

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

Seventeenth Congress  
Second Regular Session

HOUSE BILL NO. 7413



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Introduced by: Representatives Franz Josef George E. Alvarez,  
Frederick F. Abueg,  
and Gil P. Acosta

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#### EXPLANATORY NOTE

This bill seeks to create three (3) new provinces by dividing the presently existing Province of Palawan into the provinces of Palawan Del Norte, Palawan Oriental, and Palawan Del Sur.

The Province of Palawan, the Philippines' "Last Frontier," is the 5<sup>th</sup> largest island in the Philippines, bigger than any region in terms of land area. It is an Archipelago within the archipelago of the Philippines Island. Its capital is the City of Puerto Princesa, but the City is governed independently from the province as a highly urbanized city. The Province is composed of 1,768 islands and islets and is complemented with a total coastline of 1,959 km. Its western and eastern shores are bordered by the West Philippine Sea and the Sulu Sea. The Palawan Passage bounds the northern portion of the province while the Celebes Sea bounds the southern portion.

Its total land area of 14,896.55 square kilometers is blessed with topography characterized by rolling to mountainous terrain, with irregular and indented coastlines of coves and bays. Rich in agricultural, mineral, and marine resources. Dubbed as the Oil Province of the Philippines producing oil and natural gas supplying the 45% of

the electricity of Luzon Island. Its continental shelf believed to have a vast deposit of oil and gas.

It is composed of twenty-three (23) municipalities, only eleven (11) of which are in mainland Palawan along with its capital, the City of Puerto Princesa. The twelve (12) other municipalities are island-municipalities located tens and even hundreds of miles from each other.

The efficiency and effectiveness in the delivery of basic public services by the Governor of Palawan, especially in times of emergencies and calamities, with its existing Capitol located in the heart of the City of Puerto Princesa, is hampered and made challenging by its geographical distance between the Capitol and the northern tip of mainland Palawan and the Southern tip of mainland Palawan. The total length of mainland Palawan is more or less 500 kilometers, almost the stretch of traveling from Bicol Region to the Ilocos Region. It is even made more difficult with supervising 12 Island Municipalities with farthest from the eastern side of Palawan Island, the municipality of Cagayancillo, a distance of 147 nautical miles from Puerto Princesa City, while in the Western side, the municipality of Kalayaan, a distance of 156 nautical miles from Puerto Princesa City, all of which require long and burdensome travels before these islands could be reached.

The 2015 national census placed the Province's total population at 849,469, excluding the total population of Puerto Princesa City at 256,116. This vibrant populace grows at a rate of 2.66%. From 2015, up to the expected commencement of corporate existence of the new provinces and legislative districts, the total population would have increased by more than 200,000 individuals.

The appropriation for the 2018 Internal Revenue Allotment (IRA) for the Province of Palawan is Php 2,372,731,456.00. The future IRA, which increases annually will be allocated proportionately to the 3 new provinces, in accordance with land areas and population.

The Philippine Constitution allows the division towards the creation of a new province. Article X, Section 10 of the Constitution provides that, *"No province, city, municipality, or barangay may be created, divided, merged, abolished, or its boundary substantially altered, except in accordance with the criteria established in the local government code and*



*subject to the approval by a majority of the votes cast in a plebiscite in the political units directly affected."*

The criteria for the establishment of new provinces are provided for in Title IV of the Local Government Code. It provides that:

*Sec. 460. Manner of Creation. – A province may be created, divided, merged, abolished, or its boundary substantially altered, only by an Act of Congress and subject to the approval by a majority of the votes cast in a plebiscite to be conducted by the COMELEC in the local government unit or units directly affected. The plebiscite shall be held within one hundred twenty days (120) days from the date of the effectivity of said Act, unless otherwise provided therein.*

*Sec. 461. Requisites for Creation.*

*(a) A province may be created if it has an average annual income, as certified by the Department of Finance, of not less than Twenty million pesos (P20,000,000.00) based on 1991 constant prices and either of the following requisites:*

- (i) a contiguous territory of at least two thousand (2,000) square kilometers, as certified by the Lands Management Bureau; or*
- (ii) a population of not less than two hundred fifty thousand (250,000) inhabitants as certified by the National Statistics Office:*


*Provided, That, the creation thereof shall not reduce the land area, population, and income of the original unit or units at the time the said creation to less than the minimum requirements prescribed herein.*

*(b) The territory need not be contiguous if it comprises two (2) or more islands or is separated by a chartered city or cities which do not contribute to the income of the province.*


*(c) The average annual income shall include the income accruing to the general fund, exclusive of special funds, trust funds, transfers and non-recurring income.*

The proposed division of Palawan into three provinces will be able to bring closer expanded services to areas not previously served. Resource management and delivery of basic public services will be more efficient as more government officials, both elected and appointed, will work on programs for the betterment of their constituents. With the approval of the proposed division, a progressive Palawan will be realized in the nearest future.

On the basis of the above premises, immediate passage of this vital piece of legislation is earnestly sought.



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1        **AN ACT CREATING THE PROVINCES OF PALAWAN DEL**  
2        **NORTE, PALAWAN ORIENTAL, AND PALAWAN DEL SUR,**  
3        **APPROPRIATING FUNDS THEREFOR AND FOR OTHER**  
4        **PURPOSES**

5  
6        Be it enacted by the Senate and House of Representatives in Congress  
7        assembled:

8                                **ARTICLE I**  
9                                **GENERAL PROVISIONS**

10       **Section 1. Title.** – This Act shall be known as the “*Charter of the Provinces*  
11       *of Palawan.*”

12  
13       **Section 2. Composition.**

14  
15       The Province of Palawan is hereby divided into three provinces to be  
16       known as Palawan Del Norte, Palawan Oriental, and Palawan Del Sur, in  
17       the following manner:

18  
19       The Province of Palawan Del Norte shall consist of that portion of the  
20       present Province of Palawan which comprises the Municipalities of  
21       Coron, Culion, Busuanga, Linapacan, Taytay, and El Nido;



The Province of Palawan Oriental, shall consist of the north eastern portion of the present Province of Palawan, which comprises the Municipalities of Roxas, Araceli, Dumarán, Cuyo, Agutaya, Magsaysay, Cayancillo, and San Vicente;

The Province of Palawan Del Sur shall consist the remaining portion of the present Province of Palawan which comprises the Municipalities of Aborlan, Narra, Quezon, Rizal, Española, Brooke's Point, Bataraza, Balabac, and Kalayaan.

### **Section 3. Territorial Jurisdiction.**

Palawan Del Norte, Palawan Oriental, and Palawan Del Sur, as territorial and political subdivisions of the Republic of the Philippines, shall enjoy genuine and meaningful local autonomy and shall exercise powers as political subdivisions of the national government within its terrestrial and maritime jurisdiction as defined herein.

Palawan Del Norte, Palawan Oriental, and Palawan Del Sur comprises all the islands of the present Province of Palawan that includes the area defined by Presidential Decree No. 1596 and the Philippine Treaty Limits; along the West Philippine Sea, the waters around, between, and connecting the said islands that are treated as part of the National Territory defined by Article I of the 1987 Constitution that includes the Philippine Treaty Limits; along Mindoro Strait to the north and along Sulu Sea to the east, an equidistant maritime boundary measured from the low-tide mark of islands, rocks and reefs of the present Province of Palawan and the coastal provinces of the said areas; and, along Balabac Strait to the south, it extends to the Philippine Treaty Limits.

