

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

NINETEENTH CONGRESS
Second Regular Session

House Bill No. **9464**



Introduced by Representative LEODY “ODIE” F. TARRIELA

EXPLANATORY NOTE

This bill seeks to convert the Municipality of San Jose into a component city of the Province of Occidental Mindoro to be known as City of San Jose.

Under the Local Government Code (LGC), political subdivisions shall enjoy genuine and meaningful local autonomy to enable them to attain their fullest development as self-reliant communities and make them more effective partners in the attainment of national goals. Toward this end, the State shall provide for a more responsive and accountable local government structure instituted through a system of decentralization whereby local government units shall be given more powers, authority, responsibilities and resources. The process of decentralization shall proceed from the National Government to the local government units.¹

As such, Sec. 1 of the Republic Act No. 11683 otherwise known as “An Act Amending Section 450 of Republic Act No. 7610, Otherwise Known as the Local Government Code of 991, as amended by the Republic Act 9009, by Providing for the Requisites for the Conversion of a Municipality into a Component City, and for Other Purposes”, states that:

A municipality or a cluster of barangays with locally generated average annual income, as certified by the Department of Finance, of at least Four Hundred Million Pesos (Php400,000,000.0) for the last two consecutive years based on 2012 constant prices may also be converted into a component city if it has either a population of not less than one hundred thousand (100,000) inhabitants as certified by the PSA or a contiguous territory of at least one hundred (100) square kilometers, as certified by the Land Management Bureau: Provided, that three (3) years after the effectivity of this Act and every three (2) years thereafter, the threshold amount of Four Hundred Million Pesos (Php400,000,000.00) shall be increased by five percent (5%).

¹ Sec. 2 (a), Local Government Code, as amended.

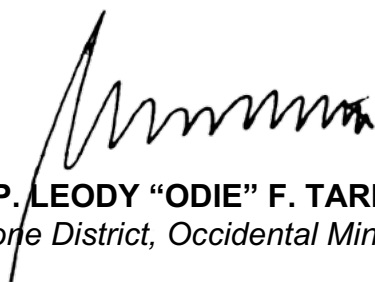
The Municipality of San Jose (San Jose) is a first-class municipality in the Province of Occidental Mindoro. San Jose has long proven its economic viability and stability. For FY 2020 and 2021, San Jose has generated an average of locally generated income of more than Php400 Million.

Meanwhile, it has a recorded population of 153,267 as of May 1, 2020 based on the 2020 Census of Population and Housing (2020 CPH) conducted by the Philippine Statistics Authority.

Hence, San Jose has complied with the criteria set forth by the Republic Act No. 11683, and other pertinent laws on the matter.

The proposed conversion will enhance San Jose's posture and capability of enticing more business and industries in the locality, increase its pace of development and consequently improve the lives of the inhabitants residing therein. Further, the cityhood will considerably improve San Jose's efficiency to respond to the ever-growing needs of its constituents for more and better services as a result of the city's greater power to generate its own resources of revenues for its exclusive use.

In this respect, the immediate consideration and passage of this bill is earnestly requested.



REP. LEODY "ODIE" F. TARRIELA
Lone District, Occidental Mindoro

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AN ACT
CONVERTING THE MUNICIPALITY OF SAN JOSE IN THE PROVINCE OF
OCCIDENTAL MINDORO INTO A COMPONENT CITY TO BE KNOWN AS
THE CITY OF SAN JOSE

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

ARTICLE I

General Provisions

SECTION 1. *Short Title* – This Act shall be known as the “Charter of the City
of San Jose City”.

SECTION 2. *The City of San Jose* – The Municipality of San Jose in the
Province of Occidental Mindoro is hereby converted into a component city to
be known as the City of San Jose, hereinafter referred to as the City, which
shall comprise of the present territory of the Municipality of San Jose. The
territorial jurisdiction of the City shall be within the present metes and bounds
of the Municipality of San Jose, particularly described as follows: A parcel of
land situated in the Province of Occidental Mindoro, Philippines; geographically
located at 121°15’00” to 120°55’00” longitude and 12°10’00” to 12°40’00”
latitude. It is bounded on the west by the West Philippine Sea; on the south by

1 the Municipality of Magsaysay; on the north by the Municipality of Rizal and
2 east by the Municipality of Bulalacao, Oriental Mindoro, containing an area of
3 approximately four hundred forty-six million seven hundred thousand
4 (446,700,000) square meters.

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

12
13 **SECTION 3. Corporate Powers of the City.** – The City constitutes a political
14 body corporate and as such is endowed with the attributes of perpetual
15 succession and possessed of the powers which pertain to a municipal
16 corporation to be exercised in conformity with the provisions of this Charter.

17 The City shall have the following corporate powers:

- 18 (a) To have a continuous succession in its corporate name;
- 19 (b) To sue and be sued;
- 20 (c) To have and use a corporate seal;
- 21 (d) To acquire and convey real or personal property;
- 22 (e) To enter into contracts; and
- 23 (f) To exercise such other powers, prerogatives and authority as are
24 granted to corporations, subject to the limitations provided for in this
25 Act and other laws.

1

2 **SECTION 4. *General Powers of the City.*** – The City shall have a common
3 seal and may alter the same at pleasure. It shall exercise the power to levy
4 taxes, close and open roads, streets, alleys, parks or squares subject to the
5 provisions of the Constitution and existing laws. It may take, purchase, receive,
6 hold, lease, convey and dispose of real and personal property for the general
7 interests of the City; expropriate or condemn private property for public use;
8 contract and be contracted with; sue and be sued; prosecute and defend to final
9 judgment and execution suits wherein the City is a party; and exercise all the
10 powers as are granted to corporations as hereunder conferred.

