 - (d) Investigate or cause to be investigated any provincial official or employee for administrative neglect or misconduct in office and recommend appropriate action to the provincial governor or the sangguniang panlalawigan;
 - (e) Investigate or cause to be investigated any person, firm or corporation holding any franchise or exercising any public privilege for failure to comply with any term or condition in the grant of such franchise or privilege and recommend appropriate action to the provincial governor or the sanggunian;
 - (f) When directed by the provincial governor or the sanggunian, initiate and prosecute, in the interest of the province, any civil action on any bond, lease or other contract upon any breach or violation thereof; and
 - (g) Review and submit recommendations on ordinances approved and executive orders issued by component municipalities;
- (4) Recommend measures to the sangguniang panlalawigan and advise the provincial governor on all other matters related to the upholding of the rule of law;
- (5) Be in the frontline of protecting human rights and prosecuting any violation thereof, particularly those which occur during and in the aftermath of man-made or natural disasters or calamities; and
- (6) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

Sec. 34. *The Provincial Agriculturist.* - (A) No person shall be appointed provincial agriculturist unless he is a citizen of the Philippines, a resident of the province, of good moral character, a holder of a college degree in agriculture 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 a related field for at least five years.

The appointment of a provincial agriculturist shall be mandatory.

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

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

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

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

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

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

(c) Assist the provincial governor in the establishment and extension services of demonstration farms on aquaculture and marine products;

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

(e) Coordinate with government agencies and NGOs which promote agricultural productivity through appropriate technology compatible with environmental integrity;

(4) Be in the frontline of the 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 or calamities;

(5) Recommend to the sanggunian and advise the provincial governor on all matters related to agriculture and aquaculture which will improve the livelihood and the 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. 35. *The Provincial Social Welfare and Development Officer.* – (A) No person shall be appointed social welfare and development officer unless he is citizen of the Philippines, a resident of the province, of good moral character, a duly licensed social worker and a holder of a college degree preferably in sociology 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 the practice of social work for at least five years.

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

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

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

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

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

- (a) Identify the basic needs of the needy, the disadvantaged and the impoverished, and develop and implement appropriate measures to alleviate their problems and improve their living conditions;
 - (b) Provide relief and appropriate crisis intervention for victims of abuse and exploitation and recommend appropriate measures to deter further abuse and exploitation;
 - (c) Assist the governor in implementing the barangay level program for the total development and protection of children up to six years of age;
 - (d) Facilitate the implementation of welfare programs for the disabled, the elderly, the victims of drug addiction, the rehabilitation of prisoners and parolees, the prevention of juvenile delinquency and such other activities which would eliminate or minimize the ill-effects of poverty;
 - (e) Initiate and support welfare programs that will enhance the role of the youth in nation-building; and
 - (f) Coordinate with government agencies and nongovernmental organizations which have for their purpose the promotion and the protection of all needy, disadvantaged, underprivileged or impoverished groups or individuals, particularly those identified to be vulnerable and high-risk to exploitation, abuse and neglect.
- (4) Be in the frontline of service delivery, particularly those which have to do with immediate relief during and assistance in the aftermath of man-made and natural disasters and calamities; and
 - (5) Recommend to the sangguian and advise the governor on all other matters related to social welfare and development service which will improve the livelihood and living conditions of the inhabitants.
- (C) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

SEC. 36. *The Provincial Environment and Natural Resources Officer.* – (A) No person shall be appointed environment and natural resources officer unless he is a citizen of the Philippines, a resident of the province, of good moral character, a holder of a college degree preferably from a recognized college or university, and a first grade civil service eligible or its equivalent. He must

acquired experience in environmental and natural resources management, conservation and utilization for at least five years.

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

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

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

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

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

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

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

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

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

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

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

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

(4) Be in the frontline of the delivery of basic 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; and

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

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

SEC. 37. *The Provincial Veterinarian.* – (A) No person shall be appointed veterinarian unless he is a citizen of the Philippines, a resident of the provicen, of good moral character and a licensed doctor of veterinary medicine. He must have practiced his profession for at least three years.

The appointment of a provincial veterinarian shall be mandatory.