The boundaries of the provinces of Palawan Del Norte, Palawan Oriental, and Palawan Del Sur for purposes of Section 6 of Article X of the 1987 Constitution shall start from the common land boundaries extending perpendicularly to the limits of the Exclusive Economic Zone or Extended Continental Shelf to the west, and common maritime boundaries in the north, east and south stated in the preceding paragraph.

The terrestrial boundaries of each of the newly created provinces shall be within the present metes and bounds of all the municipalities that

comprise the respective provinces but shall be without prejudice to the resolution by the appropriate agency or forum of existing boundary disputes or cases involving questions of territorial jurisdiction between each province and adjoining local government units (LGUs): Provided, That the territorial boundaries of the disputed area or areas shall remain with the LGU, which has existing administrative supervision over said area or areas until final resolution of the case.

#### **Section 4. Capital Town and Seat of Government.**

The capital town and seat of government of the new Palawan Del Norte shall be the Municipality of Taytay.

The capital town and seat of government for the new Palawan Oriental shall be the Municipality of Roxas.

The capital town and seat of government for the new Palawan Del Sur shall be the Municipality of Brooke's Point.

#### **Section 5. Corporate Powers of the Provinces.**

Each province constitutes a political body corporate and as such is endowed with the attributes of perpetual succession and possessed of the powers which pertain to a provincial corporation to be exercised in conformity with the provision of this Charter and the 1991 Local Government Code, as amended. Each province shall have the following corporate powers:

(a) To have a 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/or agreements; and

(f) To exercise such other powers, prerogatives or authority subject to the limitations provided in this Act or other laws.



**Section 6. General Powers.**

Each province shall have a common seal and may alter the same at its pleasure: Provided, That any change of corporate seal shall be registered with the Department of the Interior and Local Government (DILG). Each province shall have the power to create its sources of revenue and to levy taxes, fees and charges; 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 contract and to be contracted with; to sue and be sued; to prosecute and defend to final judgment and execution suits wherein the province is involved or interested in and to exercise all the powers as are granted to corporations or as hereinafter granted, subject to the provisions of the 1991 Local Government Code, as amended.

**Section 7. Liability for Damages.**

Each province and their officials shall not be exempt from liability for death or injury to persons or damage to property.

**Section 8. Legislative Districts.**

The newly created provinces of Palawan and the highly urbanized City of Puerto Princesa shall each have its own legislative district effective upon the election and qualification of its representative to be held on the second Monday of May in the year 2022 simultaneous with the election of the provincial officials of the three provinces.

Henceforth, the Legislative District of Palawan Del Norte shall comprise of the Municipalities of Coron, Culion, Busuanga, Linapacan, Taytay, and El Nido; the Legislative District of Palawan Oriental Province shall comprise of the Municipalities of Roxas, Araceli, Dumarán, Cuyo, Agutaya, Magsaysay, Cayancillo, and San Vicente; the Legislative District of Palawan Del Sur shall comprise of the Municipalities of Aborlan, Narra, Quezon, Rizal, Española, Brooke's Point, Bataraza, Balabac, and Kalayaan; and the Legislative District of Puerto Princesa City, for the highly urbanized City.



**Section 9. National Wealth.**

As political subdivisions of the national government, Palawan Del Norte, Palawan Oriental, and Palawan Del Sur shall be entitled to equitable shares in the proceeds of the utilization and development of the national wealth within its terrestrial and maritime jurisdiction. The term national wealth shall mean all natural resources situated along the West Philippine Sea extending up to the limits of the Exclusive Economic Zone or Extended Continental Shelf as defined by the United Nations Convention on the Law of the Seas (UNCLOS) including lands of public domain, waters, minerals, coal, petroleum, mineral oils, potential energy forces, gas and oil deposits, forest products, wildlife, flora and fauna, fishery and aquatic resources, and all quarry products.

To give more power to Palawan Del Norte, Palawan Oriental, and Palawan Del Sur in accelerating economic development and upgrading the quality of life of the people, Palawan Del Norte, Palawan Oriental, and Palawan Del Sur, in addition to the internal revenue allotment, shall have a combined share of not less than forty percent (40%) of the gross collection derived by the National Government from the preceding fiscal year from the following:

(a) Mining taxes, royalties, forestry and fishery charges, and such other taxes, fees, or charges, including related surcharges, interests, or fines, and from its share in any co-production, joint venture or production sharing agreement in the utilization and development of the national wealth within their territorial jurisdiction.

(b) Administrative charges enumerated herein accruing to the National Government whether collected by the National Government collecting agencies or, in certain cases, by Palawan Del Norte, Palawan Oriental, or Palawan Del Sur.

(c) Proceeds from the development and utilization of national wealth where Palawan Del Norte, Palawan Oriental, or Palawan Del Sur actually collect and automatically retains its share of at least forty percent (40%) of such proceeds shall not form part of the revenue base in the computation of the forty percent (40%) share.

Palawan Del Norte, Palawan Oriental, and Palawan Del Sur shall each have a share based on the preceding fiscal year from the proceeds derived by any NGA or GOCC engaged in the utilization and development of the national wealth based on the following formula whichever will produce higher share for Palawan Del Norte, Palawan Oriental, and Palawan Del Sur:

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

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

The shares referred to in the preceding paragraphs shall be divided equally among Palawan Del Norte, Palawan Oriental, and Palawan Del Sur and automatically released. The share of each province shall further be divided in favor of municipalities and barangays, which should also be automatically released, as follows:

(a) Province: 60%;

(b) Municipality: 24%; and,

(c) Barangay: 16%

#### **Section 10. Jurisdiction of each Province.**

The jurisdiction of each Province, for police purposes only, shall be coextensive with its respective territorial boundary and for the purpose of protecting and ensuring the purity of the water supply of each province, such police jurisdiction shall also extend over all the territory within the drainage area of such water supply source, or within one hundred (100) meters of any reservoir, conduit, canal, aqueduct or pumping station used in connection with each province's water service.

The Regional Trial Courts and other courts of adjoining municipalities shall continue to try crimes and misdemeanors committed within the mandated jurisdiction of the new provinces.



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

## ARTICLE II PROVINCIAL OFFICIALS IN GENERAL

### Section 11. Officials of the Provincial Government.

(a) There shall be in each of the newly created Province: a provincial governor, a provincial vice governor, the regular members of the sangguniang panlalawigan, a secretary to the sangguniang panlalawigan, a provincial treasurer, a provincial assessor, a provincial accountant, a provincial budget officer, a provincial planning and development coordinator, a provincial engineer, a provincial health officer, a provincial administrator, a provincial legal officer, a provincial agriculturist, a provincial social welfare and development officer, a provincial veterinarian and a provincial general services officer.

(b) In addition thereto, the provincial governor may appoint a provincial architect, a provincial population officer, a provincial environment and natural resources officer, a provincial cooperatives 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 herein or in the 1991 Local Government Code, as amended, the heads of departments and offices shall be appointed by the provincial governor with the concurrence of a majority



of all 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 day of its submission; otherwise, the same shall be deemed confirmed.