11

12 **SECTION 5. *General Welfare Clause of the City.*** – The City shall exercise
13 the powers expressly granted, those necessarily implied therefrom, as well as
14 powers necessary, appropriate or incidental for its efficient and effective
15 governance, and those which are essential to the promotion of the general
16 welfare.

17 Within its territorial jurisdiction, the City shall ensure and support, among
18 other things, preserve and enrich its culture, promote health and safety,
19 enhance the right of the people to a balanced ecology, encourage and support
20 the development of appropriate and self-reliant scientific and technological
21 capabilities, improve public morals, enhance economic prosperity and social
22 justice, promote full employment among their residents, maintain peace and
23 order, and preserve the comfort and convenience of their inhabitants.

24

1 **SECTION 6. *Liability for Damages.*** – Unless otherwise provided by law, the
2 City of San Jose and its officials shall be liable for injuries or damages to
3 persons or property arising from the act or omission of any of its officers or
4 employees while in the performance of their official functions.

5
6 **SECTION 7. *Jurisdiction of the City.*** – The jurisdiction of the City of San Jose,
7 for police purpose only, shall be coextensive with its territorial jurisdiction and
8 for the purpose of protecting and ensuring the purity of the water supply of the
9 City, such police jurisdiction shall also extend over all territory within the
10 drainage area of such water supply or within one hundred meters (100 m.) of
11 any reservoir, conduit, canal, aqueduct or pumping station used in connection
12 with the city water service.

13 The current regional trial courts and the current city trial courts of the City
14 of San Jose shall have concurrent jurisdiction with the regional trial courts and
15 the metropolitan trial courts or city or municipal courts of the adjoining
16 municipalities or cities, to try crimes and misdemeanors committed within said
17 drainage area or within said spaces of one hundred meters (100 m.)

18 The court first taking cognizance of such an offense shall have
19 jurisdiction to try said cases to the exclusion of others. The police forces of the
20 several municipalities and cities shall have concurrent jurisdiction with the
21 police forces of the City for the maintenance of good order and enforcement of
22 ordinance throughout said zone, area or spaces.

23
24
25

1 **ARTICLE II**

2 **City Officials in General**

3 **SECTION 8. *The Officials of the City of San Jose.* –**

4 (a) There shall be in the City of San Jose, a City Mayor, a City Vice
5 Mayor, twelve (12) Sangguniang Panlungsod members, a Secretary
6 to the Sangguniang Panlungsod, a City Treasurer and an Assistant
7 City Treasurer, a City Assessor and an Assistant City Assessor, a
8 City Accountant, a City Engineer, an Assistant City Engineer, a City
9 Architect, a City Budget Officer, a City Planning and Development
10 Officer, a City Health Officer, an Assistant City Health Officer, a City
11 Civil Registrar, an Assistant City Civil Registrar, a City Administrator,
12 a City Legal Officer, a city Social Welfare And Development Officer,
13 a City Veterinarian, a City Population Officer, a City General Services
14 Officer, a City Information Officer, a City Cooperatives Officer, a City
15 Environment And Natural Resources Officer, a City Tourism Officer
16 and a City Human Resources Development Officer.

17 (b) In addition thereto, the City Mayor may appoint a city building official
18 and a city agriculturist.

19 (c) The City shall establish a city fire station to be headed by a City Fire
20 Marshal, a city jail to be headed by a City Jail Warden, a city schools
21 division to be headed by a City Schools Division Superintendent and
22 a city prosecution service to be headed by a City Prosecutor.

23 (d) The Sangguniang Panlungsod of the City of San Jose may:

- 24 1) Maintain existing offices not mentioned in subsections (a), (b)
25 and (c), hereof;

1 (b) The City Mayor, as the chief executive of the city government, shall
2 exercise such powers and perform such duties and functions as
3 provided herein:

4 (1) Exercise general supervision and control over all programs,
5 projects, services and activities of the city government, those
6 powers expressly granted to him by law, those necessarily
7 implied therefrom as well as powers necessary, appropriate or
8 incidental for the efficient and effective governance of the City,
9 and those which are essential to the promotion of the general
10 welfare and, in this connection, shall:

11 (i) Determine the guidelines of city policies and be
12 responsible to the Sangguniang Panlungsod for the
13 program of government;

14 (ii) Direct the formulation of the city development plan with
15 the assistance of the city development council and,
16 upon approval thereof by the Sangguniang
17 Panlungsod, implement the same;

18 (iii) Present the program of government and propose
19 policies and projects for the consideration of the
20 Sangguniang Panlungsod at the opening of the regular
21 session of the Sangguniang Panlungsod every
22 calendar year and as often as may be deemed
23 necessary as the general welfare of the inhabitants and
24 the needs of the city government may require;

25 (iv) Initiate and propose legislative measures to the

1 Sangguniang Panlungsod, as may be deemed
2 necessary, and provide such information and data
3 needed or requested by said Sanggunian in the
4 performance of its legislative functions;

5 (v) Appoint all officials and employees whose salaries and
6 wages are wholly or mainly paid out of city funds and
7 whose appointments are not otherwise provided for in
8 the Local Government Code of 1991, as well as those
9 he may be authorized by law to appoint;