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

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

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

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

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

(b) Regulate the keeping of domestic animals;

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

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

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

(4) Be in the frontline of veterinary-related activities, such as in the outbreak of highly contagious and deadly diseases and in 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; and

(5) Recommend to the sanggunian and advise the governor on all other 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.

(C) Exercise such other powers and perform such other duties and functions as may be prescribed by law or human consumption.

SEC. 38. *The Provincial General Services Officer.* (A) No person shall be appointed general services officer unless he is a citizen of the Philippines, a resident of the province, of good moral character, a holder of a college degree in 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 years.

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Be in the frontline of general services-related activities, such as the possible or imminent destruction or damage to records, supplies, properties and structures, and the orderly and sanitary clearing up of waste materials or debris,

particularly during and in the aftermath of man-made and natural disasters and calamities; and

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

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

SEC. 39. *The Provincial Cooperatives Officer.* – (A) No person shall be appointed cooperatives officer unless he is a citizen of the Philippines, a resident of the province, of good moral character, a holder of a college degree preferably in business administration course with special training in cooperatives 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 cooperatives organization and management for at least five years.

The appointment of a provincial cooperatives officer shall be mandatory.

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

- (1) Formulate measures for the consideration of the sanggunian and provide technical assistance and support to the governor in carrying out measures to ensure the delivery of basic services and provision of adequate facilities through the development of cooperatives, and in providing access to such services and facilities;
- (2) Develop plans and strategies and, upon approval thereof by the governor, implement the same, particularly those which have to do with integration of cooperatives principles and methods in programs which the governor is empowered to implement and which the sanggunian is empowered to provide for under the Local Government Code of 1991;
- (3) In addition to the foregoing duties and functions, the cooperatives officer shall:
 - (a) Assist in the organization of cooperatives;
 - (b) Provide technical and other forms of assistance to existing cooperatives to enhance their viability as economic enterprise and social organization; and

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

(4) 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; and

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

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

SEC. 40. *The Provincial Architect.* – (A) No person shall be appointed architect unless he is a citizen of the Philippines, a resident of the province, of good moral character and a duly licensed architect. He must have practiced his profession for at least five years.

The appointment of a provincial architect shall be optional.

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

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

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

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

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

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

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

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

(5) Recommend to the sanggunian and advise the governor on all other matters related to architectural planning and design as it relates to the total socio-economic development of the province.

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

SEC. 41. *The Provincial Population Officer.* – (A) No person shall be appointed population officer unless he is a citizen of the Philippines, a resident of the province, 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 acquired experience in the implementation of programs on population development or responsible parenthood for at least five years.

The appointment of a provincial population officer shall be optional.

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

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

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

sanggunian is empowered to provide for under the Local Government Code of 1991;

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

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

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

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

SEC. 42. *The Provincial Information Officer.* – (A) No person shall be appointed information officer unless he is a citizen of the Philippines, a resident of the province, of good moral character, a holder of a college degree preferably in journalism, mass communications 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 writing articles and research papers, or in writing for print, television or broadcast media for at least three years;

The appointment of a provincial information officer shall be optional.

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

(1) Formulate measures for the consideration of the sanggunian and provide technical assistance and support to the governor 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 governor, implements the same, particularly those which have to do with public information and research, data to support the programs and projects which the governor is empowered to implement and which the sanggunian is empowered to provide for under the Local Government Code of 1991;

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

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

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

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

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

(4) 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 casualties during and after the emergency, and accelerate relief and rehabilitation; and

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

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

ARTICLE VIII

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

SEC. 43. *The Provincial Fire Station Service.* – (A) There shall be established in the Province of Surigao del Oriente at least five fire stations with adequate personnel, fire fighting facilities and equipment, by the Department of the Interior and Local Government (DILG) within two months upon the commencement of the corporate existence of the new province.

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

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

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

SEC. 44. *The Provincial Jail Service.* – (A) There shall be established and maintained in the Province of del Oriente, within two months from the commencement of the corporate existence of the province, by the DILG a secured, clean, adequately equipped and sanitary jail facility for the custody and safekeeping of 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 health officer, pending the transfer to a mental institution.

(B) The provincial jail service shall be headed by a provincial jail warden who must be a graduate of a four 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 human rights of these prisoners are respected and protected, and their spiritual and physical well-being are properly and promptly attended to.