**Section 12. Residence and Office.** During the incumbency of the provincial governor, he or she shall have his or her official residence and office in the 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 or municipality within the province for a period of not more than seven (7) days for any given month.

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

### ARTICLE III ELECTIVE PROVINCIAL OFFICIALS

**Section 13. The Provincial Governor.** (a) The provincial governor, as the chief executive of the provincial government, shall exercise such powers and perform such duties and functions as provided for in the Local Government Code of 1991, as amended, 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, as amended, 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:

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

(ii) 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;

(iii) Present the program of 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 be deemed necessary as the general welfare of the inhabitants and the needs of the provincial government may require;

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

(v) 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 or she may be authorized by law to appoint;

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

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

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

(ix) Allocate and assign office space to the 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;



(x) 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, as amended, 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 or her official duties;

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

(xii) Furnish copies of executive orders issued by him or her to the Office of the President within seventy-two (72) hours after their issuance;

(xiii) Visit component cities and municipalities of the province at least once every six (6) months to deepen his or her 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;

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

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

(xvi) Call upon any national official or employee stationed in or assigned to the province to advise him or her on matters affecting the province and to make recommendations thereon; coordinate with the said official 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 or her duties while stationed in or assigned to the province;

(xvii) 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 the availability of funds;

(xviii) 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;

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

(xx) 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 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, as amended; implement all approved policies, programs, projects, services and activities of the province; and, in addition to the foregoing, shall:

(i) 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;

(ii) Call conventions, conferences, seminars or meetings of any 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 or she may deem important for the promotion of the general welfare of the province and its inhabitants;

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

(iv) Be entitled to carry the necessary firearms within his or her territorial jurisdiction;

(v) 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; and

(vi) 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 where the disorder or violation is happening are inadequate 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, program objectives and priorities as provided for under Section 18 of the Local Government Code of 1991, as amended, particularly those resources and revenues programmed for agro-industrial development and countrywide growth and progress and, relative thereto, shall;

(i) 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, as amended;

(ii) 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, as amended;

(iii) Ensure that all taxes and other revenues of the province are collected, and that provincial funds are applied to the payment of



expenses and the settlement of obligations of the province, in accordance with law or ordinance;

(iv) 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;

(v) 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;

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

(vii) 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 shall be 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, as amended and, in addition thereto, shall:

(i) 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; and

(ii) 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; and

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



The provincial governor shall receive a minimum monthly compensation corresponding to Salary Grade Thirty (30) as prescribed under Republic Act No. 6758, as amended, and the implementing guidelines issued pursuant thereto.

#### **Section 14. The Provincial Vice Governor.**

(a) The provincial 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 of the sangguniang panlalawigan, except those whose manner of appointment is specifically provided for under existing laws;

(3) Assume the office of the provincial 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, as amended;

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

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

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

### **ARTICLE IV THE SANGGUNIANG PANLALAWIGAN**

#### **Section 15. Composition.**

(a) The sangguniang panlalawigan, the legislative body of the province, shall be composed of the provincial vice governor as the presiding officer, the regular sangguniang panlalawigan members, the president of the provincial chapter of the liga ng mga barangay, the president of the panlalawigang pederasyon ng mga sangguniang kabataan, the president of the provincial federation of sanggunian members of municipalities and component cities and the three (3) sectoral representatives, as members, who shall come from the following sectors: one (1) from the women sector; and, as shall be determined by the sangguniang panlalawigan within ninety (90) days prior to the holding of the local elections, one (1) from the agricultural or industrial workers sector; and one (1) from the other sectors, including the urban poor, indigenous cultural communities or persons with disability.

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

#### **Section 16. Powers, Duties, Functions and Compensation.**

(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, as amended, 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, as amended, and shall:

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

(i) 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;



- 578 (ii) Maintain peace and order by enacting measures to prevent and  
579 suppress lawlessness, disorder, riot, violence, rebellion or sedition and  
580 impose penalties for the violation of said ordinances;  
581
- 582 (iii) Approve ordinances imposing a fine not exceeding Five thousand  
583 pesos (P5,000.00) or an imprisonment not exceeding one (1) year, or  
584 both, in the discretion of the court, for the violation of a provincial  
585 ordinance;  
586
- 587 (iv) Adopt measures to protect the inhabitants of the province from the  
588 harmful effects of man-made or natural disasters and calamities, and to  
589 provide relief services and assistance for victims during and in the  
590 aftermath of said disasters and calamities and their return to productive  
591 livelihood following said events;  
592
- 593 (v) Enact ordinances intended to prevent, suppress and impose  
594 appropriate penalties for habitual drunkenness in public places,  
595 vagrancy, mendicancy, prostitution, the establishment and maintenance  
596 of houses of ill repute, gambling and other prohibited games of chance,  
597 fraudulent devices and ways to obtain money or property, drug  
598 addiction, maintenance of drug dens, drug pushing, juvenile  
599 delinquency, the printing, distribution or exhibition of obscene or  
600 pornographic materials or publication, and such other activities inimical  
601 to the welfare and morals of the inhabitants of the province;  
602
- 603 (vi) Protect the environment and impose appropriate penalties for acts  
604 which endanger the environment, such as dynamite fishing and other  
605 forms of destructive fishing, illegal logging and smuggling of logs,  
606 smuggling of natural resources products and of endangered species of  
607 flora and fauna, slash-and-burn farming and such other activities which  
608 result in pollution, acceleration of eutrophication of rivers and lakes, or  
609 of ecological imbalance;  
610
- 611 (vii) Subject to the provisions of the Local Government Code of 1991, as  
612 amended, and pertinent laws, determine the powers and duties of  
613 officials and employees of the province;  
614
- 615 (viii) Determine the positions and salaries, wages, allowances and other  
616 emoluments and benefits of officials and employees paid wholly or  
617 mainly from provincial funds and provide for expenditures necessary



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

(ix) Authorize the payment of compensation to a qualified person not in the government service who fills in 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;

(x) Provide mechanism and the appropriate funds therefore 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; and

(xi) 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;

(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, as amended, with particular attention to agro-industrial development and countrywide growth and progress and, relative thereto, shall:

(i) 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;

(ii) Subject to the provisions of Book II of the Local Government Code of 1991, as amended 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;

658 (iii) Subject to the provisions of Book II of the Local Government Code of  
659 1991, as amended and applicable laws and, upon the majority vote of all  
660 the members of the sangguniang panlalawigan, authorize the provincial  
661 governor to negotiate and contract loans and other forms of  
662 indebtedness;  
663  
664 (iv) Subject to the provisions of Book II of the Local Government Code of  
665 1991, as amended and applicable laws and, upon the majority vote of all  
666 the members of the sangguniang panlalawigan, enact ordinances  
667 authorizing the floating of bonds or other instruments of indebtedness,  
668 for the purpose of raising funds to finance development projects;  
669  
670 (v) Appropriate funds for the construction and maintenance or the rental  
671 of buildings for the use of the province and, upon the majority vote of all  
672 the members of the sangguniang panlalawigan, authorize the provincial  
673 governor to lease to private parties such public buildings held in a  
674 proprietary capacity, subject to existing laws, rules and regulations;  
675  
676 (vi) Prescribe reasonable limits and restraints on the use of property  
677 within the jurisdiction of the province;  
678  
679 (vii) Review the comprehensive land use plans and zoning ordinances of  
680 component cities and municipalities and adopt a comprehensive  
681 provincial land use plan, subject to existing laws; and  
682  
683 (viii) Adopt measures to enhance the full implementation of the national  
684 agrarian reform program in coordination with the Department of  
685 Agrarian Reform (DAR);  
686  
687 (3) Subject to the provisions of Book II of the Local Government Code of  
688 1991, as amended, grant franchises, approve the issuance of permits or  
689 licenses, or enact ordinances levying taxes, fees and charges upon such  
690 conditions and for such purposes intended to promote the general  
691 welfare of the inhabitants of the province and, pursuant to the legislative  
692 authority, shall:  
693  
694 (i) Fix and impose reasonable fees and charges for all services rendered  
695 by the provincial government to private persons or entities; and  
696