10 (vi) Represent the City in all its business transactions and
11 sign on its behalf all bonds, contracts, obligations and
12 such other documents upon authority of the
13 Sangguniang Panlungsod or pursuant to law or
14 ordinance;

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

18 (viii) Determine the time, manner and place of payments of
19 salaries or wages of the officials and employees of the
20 City, in accordance with law or ordinance;

21 (ix) Allocate and assign office space to city and other
22 officials and employees who, by law or ordinance, are
23 entitled to such space in the city hall and other buildings
24 owned or leased by the city government, including the
25 offices and officials created therein;

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

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

15 (xii) Furnish copies of executive orders issued by him to the
16 provincial governor within seventy-two (72) hours after
17 their issuance;

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

- (xiv) Act on leave applications of officials and employees appointed by him and the commutation of the monetary value of their leave credits in accordance with law;
- (xv) Authorize official trips of city officials and employees outside of the City for a period not exceeding thirty (30) days;
- (xvi) Call upon any national official or employee stationed in or assigned to the City to advise him on matters affecting the City and to make recommendations thereon; coordinate with the said officials or employees 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 their official duties while stationed in or assigned to the City;
- (xvii) Authorize payments for medical care, necessary transportation, subsistence, hospital or medical fees of city officials and employees who are injured while in the performance of their official duties and functions, subject to the availability of funds;
- (xviii) Solemnize marriages;
- (xix) Conduct an annual palarong panlungsod which shall feature traditional sports and disciplines included in national and international games, in coordination with

1 the Department of Education (DepEd), the Philippine
2 Sports Commission and other related agencies; and

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

12 (2) Enforce all laws and ordinances relative to the governance of
13 the City and in the exercise of its appropriate corporate powers
14 as provided for under Section 22 of the Local Government
15 Code of 1991, implement all approved policies, programs,
16 projects, services and activities of the City and, in addition to
17 the foregoing, shall:

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

21 (ii) Call conventions, conferences, seminars or meetings
22 of elective or appointive officials of the City, including
23 national officials and employees stationed in or
24 assigned to the City, at such time and place and on
25 such subject he may deem important for the promotion

1 of the general welfare of the local government unit and
2 its inhabitants;

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

6 (iv) Be entitled to carry the necessary firearms within his
7 territorial jurisdiction after the procurement of
8 necessary permits and licenses from duly constituted
9 authorities;

10 (v) Act as the deputized representative of the National
11 Police Commission, formulate the peace and order
12 plan of the City and upon its approval, implement the
13 same and as such, exercise general and operational
14 control and supervision over the local police forces in
15 the City in accordance with Republic Act No. 6975,
16 otherwise known as the "*Department of the Interior and*
17 *Local Government Act of 1990;*" and Call upon the
18 appropriate law enforcement agencies to suppress
19 disorder, riot, lawless violence, rebellion or sedition, or
20 apprehend violators of the law when public interest so
21 requires and the city police forces are inadequate to
22 cope with the situation or the violators;

23 (3) Initiate and maximize the generation of resources and
24 revenues and apply the same to the implementation of
25 development plans, program objectives and priorities,

1 particularly the resources and revenues programmed for agro-
2 industrial development and the provision of basic services
3 and, relative thereto, shall:

4 (i) Require each head of an office or department to
5 prepare and submit an estimate of appropriations for
6 the ensuing calendar year, in accordance with the
7 provisions of the Local Government Code of 1991 and
8 other relevant laws;

9 (ii) Prepare and submit to the Sanggunian for approval the
10 executive and supplemental budgets of the City for the
11 ensuing calendar year in the manner provided for under
12 the Local Government Code of 1991;

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

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

21 (v) Issue permits, not requiring approval from any national
22 agency, for the holding of activities for any charitable or
23 welfare purpose, excluding prohibited games of chance
24 or shows contrary to law, public policy and public
25 morals;

1 (vi) Require owners of illegally constructed houses,
2 buildings or structures to obtain the necessary permits,
3 subject to such fines and penalties as may be imposed
4 by law or ordinance, or to make necessary changes in
5 the construction or to order the demolition or removal
6 of said houses, buildings or structures within the period
7 prescribed by law or ordinance;

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

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

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

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

24 (i) Ensure that the construction and repair of roads,
25 bridges and highways funded by the national

1 government shall be, as far as practicable, carried out
2 in a spatially contiguous manner and in coordination
3 with the construction and repair of the roads and
4 bridges of the City and of the province; and

5 (ii) Coordinate the implementation of technical services,
6 including public works and infrastructure programs
7 rendered by national and provincial offices; and

8 (iii) Perform such other duties and functions and exercise
9 such other powers as provided for under the Local
10 Government Code of 1991, and those that are
11 prescribed by other relevant laws or by ordinance.

12 (c) During his incumbency, the City Mayor shall hold office in the city
13 hall.

14 (d)

15 **SECTION 10. *The City Vice Mayor.* –**

16 (a) There shall be a City Vice Mayor who shall be elected in the same
17 manner as the City Mayor and shall, at the time of his election,
18 possess the same qualifications as the City Mayor. He shall hold
19 office for three (3) years, unless sooner removed, and shall receive
20 a minimum monthly compensation corresponding to Salary Grade
21 Twenty-six (26) as prescribed under the Salary Standardization Law
22 and the implementing guidelines issued pursuant thereto, and such
23 other compensation, emoluments and allowances as may be
24 determined by law.