SEC. 45. *The Surigao del Oriente Provincial School Division.* (A) The Department of Education shall, within two months from the commencement of the corporate existence of the province herein created, establish and maintain a separate school division in the Province of Surigao del Oriente whose jurisdiction shall cover the municipalities under the lone legislative district of the province.

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

SEC. 46. *The Provincial Prosecution Service.* – (A) There shall be established and maintained in the Province of Surigao del Oriente a prosecution service by the Department of Justice (DOJ), within two months from the commencement of the corporate existence of the province herein created, which shall be headed by a provincial prosecutor and such number of assistant prosecutors as may be necessary, who shall be organizationally part of the DOJ, and under the supervision and control of the Secretary of the DOJ, and whose qualifications, manner of appointment, rank, salary and benefits shall be governed by existing laws and covering prosecutors in the DOJ.

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

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

SEC. 47. *The Surigao del Oriente Provincial Engineering District.* – There shall be established and maintained by the Department of Public Works and Highways (DPWH) a separate and independent highway engineering district for the Province of Surigao del Oriente, within two months from the commencement of the corporate existence of the province herein created, which shall be headed by a district engineer and such number of assistant district engineers as may be necessary, who shall be organizationally part of the DPWH, and under the supervision and control of the Secretary of the DPWH, and whose qualifications, manner of appointment, rank, salary and benefits shall be governed by existing laws.

ARTICLE IX TRANSITORY AND FINAL PROVISIONS

SEC. 48. *Plebiscite.* – The Province of Surigao del Oriente shall be created, as provided for in this Act, upon approval by a majority of the votes cast by the voters of the Province of Surigao del Sur in a plebiscite to be conducted and supervised by the Commission on elections within thirty (30) days from the date of effectivity of this Act.

The amount necessary for the conduct of the plebiscite shall be charged to the appropriation of the Province of Surigao del Sur and the city and four (4) municipalities being proposed to comprise the Province of Surigao del Oriente.

SEC. 49. *Commencement of Corporate Existence.* – The province of Surigao del Oriente shall commence its corporate existence upon the election and qualification of the governor, vice governor and majority of the members of the sangguniang panlalawigan.

SEC. 50. *Officials of the Province of Surigao del Oriente.* – (A) The first set of elective officials of the Province of Surigao del Oriente shall be elected in the next local elections following the effectivity of this Act.

The President of the Philippines shall appoint an interim governor, vice governor and members of the sangguniang panlalawigan, who shall serve only until a new set of provincial officials have been elected and qualified.

(B) The incumbent congressional representatives of the present Province of Surigao del Sur shall continue to represent their respective legislative districts until the expiration of their term of office.

SEC. 51. *Organization of the Provincial Government.* – All provincial appointive positions in the Province of Surigao del Oriente as enumerated in Section 8 hereof be filled within sixty (60) days after the commencement of corporate existence of the province, as provided for in Section 49 hereof. This shall be done without prejudice to the officials and employees of the present Province of Surigao del Sur, who may wish to serve in the Province of Surigao del Oriente.

SEC. 52. *Suspension of Increase in Rates of Local Taxes.* – No increase in the rates of local taxes shall be imposed by the province within the period of five years from its acquisition of corporate existence. Notwithstanding any existing law or ordinance to the contrary, real property tax in the locality shall not be increased within five years upon its creation into a new province.

SEC. 53. *Proportionate Division.* – Upon the commencement of corporate existence of the new province, the obligations, funds, assets and other properties of the present Province of Surigao del Sur shall be divided proportionately between the Province of Surigao del Sur and the Province of Surigao del Oriente by the President of the Philippines upon the recommendation of the Commission on Audit.

SEC. 54. *Applicability of Laws.* – The provisions of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, and other laws as are applicable to provinces shall govern the Province of Surigao del Oriente insofar as they are not inconsistent with the provisions of this Act.

SEC. 55. *Separability Clause.* – If any parts of this Act is declared invalid or unconstitutional, the other parts or provisions hereof shall remain valid and effective.

SEC. 56. *Effectivity.* – This Act shall effect fifteen (15) days upon its publication in at least two newspapers of general circulation and local circulation.

Approved,