697 (ii) Regulate and fix the license fees for such activities as provided for  
698 under the Local Government Code of 1991, as amended;  
699

700 (4) Approve ordinances which shall ensure the efficient and effective  
701 delivery of the basic services and facilities as provided in Section 17 of  
702 the Local Government Code of 1991, as amended, and, in addition to  
703 said services and facilities, shall:

704

705 (i) Adopt measures and safeguards against pollution and for the  
706 preservation of the natural ecosystem in the province, in consonance  
707 with approved standards on human settlements and environmental  
708 sanitation;

709

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

713

714 (iii) Subject to the availability of funds and to existing laws, rules and  
715 regulations, provide for the establishment and operation of vocational  
716 and technical schools and similar post-secondary institutions and, with  
717 the approval of the DepED and subject to existing laws on tuition fees,  
718 fix reasonable tuition fees and other school charges in educational  
719 institutions supported by the provincial government;

720

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

724

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

727

728 (vi) Provide for the care of paupers, the aged, the sick, persons of  
729 unsound mind, abandoned minors, abused children, disabled persons,  
730 juvenile delinquents, drug dependents, and other needy and  
731 disadvantaged persons, particularly children and youth below eighteen  
732 (18) years of age; subject to the availability of funds, establish and  
733 support the operation of centers and facilities for said needy and  
734 disadvantaged persons; and facilitate the efforts to promote the welfare  
735 of families below the poverty threshold, the disadvantaged and the  
736 exploited;

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

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

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

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

## ARTICLE V PROCESS OF LEGISLATION

### Section 17. Internal Rules of Procedure.

(a) On the first regular session following the election of its members and within ninety (90) days thereafter, the sangguniang panlalawigan shall adopt or update its existing rules of procedure.

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

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



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

(3) The legislative process;

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

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

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

#### **Section 18. Full Disclosure of Financial and Business Interests of Sangguniang Panlalawigan Members.**

(a) Every sangguniang panlalawigan member shall, upon assumption to office, make a full disclosure of his or her business and financial interests. He or she shall also disclose any business financial, professional relationship or any relation by affinity or consanguinity within the fourth civil degree, which he or she may have with any person, firm or entity affected by any ordinance or resolution under consideration by the sanggunian of which he or she 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 agreement with any person or entity which the ordinance or resolution under consideration may affect.

In the absence of a specific constitutional or statutory provisions 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 or her 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 or she 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 before the member participates in the deliberations on the ordinance or resolution under consideration: Provided, That if the member did not participate during the deliberations, the disclosure shall be made before voting on the ordinance or resolution on second and third readings; and

(2) 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.

#### **Section 19. 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 (2) sessions, regular or special, may be held in a single day.



(d) In the case of special sessions of the sanggunian, a written notice to the members shall be served personally at the 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 session except those stated in the notice.

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

#### **Section 20. 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 a quorum is constituted, or a majority of the members present may adjourn from day to day and may compel the immediate attendance of any member absent without justifiable cause by designating a member of the 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 or her 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.

#### **Section 21. Approval of Ordinances.**

(a) Every ordinance enacted by the sangguniang panlalawigan shall be presented to the provincial governor. If the provincial governor approves the same, he or she shall affix his or her signature on each and

every page thereof; otherwise, he or she shall veto it and return the same with his or her objections to the sanggunian, which may proceed to reconsider the same. The sanggunian may override the veto of the provincial governor by two-thirds (2/3) vote of all its members, thereby making the ordinance or resolution effective for all legal intents and purposes.

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

## **Section 22. Veto Power of the Provincial 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 or her reasons thereof in writing.

(b) The provincial governor shall have the power to veto any particular item or items of an appropriation ordinance, an ordinance or resolution adopting a local development plan and 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 provincial governor may veto an ordinance or resolution only once. The sanggunian may override the veto of the provincial 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**

### **Section 23. Permanent Vacancy in the Office of the Provincial Governor.**



(a) If a permanent vacancy occurs in the office of the provincial governor, the provincial vice governor shall become the provincial governor or in case of his or her permanent inability, the highest ranking sanggunian member shall become the provincial governor. If a permanent vacancy occurs in the office of the provincial vice governor, the highest ranking sangguniang panlalawigan member shall become the provincial vice governor or, in case of his or her permanent incapacity, the highest ranking sangguniang panlalawigan member shall become the provincial vice governor. Subsequent vacancies shall be filled automatically by 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 the predecessors;

(3) For purposes of this Act, a permanent vacancy arises when an elective 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 or her office; and

(4) For purposes of succession as provided for 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.

#### **Section 24. Permanent Vacancies in the Sangguniang Panlalawigan.**

(a) Permanent vacancies in the sangguniang panlalawigan where automatic succession as provided does not apply shall be filled by appointment by the President, through the Executive Secretary.

(b) Only the nominee of the political party under which the sanggunian member concerned had been elected and whose elevation to the position next higher in rank created the last vacancy in the sanggunian shall be appointed in the manner herein provided. The appointee shall come

from the same political party as that of the sanggunian member who caused the vacancy and shall serve the unexpired term of the vacant office.

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

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

(d) 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 in automatically by the official next-in-rank of the organization concerned.

## **Section 25. Temporary Vacancy in the Office of the Provincial Governor.**

(a) When the provincial governor is temporarily incapacitated to perform his or her duties for physical or legal reasons such as, but not limited to, leave of absence, travel abroad and suspension from office, the provincial vice governor shall automatically exercise the powers and perform the duties and functions of the provincial 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.

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



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

(d) In the event, however, that the provincial governor fads or refuses to issue such authorization, the provincial vice governor shall have the right to assume the powers, duties and functions of the said office on the fourth (4th) day of absence of the provincial governor, subject to the limitations provided for in subsection (c) hereof.

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

## ARTICLE VII APPOINTIVE PROVINCIAL OFFICIALS: THEIR QUALIFICATIONS, POWERS AND DUTIES

### Section 26. 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 a department or office.

(b) No person shall be appointed secretary to the sanggunian unless he or she is a citizen of the Philippines, a resident of the province, of good moral character, a holder of a college degree preferably in law, commerce or public administration from a recognized college or university, and a first grade civil service eligible or its equivalent.

(c) The secretary to 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 LGU and affix the same with his or her signature to all ordinances, resolutions and other official acts of the sanggunian and present the same to the presiding officer for his or her signature;

(3) Forward to the provincial 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, as amended;

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

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

(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 or her office and all nonconfidential records therein open to the public during 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, as amended; 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 law or ordinance relative to his or her position.?