25 (b) The City Vice Mayor shall:

- 1 (1) Be the presiding officer of the Sangguniang Panlungsod and
2 sign all warrants drawn on the city treasury for all expenditures
3 appropriated for the operation of the Sangguniang
4 Panlungsod;
- 5 (2) Subject to civil service law, rules and regulations, appoint all
6 officials and employees, including the Secretary of the
7 Sangguniang Panlungsod, except those whose manner of
8 appointment is specifically provided for in the Local
9 Government Code of 1991;
- 10 (3) Assume the office of the City Mayor for the unexpired term of
11 the latter in the event of permanent vacancy, as provided for
12 in Section 44 of the Local Government Code of 1991;
- 13 (4) Exercise the powers and perform the duties and functions of
14 the City Mayor in case of temporary vacancy; and
- 15 (5) Perform such other duties and functions and exercise such
16 other powers as provided for under the Local Government
17 Code of 1991, and those that are prescribed by other relevant
18 laws or by ordinance.

20 **ARTICLE IV**

21 **The Sangguniang Panlungsod**

22 **SECTION 11. *Composition and Compensation.*** – The Sangguniang
23 Panlungsod, the legislative body of the City, shall be composed of the City Vice
24 Mayor as the presiding officer, the twelve (12) regular Sanggunian members,
25 the President of the City Chapter of the *Liga Ng Mga Barangay* and the

1 President of the *Panlungsod Na Pederasyon Ng Mga Sangguniang Kabataan*,
2 and such other members as may be provided for by law.

3 The regular members of the Sangguniang Panlungsod, the sectoral
4 representatives and other members shall be elected or appointed in the manner
5 as may be provided for by law. The elective members of the Sangguniang
6 Panlungsod shall possess the qualifications as provided for under Section 39
7 of the Local Government Code of 1991.

8 They shall receive a minimum monthly compensation corresponding to
9 Salary Grade Twenty-five (25) as prescribed under the Salary Standardization
10 Law and the implementing guidelines issued pursuant thereto, and such other
11 compensation, emoluments and allowances as may be determined by law.

12
13 **SECTION 12. Powers, Duties, Functions and Compensation.** – The
14 Sangguniang Panlungsod shall:

15 (a) Approve ordinances and pass resolutions necessary for an efficient
16 and effective city government and, in this connection, shall:

17 (1) Review all ordinances approved by the Sangguniang
18 Barangay and Executive Orders issued by the Punong
19 Barangay to determine whether these are within the scope of
20 the prescribed powers of the Sangguniang Barangay and of
21 the Punong Barangay;

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

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

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

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

21 (6) Protect the environment. Towards this end, it shall set aside
22 a reasonable amount from its development funds for the
23 purpose of maintaining and enhancing the ecological balance
24 of the City. It may also impose appropriate penalties for acts
25 which endanger the environment and such other activities

1 which result in pollution, eutrophication of rivers and other
2 bodies of water, or of ecological imbalance, the fines for which
3 shall be used exclusively for the advancement of ecological
4 protection;

5 (7) Subject to the provisions of the Local Government Code of
6 1991 and other pertinent laws, determine the powers and
7 duties of officials and employees of the City;

8 (8) Consistent with the Salary Standardization Law, determine the
9 positions and the salaries, wages, allowances and other
10 emoluments and benefits of officials and employees paid
11 wholly or mainly from city funds and provide for expenditures
12 necessary for the proper conduct of programs, projects,
13 services and activities of the city government;

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

19 (10) Provide a mechanism and the appropriate funds therefor
20 to ensure the safety and protection of all city government
21 properties, public documents or records such as those relating
22 to property inventory, land ownership, records of births,
23 marriages, deaths, assessments, taxation, accounts,
24 business permits and such other records and documents of

1 public interest in the offices and departments of the city
2 government;

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

8 (12) Provide legal assistance to barangay officials, who in the
9 performance of their official duties or on the occasion thereof,
10 have to initiate judicial proceedings or defend themselves
11 against legal actions; and

12 (13) Provide for group insurance or additional insurance
13 coverage for all barangay officials, including members of
14 barangay tanod brigades and other service units, with public
15 or private insurance companies;

16 (b) Generate and maximize the use of resources and revenues for the
17 development plans, program objectives and priorities of the City with
18 particular attention to agro-industrial development, citywide growth
19 and progress, and the provision of basic services and, relative
20 thereto, the Sangguniang Panlungsod shall:

21 (1) Approve the annual and supplemental budgets of the city
22 government and appropriate funds for specific programs,
23 projects, services and activities of the City or for other
24 purposes not contrary to law, in order to promote the general
25 welfare of the City and its inhabitants;

1 (2) Subject to the provisions of Book II of the Local Government
2 Code of 1991 and applicable laws and, upon the majority vote
3 of all the members of the Sangguniang Panlungsod, enact
4 ordinances levying taxes, fees and charges, prescribing the
5 rates thereof for general and specific purposes, and granting
6 tax exemptions, incentives or reliefs;

7 (3) Subject to the provisions of Book II of the Local Government
8 Code of 1991 and applicable laws and, upon the majority vote
9 of all the members of the Sangguniang Panlungsod, authorize
10 the City Mayor to negotiate and contract loans and other forms
11 of indebtedness. The application for loans or other forms of
12 indebtedness and the terms and conditions thereof shall,
13 before approval, be published in a newspaper of general
14 circulation in the City. Once approved, the contract covering
15 the loans or other forms of indebtedness shall be furnished to
16 any city resident requesting a copy thereof, upon payment of
17 reasonable fees;