## **Section 27. The Provincial Treasurer.**



(a) The provincial treasurer shall be appointed by the Secretary of Finance from a list of at least three (3) ranking eligible recommendees of the provincial governor, subject to civil service law, rules and regulations.

(b) The provincial treasurer shall be under the administrative supervision of the provincial governor, to whom he or she shall report regularly on the tax collection efforts in the LGU.

(c) No person shall be appointed provincial treasurer unless he or she is a citizen of the Philippines, a resident of the province, 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 or she must have acquired experience in treasury or accounting service for at least five (5) years.

The appointment of the provincial treasurer shall be mandatory.

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

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

(2) Take custody of and exercise proper management of the funds of the LGU 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 or her 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 under Book II of the Local Government Code of 1991, as amended;

1136 (5) Maintain and update the tax information system of the LGU; and

1137  
1138 (6) Exercise technical supervision over all treasury offices of component  
1139 cities and municipalities.

1140  
1141 (e) Exercise such other powers and perform such other duties and  
1142 functions as may be prescribed by law or ordinance.??l??

1143  
1144 **Section 28. The Provincial Assessor.**

1145  
1146 (a) No person shall be appointed provincial assessor unless he or she is a  
1147 citizen of the Philippines, a resident of the province, of good moral  
1148 character, a holder of a college degree preferably in civil or mechanical  
1149 engineering, commerce or any other related course from a recognized  
1150 college or university, and a first grade civil service eligible or its  
1151 equivalent. He or she must have acquired experience in real property  
1152 assessment work or in any related field for at least five (5) years.

1153  
1154 The appointment of the provincial assessor shall be mandatory.

1155  
1156 (b) The provincial assessor shall take charge of the assessor's office and  
1157 perform the duties as provided for under Book II of the Local  
1158 Government Code of 1991, as amended, and shall:

1159  
1160 (1) Ensure that all laws and policies governing the appraisal and  
1161 assessment of real properties for taxation purposes are properly  
1162 executed;

1163  
1164 (2) Initiate, review and recommend changes in policies and objectives,  
1165 plans and programs, techniques, procedures and practices in the  
1166 valuation and assessment of real properties for taxation purposes;

1167  
1168 (3) Establish a systematic method of real property assessment;

1169  
1170 (4) Install and maintain a real property identification and accounting  
1171 system;

1172  
1173 (5) Prepare, install and maintain a system of tax mapping, showing  
1174 graphically all property subject to assessment and gather all data  
1175 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, as amended;

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

(10) Submit every semester a report of all assessments, as well as cancellations and modifications of assessments to the provincial 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 in the conduct of tax mapping operations and all other assessment activities, and provide all forms of assistance therefor: 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.

## **Section 29. The Provincial Accountant.**

(a) No person shall be appointed provincial accountant unless he or she is a citizen of the Philippines, a resident of the province, of good moral character and a certified public accountant. He or she must have

1215 acquired experience in the treasury or accounting service for at least five  
1216 (5) years.

1217

1218 The appointment of a provincial accountant is mandatory.

1219

1220 (b) The provincial accountant shall take charge of both the accounting  
1221 and internal audit services of the province, and shall:

1222

1223 (1) Install and maintain an internal audit system in the province;

1224

1225 (2) Prepare and submit financial statements to the provincial governor  
1226 and to the sangguniang panlalawigan;

1227

1228 (3) Apprise the sanggunian and other local government officials on the  
1229 financial condition and operations of the provincial government;

1230

1231 (4) Certify to the availability of budgetary allotment from which  
1232 expenditures and obligations may be properly charged;

1233

1234 (5) Review supporting documents before the preparation of vouchers to  
1235 determine completeness of requirements;

1236

1237 (6) Prepare statements of cash advances, liquidations, salaries,  
1238 allowances, reimbursements and remittances pertaining to the  
1239 provincial government;

1240

1241 (7) Prepare statements of journal vouchers and liquidations of the same  
1242 and other adjustments related thereto;

1243

1244 (8) Post individual disbursements to subsidiary ledgers and index cards;

1245

1246 (9) Maintain individual ledgers for officials and employees of the  
1247 provincial government pertaining to payrolls and deductions;

1248

1249 (10) Record and post in index cards details of purchased furniture,  
1250 fixtures and equipment, including disposal thereof, if any;

1251

1252 (11) Account for all issued requests for obligations and maintain and  
1253 keep all records and reports related thereto;

1254



1255 (12) Prepare journals and the analysis of obligations and maintain and  
1256 keep all records and reports related thereto; and  
1257

1258 (13) Exercise such other powers and perform such other duties and  
1259 functions as may be provided by law or ordinance.  
1260

### 1261 **Section 30. The Provincial Budget Officer.**

1262

1263 (a) No person shall be appointed provincial budget officer unless he or  
1264 she is a citizen of the Philippines, a resident of the province, of good  
1265 moral character, a holder of a college degree preferably in accounting,  
1266 economics, public administration or any related course from a  
1267 recognized college or university, and a first grade civil service eligible or  
1268 its equivalent. He or she must have acquired experience in government  
1269 budgeting or in any related field for at least five (5) years.  
1270

1271 The appointment of the provincial budget officer shall be mandatory.  
1272

1273 (b) The provincial budget officer shall take charge of the budget office,  
1274 and shall:  
1275

1276 (1) Prepare forms, orders and circulars embodying instructions on  
1277 budgetary and appropriation matters for the signature of the provincial  
1278 governor;  
1279

1280 (2) Review and consolidate the budget proposals of different  
1281 departments and offices of the province;  
1282

1283 (3) Assist the provincial governor in the preparation of the budget and  
1284 during the budget hearings;  
1285

1286 (4) Study and evaluate budgetary implications of proposed legislation  
1287 and submit comments and recommendations thereon;  
1288

1289 (5) Submit periodic budgetary reports to the Department of Budget and  
1290 Management (DBM);  
1291

1292 (6) Coordinate with the provincial treasurer, the provincial accountant  
1293 and the provincial planning and development coordinator for the  
1294 purpose of budgeting;

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

(8) Coordinate with the provincial 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.

### **Section 31. The Provincial Planning and Development Coordinator.**

(a) No person shall be appointed provincial planning and development coordinator unless he or she is a 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 in any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He or she must have acquired experience in development planning or in any related field for at least five (5) years.

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

(b) The provincial 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, researches and training programs necessary to evolve plans and programs for implementation;

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



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

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

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

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

## **Section 32. The Provincial Engineer.**

(a) No person shall be appointed provincial engineer unless he or she is a citizen of the Philippines, a resident of the province, of good moral character and a licensed civil engineer. He or she must have acquired experience in the practice of his or her profession for at least five (5) years.

The appointment of the provincial engineer shall be mandatory.

(b) The provincial 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 provincial 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 investigations and surveys, engineering designs, feasibility studies and project management; and

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

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

### **Section 33. The Provincial Health Officer.**

(a) No person shall be appointed provincial health officer unless he or she is a citizen of the Philippines, a resident of the province, of good moral character and a licensed medical practitioner. He or she must have acquired experience in the practice of his or her profession for at least five (5) years.

The appointment of a provincial health officer shall be mandatory.

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

(1) Supervise the personnel and staff of the said office, formulate program implementation guidelines and rules and regulations for the operation of the said office for the approval of the provincial governor in order to assist him or her in the efficient, effective and economical implementation of health services program geared to 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 provincial governor in carrying out activities to ensure the delivery of basic services and the provision of adequate facilities relative to health



1414 services provided for under Section 17 of the Local Government Code of  
1415 1991, as amended;

1416  
1417 (3) Develop plans and strategies and, upon approval thereof by the  
1418 provincial governor, implement the same, particularly those which have  
1419 to do with health programs and projects which the provincial governor  
1420 is empowered to implement and which the sanggunian is empowered to  
1421 provide for under the Local Government Code of 1991, as amended;

1422  
1423 (4) In addition to the foregoing duties and functions, the provincial  
1424 health officer shall:

1425  
1426 (i) Formulate and implement policies, plans, programs and projects to  
1427 promote the health of the people of the province;

1428  
1429 (ii) Advise the provincial governor and the sanggunian on matters  
1430 pertaining to health;

1431  
1432 (iii) Execute and enforce all laws, ordinances and regulations relating to  
1433 public health;

1434  
1435 (iv) Recommend to the sanggunian, through the provincial health board,  
1436 the passage of such ordinances as he or she may deem necessary for the  
1437 preservation of public health;

1438  
1439 (v) Recommend the prosecution of any violation of sanitary laws,  
1440 ordinances and regulations;

1441  
1442 (vi) Direct the sanitary inspection of all business establishments selling  
1443 food items or providing accommodations, such as hotels, motels,  
1444 lodging houses, pension houses and the like, in accordance with the  
1445 Sanitation Code of the Philippines;

1446  
1447 (vii) Conduct health information campaigns and render health  
1448 intelligence services;

1449  
1450 (viii) Coordinate with other government agencies and nongovernmental  
1451 organizations involved in the promotion and delivery of health services;  
1452 and

1453

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

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

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

### **Section 34. The Provincial Administrator.**

(a) No person shall be appointed provincial administrator unless he or she 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 or she must have acquired experience in management and administration work for at least five (5) years.

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

The appointment of the provincial administrator shall be mandatory.

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

(1) Develop plans and strategies and, upon approval thereof by the provincial governor, implement the same, particularly those which have to do with the management and administration-related 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, as amended;

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

(i) Assist in the coordination of the work of all the officials of the province under the supervision, direction and control of the provincial



governor and, for this purpose, he or she may convene the chiefs of offices and other officials of the province;

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

(iii) 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;

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

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

### **Section 35. The Provincial Legal Officer.**

(a) No person shall be appointed provincial legal officer unless he or she is a citizen of the Philippines, a resident of the province, of good moral character and a member of the Philippine Bar. He or she must have practiced his or her profession for at least five (5) years.

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

The appointment of the provincial legal officer shall be mandatory.

(b) The provincial 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 provincial governor in carrying out the delivery of basic services and the provisions of

adequate facilities as provided for under Section 17 of the Local Government Code of 1991, as amended;

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

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

(i) Represent the province in all civil actions and special proceedings wherein the province or any official thereof, in his or her 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;

(ii) 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 instrument already drawn;

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

(iv) 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;

(v) 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;



(vi) 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

(vii) Review and submit recommendations on ordinances approved and executive orders issued by the component cities and 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; and

(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 and calamities.

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

### **Section 36. The Provincial Agriculturist.**

(a) No person shall be appointed provincial agriculturist unless he or she is a citizen of the Philippines, a resident of the province, of good moral character, a holder of a college degree in agriculture or in any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He or she must have practiced his or her profession in agriculture or acquired experience in a related field for at least five (5) years.

The appointment of the 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, as amended;

(2) Develop plans and strategies and, upon approval thereof by the provincial governor, implement the same, particularly those which have to do with the 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, as amended;

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

(i) Ensure that 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;

(ii) 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, preventive control of plant diseases and pests, and other agricultural matters which will maximize productivity;

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

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

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

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

(5) Recommend to the sanggunian and advise the provincial governor on all matters related to agriculture and aquaculture 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.

**Section 37. The Provincial Social Welfare and Development Officer.**

(a) No person shall be appointed provincial social welfare and development officer unless he or she is a citizen of the Philippines, a resident of the province, of good moral character, a duly licensed social worker, or a holder of a college degree preferably in sociology or in any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He or she must have acquired experience in the practice of social work for at least five (5) years.

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

(b) The provincial 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 provincial governor in carrying out measures to ensure the delivery of basic services and the provision of adequate facilities relative to social welfare and development services as provided for under Section 17 of the Local Government Code of 1991, as amended;

(2) Develop plans and strategies and, upon approval thereof by the provincial governor, implement the same, particularly those which have to do with the social welfare 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, as amended;

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

(i) 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;

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

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

(iv) Facilitate the implementation of welfare programs for the disabled, the elderly and 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;

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

(vi) Coordinate with government agencies and nongovernmental organizations which have for their purpose the promotion and the protection of all the 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 the immediate relief and assistance during and in the aftermath of man-made and natural disasters or calamities; and

(5) Recommend to the sanggunian and advise the provincial 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.

### **Section 38. The Provincial Environment and Natural Resources Officer.**

(a) No person shall be appointed provincial environment and natural resources officer unless he or she is a citizen of the Philippines, a



resident of the province, of good moral character, a holder of a college degree preferably in environment, forestry, agriculture or any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He or she must have acquired experience in environmental and natural resources management, conservation and utilization for at least five (5) years.

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

(b) The provincial 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 provincial governor in carrying out measures to ensure the delivery of basic services and the provision of adequate facilities relative to environment and natural resources services as provided for under Section 17 of the Local Government Code of 1991, as amended;

(2) Develop plans and strategies and, upon approval thereof by the provincial governor, implement the same, particularly those which have to do with the environment and natural resources 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, as amended;

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

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

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

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

- 1771  
1772 (iv) Provide extension services to beneficiaries of forest development  
1773 projects and render assistance for natural resources-related conservation  
1774 and utilization activities consistent with ecological balance;  
1775  
1776 (v) Promote small-scale mining and utilization of mineral resources,  
1777 particularly the mining of gold; and  
1778  
1779 (vi) Coordinate with government agencies and nongovernmental  
1780 organizations in the implementation of measures to prevent and control  
1781 land, air and water pollution with the assistance of the Department of  
1782 Environment and Natural Resources (DENR);  
1783  
1784 (4) Be in the frontline of the delivery of services concerning the  
1785 environment and natural resources, particularly in the renewal and  
1786 rehabilitation of the environment during and in the aftermath of man-  
1787 made and natural disasters or calamities; and  
1788  
1789 (5) Recommend to the sanggunian and advise the provincial governor  
1790 on all matters relative to the protection, conservation, maximum  
1791 utilization, application of appropriate technology and other matters  
1792 related to the environment and natural resources.  
1793  
1794 (c) Exercise such other powers and perform such other duties and  
1795 functions as may be prescribed by law or ordinance.  
1796  
1797 **Section 39. The Provincial Veterinarian.**  
1798  
1799 (a) No person shall be appointed provincial veterinarian unless he or she  
1800 is a citizen of the Philippines, a resident of the province, of good moral  
1801 character and a licensed doctor of veterinary medicine. He or she must  
1802 have practiced his or her profession for at least three (3) years.  
1803  
1804 The appointment of a provincial veterinarian shall be mandatory.  
1805  
1806 (b) The provincial veterinarian shall take charge of the office for  
1807 veterinary services, and shall:  
1808  
1809 (1) Formulate measures for the consideration of the sanggunian and  
1810 provide technical assistance and support to the provincial governor in