18 (4) Subject to the provisions of Book II of the Local Government
19 Code of 1991 and applicable laws and, upon the majority vote
20 of all members of the Sangguniang Panlungsod, enact
21 ordinances authorizing the floating of bonds or other
22 instruments of indebtedness for the purpose of raising funds
23 to finance development projects. The authorization to float
24 bonds or other instruments of indebtedness shall be published
25 in a newspaper of general circulation in the City. Once

1 approved, the contract covering the floating of bonds or other
2 instruments of indebtedness shall be furnished to any city
3 resident requesting a copy thereof, upon payment of
4 reasonable fees;

5 (5) Appropriate funds for the construction and maintenance or the
6 rental of buildings for the use of the City and, upon the majority
7 vote of all the members of the Sangguniang Panlungsod,
8 authorize the City Mayor to lease to private parties such public
9 buildings held in a proprietary capacity, subject to existing
10 laws, rules and regulations;

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

13 (7) Adopt a comprehensive land-use plan for the City and ensure
14 that the formulation, adoption or modification of said plan shall
15 be in coordination with the approved provincial
16 comprehensive land-use plan;

17 (8) Reclassify lands within the jurisdiction of the City, subject to
18 pertinent provisions of the Local Government Code of 1991;

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

1 (10) Subject to national law, process and approve subdivision
2 plans for residential, commercial or industrial purposes and
3 other development purposes and to collect processing fees
4 and other charges, the proceeds of which shall accrue entirely
5 to the City: *Provided, however,* That where the approval of
6 national agency or office is required, said approval shall not
7 be withheld for more than thirty (30) days from receipt of the
8 application. Failure to act on the application within the period
9 stated above shall be deemed as approval thereof;

10 (11) With the concurrence of at least two-thirds (2/3) vote of all
11 the members of the Sangguniang Panlungsod, grant tax
12 exemptions, incentives or reliefs to entities engaged in
13 community growth-inducing industries, subject to the
14 provisions of the Local Government Code of 1991;

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

19 (13) Regulate the numbering of residential, commercial and
20 other buildings; and

21 (14) Regulate the inspection, weighing and measuring of
22 articles of commerce;

23 (c) Subject to the provisions of the Local Government Code of 1991,
24 enact ordinances granting franchises and authorizing the issuance of
25 permits or licenses, upon such conditions and for such purposes

1 intended to promote the general welfare of the inhabitants of the City
2 and, pursuant to this legislative authority, shall:

3 (1) Fix and impose reasonable fees and charges for all services
4 rendered by the city government to private persons or entities;

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

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

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

17 (5) Authorize and license the establishment, operation and
18 maintenance of cockpits, regulate cockfighting and
19 commercial breeding gamecocks;

20 (6) Subject to the guidelines prescribed by the Department of
21 Transportation (DOTr), regulate the operation of tricycles and
22 grant franchises for the operation thereof within the territorial
23 jurisdiction of the City; and

24 (7) Upon approval by a majority vote of all the members of the
25 Sangguniang Panlungsod, grant a franchise to any person,

1 partnership, corporation or cooperative to do business within
2 the City; establish, construct, operate and maintain ferries,
3 wharves, markets or slaughterhouses; or undertake such
4 other activities within the City as may be allowed by existing
5 laws: *Provided*, That cooperatives shall be given preference
6 in the grant of such franchise;

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

10 (1) Declare, prevent or abate any nuisance;

11 (2) With the concurrence of a majority of the members of the
12 Sangguniang Panlungsod constituting a quorum, deny the
13 entry of legalized gambling by ordinance into any part of the
14 City or regulate its location within the City;

15 (3) Require that buildings and the premises thereof and any land
16 within the City be kept and maintained in a sanitary condition:
17 impose penalties for any violation thereof or, upon failure to
18 comply with the requirement, have the work done at the
19 expense of the owner, administrator or tenant concerned and
20 require the filling up of any land or premises to a grade
21 necessary for proper sanitation;

22 (4) Regulate the disposal of clinical and other wastes from
23 hospitals, clinics and other similar establishments;

24 (5) Regulate the establishment, operation and maintenance of
25 cafes, restaurants, beerhouses, hotels, motels, inns, pension

1 houses, lodging houses and other similar establishments,
2 including tourist guides and transports;

3 (6) Regulate the sale, giving away or dispensing of any
4 intoxicating malt, *vino*, mixed or fermented liquors at any retail
5 outlets;

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

10 (8) Regulate the establishment, operation and maintenance of
11 entertainment or amusement facilities, including the theatrical
12 performance, circuses, billiard halls, public dancing schools,
13 public dance halls, sauna baths, massage parlors and other
14 places for entertainment or amusement, particularly those
15 which tend to disturb the community or annoy the inhabitants
16 or require the suspension or suppression of the same; or
17 prohibit certain forms of amusement or entertainment in order
18 to protect the social and moral welfare of the community;

19 (9) Provide for the impounding of stray animals; regulate the
20 keeping of animals in homes or as part of a business, and the
21 slaughter, sale or disposition of the same; and adopt
22 measures to prevent and penalize cruelty to animals, subject
23 to existing laws, rules and regulations; and

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

4 (e) Approve ordinances which shall ensure the efficient and effective
5 delivery of basic services and facilities as provided for under the
6 Local Government Code of 1991 and, in addition to said services and
7 facilities, shall:

8 (1) Establish markets, slaughterhouses or animal corrals and
9 authorize the operation thereof by the city government; and
10 regulate the construction and operation of private markets,
11 *talipapas* or other similar buildings and structures;