1811 carrying out measures to ensure the delivery of basic services and the  
1812 provision of adequate facilities pursuant to Section 17 of the Local  
1813 Government Code of 1991, as amended;

1814  
1815 (2) Develop plans and strategies and, upon approval thereof by the  
1816 provincial governor, implement the same, particularly those which have  
1817 to do with the veterinary-related activities which the provincial  
1818 governor is empowered to implement and which the sanggunian is  
1819 empowered to provide for under the Local Government Code of 1991, as  
1820 amended;

1821  
1822 (3) In addition to the foregoing duties and functions, the provincial  
1823 veterinarian shall:

1824  
1825 (i) Advise the provincial governor on all matters pertaining to the  
1826 slaughter of animals for human consumption and the regulation of  
1827 slaughterhouses;

1828  
1829 (ii) Regulate the keeping of domestic animals;

1830  
1831 (iii) Regulate and inspect poultry, milk and dairy products for public  
1832 consumption;

1833  
1834 (iv) Enforce all laws and regulations for the prevention of cruelty to  
1835 animals; and

1836  
1837 (v) Take the necessary measures to eradicate, prevent or cure all forms of  
1838 animal diseases;

1839  
1840 (4) Be in the frontline of veterinary-related activities, such as in the  
1841 outbreak of highly contagious and deadly diseases and in situations  
1842 resulting in the depletion of animals for work and for human  
1843 consumption, particularly those arising from and in the aftermath of  
1844 man-made and natural disasters or calamities; and

1845  
1846 (5) Recommend to the sanggunian and advise the provincial governor  
1847 on all other matters relative to veterinary services which will increase  
1848 the number and improve the quality of livestock, poultry and other  
1849 domestic animals used for work or for human consumption.

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

#### **Section 40. The Provincial General Services Officer.**

(a) No person shall be appointed provincial general services officer unless he or she 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 and management from a recognized college or university, and a first grade civil service eligible or its equivalent. He or she must have acquired experience in general services, including the management of supply, property, solid waste disposal and general sanitation for at least five (5) years.

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

(b) The provincial 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 provincial governor in carrying out measures to ensure the delivery of basic services and the provision of adequate facilities pursuant to Section 17 of the Local Government Code of 1991, as amended, and which require general services expertise and technical support services;

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

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

(i) Take custody of and be accountable for all properties, real or personal, owned by the provincial government and those granted to it in



- 1890 the form of donation, reparation, assistance and counterpart of joint  
1891 projects;  
1892
- 1893 (ii) With the approval of the provincial governor, assign building or land  
1894 space to provincial officials or other public officials who, by law, are  
1895 entitled to such space;  
1896
- 1897 (iii) Recommend to the provincial governor, the reasonable rental rates  
1898 for local government properties whether real or personal which will be  
1899 leased to public or private entities by the provincial government;  
1900
- 1901 (iv) Recommend to the provincial governor, the reasonable rental rates  
1902 of private properties which may be leased for the official use of the  
1903 provincial government;  
1904
- 1905 (v) Maintain and supervise janitorial, security, landscaping and other  
1906 related services on all local government public buildings and other real  
1907 property, whether owned or leased by the provincial government;  
1908
- 1909 (vi) Collate and disseminate information regarding prices, shipping and  
1910 other costs of supplies and other items commonly used by the provincial  
1911 government;  
1912
- 1913 (vii) Perform archival and record management with respect to records of  
1914 offices and departments of the province; and  
1915
- 1916 (viii) Perform all other functions pertaining to supply and property  
1917 management heretofore performed by the local government treasurer  
1918 and to enforce policies on records creation, maintenance and disposal;  
1919
- 1920 (4) Be in the frontline of general services-related activities, such as the  
1921 possible or imminent destruction or damage to records, supplies,  
1922 properties and structures and the orderly and sanitary clearing up of  
1923 waste materials or debris, particularly during and in the aftermath of  
1924 man-made and natural disasters or calamities; and  
1925
- 1926 (5) Recommend to the sanggunian and advise the provincial governor  
1927 on all matters relative to general services.  
1928

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

#### **Section 41. The Provincial Cooperatives Officer.**

(a) No person shall be appointed provincial cooperatives officer unless he or she 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 or she must have acquired experience in cooperatives organization and management for at least five (5) years.

The appointment of a provincial cooperatives officer shall be optional.

(b) The provincial 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 provincial governor in carrying out measures to ensure the delivery of basic services and the 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 provincial governor, implement the same, particularly those which have to do with the integration of cooperatives principles and methods in programs which the provincial governor is empowered to implement and which the sanggunian is empowered to provide for under the Local Government Code of 1991, as amended;

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

(i) Assist in the organization of cooperatives;

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



- 1969
- 1970 (iii) Assist cooperatives in establishing linkages with government
- 1971 agencies and nongovernmental organizations involved in the promotion
- 1972 and integration of the concept of cooperatives in the livelihood of the
- 1973 people and other community activities;
- 1974
- 1975 (4) Be in the frontline of cooperatives organization, rehabilitation or
- 1976 viability enhancement, particularly during and in the aftermath of man-
- 1977 made and natural disasters or calamities, to aid in their survival and, if
- 1978 necessary, subsequent rehabilitation; and
- 1979
- 1980 (5) Recommend to the sanggunian and advise the provincial governor
- 1981 on all other matters relative to cooperatives development and viability
- 1982 enhancement which will improve the livelihood and the quality of life of
- 1983 the inhabitants.
- 1984
- 1985 (c) Exercise such other powers and perform such other duties and
- 1986 functions as may be prescribed by law or ordinance.
- 1987

#### 1988 **Section 42. The Provincial Architect.**

1989

1990 (a) No person shall be appointed provincial architect unless he or she is

1991 a citizen of the Philippines, a resident of the province, of good moral

1992 character and a duly licensed architect. He or she must have practiced

1993 his or her profession for at least five (5) years.

1994

1995 The appointment of a provincial architect shall be optional.

1996

1997 (b) The provincial architect shall take charge of the office on

1998 architectural planning and design, and shall:

1999

2000 (1) Formulate measures for the consideration of the sanggunian and

2001 provide technical assistance and support to the provincial governor in

2002 carrying out measures to ensure the delivery of basic services and the

2003 provision of adequate facilities relative to architectural planning and

2004 design as provided for under Section 17 of the Local Government Code

2005 of 1991, as amended;

2006

2007 (2) Develop plans and strategies and, upon approval thereof by the

2008 provincial governor, implement the same, particularly those which have

to do with architectural planning and design 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, as amended;

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

(i) 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 the appropriate planning of marine and foreshore areas;

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

(iii) 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 or disasters; and

(5) Recommend to the sanggunian and advise the provincial governor on all other matters related to the architectural planning and design 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.

#### **Section 43. The Provincial Population Officer.**



(a) No person shall be appointed provincial population officer unless he or she 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 or she must have experience in the implementation of programs on population development or responsible parenthood for at least five (5) years.

The appointment of a provincial population officer shall be optional.