12 (2) Regulate the preparation and sale of fish, meat, poultry,
13 vegetables, fruits, fresh dairy products and other foodstuffs for
14 public consumption;

15 (3) Regulate the use of streets, avenues, alleys, sidewalks,
16 bridges, parks and other public places, and approve the
17 construction, improvement, repair and maintenance of the
18 same; establish bus and vehicle stops and terminals, or
19 regulate the use of the same by privately-owned vehicles
20 which serve the public; regulate garages and the operation of
21 conveyances for hire; designate stands to be occupied by
22 public vehicles when not in use; regulate the putting up of
23 signs, signposts, awnings and awning posts on the streets;
24 and provide for the lighting, cleaning and sprinkling of streets
25 and public places;

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

5 (5) Subject to existing laws and when necessary, establish and
6 provide for the maintenance, repair and operation of an
7 efficient waterworks system to supply water for the inhabitants
8 and to purify the source of the water supply; regulate the
9 construction, maintenance, repair and use of hydrants,
10 pumps, cisterns and reservoirs; protect the purity and quantity
11 of the water supply of the City and, for this purpose, extend
12 the coverage of appropriate ordinances over all territory within
13 the drainage area of said water supply within one hundred
14 meters (100 m.) of the reservoir, canal, conduit aqueduct,
15 pumping station or watershed used in connection with the
16 water service; and regulate the consumption, use or wastage
17 of water and fix and collect charges therefor;

18 (6) Regulate the drilling and excavation of the ground for the
19 laying of water, gas, sewer and other pipes and the
20 construction, repair and maintenance of public drains, sewers,
21 cesspools, tunnels and similar structures; regulate the placing
22 of poles and the use of crosswalks, curbs and gutters; adopt
23 measures to ensure public safety against open canals,
24 manholes, live wires and other similar hazards to life and
25 property; and regulate the construction and use of private

1 water closets, privies and other similar structures in buildings
2 and homes;

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

9 (8) Subject to the availability of funds and the existing laws, rules
10 and regulations, establish or maintain, or provide for the
11 operation of a city college, vocational and technical schools
12 and similar post-secondary institutions and, with the approval
13 of the DepED, the Commission on Higher Education or the
14 Technical Education and Skills Development Authority, as the
15 case may be, and subject to existing laws on tuition fees, fix
16 and collect reasonable tuition fees and other school charges
17 in educational institutions supported by the city government;

18 (9) Ensure the physical maintenance of educational institutions
19 under the operational control of the City and the provision of
20 books and other capital equipment for the same;

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

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

1 (12) Provide for an efficient and effective system of solid waste
2 and garbage collection and prohibit littering and the placing or
3 throwing of garbage, refuse and other filth and wastes; and,
4 for this purpose, provide for incentive schemes for industries
5 engaged in the recycling of waste and garbage;

6 (13) Provide for the care of disabled persons, paupers, the
7 aged, the sick, persons of unsound mind, abandoned minors,
8 juvenile delinquents, drug dependents, abused children and
9 other needy and disadvantaged persons, particularly children
10 and the youth below eighteen (18) years of age and, subject
11 to the availability of funds, establish and provide for the
12 operation of centers and facilities for the said needy and
13 disadvantaged persons;

14 (14) Establish and provide for the maintenance and
15 improvement of jails and detention centers, institute a sound
16 jail management program, including a continuing education
17 and training program for jail personnel assigned or detailed in
18 jails and detention centers within the jurisdiction of the City,
19 and the provision of separate detention centers for women
20 and minors;

21 (15) Establish a city council whose purpose is the promotion of
22 culture and the arts, coordinate with government agencies and
23 nongovernmental organizations and, subject to the availability
24 of funds, appropriate funds for the support and development
25 of the same;

1 (16) Establish a city council for the elderly which shall formulate
2 policies and adopt measures mutually beneficial to the elderly
3 and to the community; provide incentives for nongovernmental
4 agencies and entities and, subject to the availability of funds,
5 appropriate funds to support programs and projects for the
6 benefit of the elderly; and

7 (17) Perform for a social housing fund for the provision of
8 housing for the poor and, for this purpose, may allocate a
9 reasonable amount annually for the acquisition of land and
10 development of the same; and

11 (f) Perform such other duties and functions and exercise such powers
12 as provided for under the Local Government Code of 1991, and those
13 that are prescribed by other relevant laws or by ordinance.
14

15 **ARTICLE V**

16 **Process of Legislation**

17 **SECTION 13. *Internal Rules of Procedure.* –**

18 (a) On the First Regular Session following the election of its members
19 and, within ninety (90) days thereafter, the Sangguniang Panlungsod
20 shall adopt or update its rules of procedure.

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

22 (1) The organization of the Sanggunian and the election of its
23 officers as well as the creation of standing committees which
24 shall include, but shall not be limited to, the Committees On
25 Appropriations, Women And Family, Human Rights, Youth

1 And Sports Development, Environmental Protection And
2 Cooperatives, the general jurisdiction of each committee and
3 the election of the Chairman and members of each committee;

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

5 (3) The legislative process;

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

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

19 (6) such other rules as the Sanggunian may adopt.
20

21 **SECTION 14. Full Disclosure of Financial and Business Interests of**
22 ***Sangguniang Panlungsod Members.* –**

23 (a) Every Sangguniang Panlungsod member shall, upon assumption to
24 office, make a full disclosure of his business and financial interests.

25 He shall also disclose any professional relationship or any relation by

1 affinity or consanguinity within the fourth civil degree, which he may
2 have with any person, firm or entity affected by any ordinance or
3 resolution under consideration by the Sanggunian of which he is a
4 member, which relationship may result in conflict of interests. Such
5 relationship shall include:

- 6 (1) Ownership of stock or capital, or investment in the entity or
7 firm to which the ordinance or resolution may apply; and
- 8 (2) Contracts or agreements with any person or entity which the
9 ordinance or resolution under consideration may affect.

10 In the absence of specific constitutional or statutory provisions
11 applicable to this situation, "*conflict of interest*" refers in general to
12 one where it may be reasonably deduced that a member of a
13 Sanggunian may not act in the public interest due to some private,
14 pecuniary or other personal considerations that may tend to affect his
15 judgment to the prejudice of the service or the public.

16 (b) The disclosure required under this Act shall be made in writing and
17 submitted to the Secretary of the Sanggunian or the Secretary of the
18 committee of which he is a member. The disclosure shall, in all
19 cases, form part of the record of the proceedings and shall be made
20 in the following manner:

- 21 (1) Disclosure shall be made before the member participates in
22 the deliberations on the ordinance or resolution under
23 consideration: *Provided*, That if the member did not participate
24 during the deliberations, the disclosure shall be made before

1 voting on the ordinance or resolution on second and third
2 readings; and

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

7
8 **SECTION 15. *Sessions.* –**

9 (a) On the first day of the session immediately following the election of
10 its members, the Sangguniang Panlungsod shall, by resolution, fix
11 the day, time and place of its sessions. The minimum number of
12 regular sessions shall be once a week.

13 (b) When the public interest so demands, special sessions may be called
14 by the City Mayor or by a majority of the members of the Sanggunian.

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

20 (d) In the case of special sessions of the Sanggunian, a written notice to
21 the members shall be served personally at the member's usual place
22 of residence at least twenty-four (24) hours before the special
23 session is held.

24 Unless otherwise concurred in by two-thirds (2/3) vote of the
25 Sanggunian members present, there being a quorum, no other

1 matters may be considered at a special session except those stated
2 in the notice.

3 (e) The Sanggunian shall keep a journal and a record of its proceedings
4 which may be published upon a resolution of the Sanggunian
5 panlungsod.

6

7 **SECTION 16. Quorum. –**

8 (a) A majority of all the members of the Sanggunian who have been
9 elected and qualified shall constitute a quorum to transact official
10 business. Should a question of quorum be raised during a session,
11 the presiding officer shall immediately proceed to call the roll of the
12 members and thereafter announce the result.

13 (b) Where there is no quorum, the presiding officer may declare a recess
14 until such time a quorum is constituted, or a majority of the members
15 present may adjourn from day to day and may compel the immediate
16 attendance of any member absent without justifiable cause by
17 designating a member or members of the Sanggunian to be assisted
18 by a member or members of the police force assigned in the territorial
19 jurisdiction of the City of San Jose, to arrest the absent member and
20 present him at the session.

21 (c) If there is still no quorum despite the enforcement of the immediately
22 preceding subsection, no business shall be transacted. The
23 presiding officer, upon proper motion and duly approved by the
24 members present, shall then declare the session adjourned for lack
25 of quorum.

1

2 **SECTION 17. *Approval of Ordinances.* –**

3 (a) Every ordinance enacted by the Sangguniang Panlungsod shall be
4 presented to the City Mayor. If the City Mayor approves the same,
5 he shall affix his signature on each and every page thereof;
6 otherwise, he shall veto it and return the same with his objections to
7 the Sanggunian, which may proceed to reconsider the same. The
8 Sanggunian may override the veto of the City Mayor by two-thirds
9 (2/3) vote of all its members, thereby making the ordinance or
10 resolution effective for all legal intents and purposes.

11 (b) The veto shall be communicated by the City Mayor to the Sanggunian
12 within ten (10) days; otherwise, the ordinance shall be deemed
13 approved as if he signed it.

14

15 **SECTION 18. *Veto Power of the City Mayor.* –**

16 (a) The City Mayor may veto any ordinance of the Sangguniang
17 Panlungsod on the ground that it is *ultra vires* or prejudicial to public
18 welfare, stating his reasons thereof in writing.

19 (b) The City Mayor shall have the power to veto any particular item or
20 items of an appropriations ordinance, an ordinance or resolution
21 adopting a local development plan, any public investment program or
22 an ordinance directing the payment of money or creating liability. In
23 such case, the vetoed item or items shall not take effect unless the
24 Sangguniang Panlungsod overrides the veto in the manner herein
25 provided; otherwise, the item or items in the appropriations ordinance

1 of the previous year corresponding to those vetoed, if any, shall be
2 deemed enacted.

3 (c) The City Mayor may veto an ordinance or resolution only once. The
4 Sanggunian may override the veto by two-thirds (2/3) vote of all its
5 members, thereby making the ordinance effective even without the
6 approval of the City Mayor.

7
8 **SECTION 19. *Review of City Ordinances by the Sangguniang***
9 ***Panlalawigan. –***

10 (a) Within three (3) days after approval, the Secretary of the
11 Sangguniang Panlungsod shall forward to the Sangguniang
12 Panlalawigan for review, copies of approved ordinances and
13 resolutions approving the local development plans and public
14 investment programs formulated by the local development councils.