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

(1) Formulate measures for the consideration of the sanggunian and provide technical assistance and support to the provincial governor in carrying out measures to ensure the delivery of basic services and the 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 provincial 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 provincial governor is empowered to implement and which the sanggunian is empowered to provide for under the Local Government Code of 1991, as amended; and

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

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

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

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

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

#### **Section 42. The Provincial Information Officer.**

(a) No person shall be appointed provincial information officer unless he or she 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 communication or any related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He or she must have acquired experience in writing articles and research papers, or in writing for print, television or broadcast media for at least three (3) years.

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

The appointment of a provincial information officer shall be optional.

(b) The provincial 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 provincial governor in providing the information and research data required for the delivery of basic services and the provision of adequate facilities so that the public becomes aware of the said service and may fully avail of the same;

(2) Develop plans and strategies and, upon approval thereof by the provincial governor, implement the same, particularly those which have to do with public information and research data to support the 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, as amended;

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



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

(ii) 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; and

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

(5) Recommend to the sanggunian and advise the provincial 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 SCHOOLS DIVISION AND THE PROVINCIAL PROSECUTION SERVICE

#### **Section 44. The Provincial Fire Station Service.**

(a) There shall be established in the province at least five (5) fire stations with adequate personnel, firefighting facilities and equipment by the DILG, within two (2) months upon the commencement of the corporate existence of the new province. The provincial government shall provide the necessary land or site 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. 9263, as amended, otherwise known as the "Bureau of Fire Protection and Bureau of Jail Management and Penology Professionalization Act of 2004".

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

#### **Section 45. The Provincial Jail Service.**

(a) There shall be established and maintained in the province, within two (2) months upon the commencement of the corporate existence of the new province by the 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 whose qualifications shall be as those provided for under Republic Act No. 9263, as amended, otherwise known as the "Bureau of Fire Protection and Bureau of Jail Management and Penology Professionalization Act of 2004". He or she 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.

#### **Section 46. The Provincial Schools Division.**

(a) The DepED shall, within two (2) months upon the commencement of the corporate existence of the province herein created, establish and maintain a separate schools division in the province whose jurisdiction shall cover all the municipalities of the new province.



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

#### **Section 47. The Provincial Prosecution Service.**

(a) There shall be established and maintained a prosecution service by the Department of Justice (DOJ), within two (2) months upon the commencement of the corporate existence of the province herein created, who 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 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 new province and shall render to and for the province such other services as are required by law or regulation of the DOJ.

### **ARTICLE IX TRANSITORY AND FINAL PROVISIONS**

#### **Section 48. Plebiscite.**

Palawan Del Norte, Palawan Oriental and Palawan Del Sur shall be created upon approval by the majority of the votes cast by the voters of the affected areas in a plebiscite to be conducted and supervised by the Commission on Elections (COMELEC) on the second Monday of May 2020 following the effectivity of this Charter. Provided, that its corporate existence shall commence on the date provided for by this Charter.

The amount necessary for the conduct of the plebiscite shall be borne by the COMELEC.

#### **Section 49. Commencement of Corporate Existence.**

Palawan Del Norte, Palawan Oriental, and Palawan Del Sur shall commence its corporate existence upon the election and qualification of its provincial governor, provincial vice governor and majority of the members of the sangguniang panlalawigan.

The election of the provincial officials of the three provinces shall be held on the second Monday of May in the year 2022.

#### **Section 50. Officials of the newly created Provinces.**

The provincial officials who were duly elected and qualified in the election immediately preceding the May 2022 national and local elections shall continue to serve their unexpired terms in office until the provincial officials of the three provinces shall have been elected and shall have qualified; Provided, Further, That the residents of Puerto Princesa City shall not vote in the plebiscite and are hereafter disqualified to vote for candidates for provincial elective positions.

The congressional representatives who were duly elected and qualified in the election immediately preceding the May 2022 national and local elections of the present First Legislative District, Second Legislative District, and Third Legislative District shall continue representing the constituents of its original legislative districts until the representatives for the newly created legislative districts for the three provinces and the highly urbanized City of Puerto Princesa shall have been elected and qualified on the second Monday of May in the year 2022 simultaneous with the election of the provincial officials of the three provinces.

Subject to the one year residency requirement for elective local and congressional officials mandated by the Local Government Code and the 1987 Constitution, candidacy for officials of the newly created provinces and legislative districts shall be deemed as candidacy for new posts under newly created offices and serving new sets of constituents.

#### **Section 51. Organization of the Provincial Government.**

All provincial appointive positions in the newly created provinces shall be filled within sixty (60) days upon commencement of its corporate existence. Subject to the provisions of Civil Service laws, rules and regulations on the creation, division, merger or abolition of government



2287 offices, the appointment of officials and employees of the present  
2288 Province of Palawan who may wish to serve in any of the newly created  
2289 provinces shall be at the discretion of the appointing power.

2290  
2291 **Section 52. Present Provincial Properties.**  
2292

2293 Following the plebiscite and creation of the provinces, the ownership of  
2294 real properties and infrastructure projects of each LGU situated in the  
2295 present Province of Palawan shall belong to the province where it is  
2296 situated. Real properties located in the City of Puerto Princesa, owned  
2297 by the present Province of Palawan or held in trust for the national  
2298 government, shall be co-owned and/or co-managed by the three  
2299 provinces for the mutual benefit of its constituents. Decision as to its use  
2300 and disposition shall be made upon a consensus of at least two  
2301 provinces to be embodied in a memorandum of agreement duly entered  
2302 into in accordance with the Local Government Code.

2303  
2304 **Section 53. Funds, Obligations and Assets of the Newly Created**  
2305 **Provinces**  
2306

2307 Following the plebiscite and creation of the provinces, the funds,  
2308 obligations and assets of all kinds of the present Province of Palawan  
2309 subsisting at the time of the effectivity of the creation the three provinces  
2310 herein created shall be distributed among the three provinces  
2311 proportionately with the income of the municipalities comprising the  
2312 same: Provided, However, that if the obligation had been contracted to  
2313 finance a project belonging to any one of the three provinces, the said  
2314 province shall be responsible exclusively for such obligation.

2315  
2316 Transitory projects and activities, such as land acquisition; office  
2317 building construction; furnishing of offices; purchase of furniture,  
2318 fixture and equipment; assignment of present properties; assignment of  
2319 employees; hiring of new personnel; education and training of officials,  
2320 employees and personnel; and all other projects and activities that will  
2321 ensure the full and complete management, operations and service  
2322 delivery of the provinces upon the commencement of its corporate  
2323 existence, shall be financed and implemented by the present Provincial  
2324 Government of Palawan.

2325  
2326 **Section 54. Applicability of Laws.**

2327

2328 The provisions of Republic Act No. 7160, otherwise known as the Local  
2329 Government Code of 1991, as amended, and other laws as are applicable  
2330 to provinces shall govern the herein created province insofar as they are  
2331 not inconsistent with the provisions of this Act.

2332

2333 **Section 55. Separability Clause.**

2334

2335 If any part of this Act is declared invalid or unconstitutional, the other  
2336 parts or provisions thereof shall remain valid and effective.

2337

2338 **Section 56. Effectivity.**

2339

2340 This Act shall take effect fifteen (15) days upon its publication in at least  
2341 two (2) newspapers of general and local circulation.

2342

2343 Approved,