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

24 (c) If the Sangguniang Panlalawigan finds that such an ordinance or
25 resolution is beyond the power conferred upon the Sangguniang

1 Panlungsod concerned, it shall declare such ordinance or resolution
2 invalid in whole or in part. The Sangguniang Panlalawigan shall enter
3 its action in the minutes and shall advise the corresponding city
4 authorities of the action it has taken.

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

9 **SECTION 20. Review of Barangay Ordinances by the Sangguniang**
10 ***Panlungsod.* –**

11 (a) Within ten (10) days after the enactment, the Sangguniang Barangay
12 shall furnish copies of all barangay ordinances to the Sangguniang
13 Panlungsod for review as to whether the ordinance is consistent with
14 law and city ordinances.

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

18 (c) If the Sangguniang Panlungsod finds the barangay ordinance
19 inconsistent with law or city ordinances, the Sangguniang
20 Panlungsod shall, within thirty (30) days from receipt thereof, return
21 the same with comments and recommendations to the Sangguniang
22 Barangay concerned for adjustment, amendment or modification; in
23 which case, the effectivity of the barangay ordinance is suspended
24 until such time as the revision called for is effected.
25

1 **SECTION 21. *Enforcement of Disapproved Ordinances or Resolutions.* –**

2 Any attempt to enforce any ordinance or any resolution approving the local
3 development plan and public investment program after disapproval thereof
4 shall be sufficient ground for the suspension or dismissal of the official or
5 employee concerned.

6
7 **SECTION 22. *Effectivity of Ordinances or Resolutions.* –**

8 (a) Unless otherwise stated in the ordinance or the resolution approving
9 the local development plan and public investment program, the same
10 shall take effect after ten (10) days from the date a copy thereof is
11 posted in a bulletin board at the entrance of the city hall and in at
12 least two (2) other conspicuous places in the City of San Jose.

13 (b) The Secretary of the Sangguniang Panlungsod shall cause the
14 posting of an ordinance or reSolution in the bulletin board at the
15 entrance of the city hall and in at least two (2) other conspicuous
16 places in the City of San Jose not later than five (5) days after
17 approval thereof. The text of the ordinance or resolution shall be
18 disseminated and posted in Filipino or English and in the language
19 or dialect understood by a majority of the people in the City, and the
20 Secretary of the Sangguniang Panlungsod shall record such fact in
21 a book kept for the purpose, stating the dates of approval and
22 posting.

23 (c) The main features of the ordinance or resolution duly enacted or
24 adopted shall, in addition to being posted, be published once in a
25 local newspaper of general circulation within the City: *Provided, That*

1 in the absence thereof, the ordinance or resolution shall be published
2 in any newspaper of general circulation: *Provided, further,* That the
3 list of all ordinances with penal sanctions shall also be published in a
4 newspaper of general circulation.

6 **ARTICLE VI**

7 **Succession for Elective City Officials**

8 **SECTION 23. *Permanent Vacancy in the Offices of the City Mayor and the*** 9 ***City Vice Mayor. –***

10 (a) If a permanent vacancy occurs in the office of the City Mayor, the city
11 vice mayor shall become the City Mayor. If a permanent vacancy
12 occurs in the office of the city vice mayor, the highest ranking
13 Sangguniang Panlungsod member, or in case of his permanent
14 incapacity, the second highest ranking Sangguniang Panlungsod
15 member shall become the city vice mayor, as the case may be.
16 Subsequent vacancies in the said office shall be filled in automatically
17 by the other Sanggunian members according to their ranking as
18 defined herein.

19 (b) A tie between or among the highest ranking Sangguniang
20 Panlungsod members shall be resolved by drawing of lots.

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

23 For purposes of this Act, a permanent vacancy arises when an
24 elective local official fills in a higher vacant office, refuses to assume
25 office, fails to qualify, dies, is removed from office, voluntarily resigns

1 or is otherwise permanently incapacitated to discharge the function
2 of his office.

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

8
9 **SECTION 24. *Permanent Vacancies in the Sangguniang Panlungsod.* –**

10 Permanent vacancies in the Sangguniang Panlungsod where automatic
11 succession as provided above does not apply shall be filled in by appointments
12 in the following manner:

13 (a) The provincial governor shall make the aforesaid appointments;

14 (b) Only the nominee of the political party under which the Sanggunian
15 member concerned had been elected shall be appointed in the
16 manner herein provided. The appointee shall come from the same
17 political party as that of the Sanggunian member who caused the
18 vacancy and shall serve the unexpired term of the vacant office.

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

1 (c) In case the permanent vacancy is caused by a Sanggunian member
2 who does not belong to any political party, the City Mayor shall, upon
3 the recommendation of the Sangguniang Panlungsod, appoint a
4 qualified person to fill in the vacancy; and

5 (d) In case of vacancy in the representation of the youth, the barangay
6 and other sectors in the Sangguniang Panlungsod, said vacancy
7 shall be filled in automatically by the official next-in-rank of the
8 organization concerned.

9
10 **SECTION 25. *Temporary Vacancy in the Office of the City Mayor.* –**

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

18 (b) Said temporary incapacity shall terminate upon submission to the
19 Sangguniang Panlungsod of written declaration by the City Mayor
20 that he has reported back to office. In case where the temporary
21 incapacity is due to legal cause, the City Mayor shall also submit
22 necessary documents showing the said legal cause no longer exists.

23 (c) When the City Mayor is traveling within the country but outside the
24 territorial jurisdiction for a period not exceeding three (3) consecutive
25 days, he may designate in writing the officer-in-charge of his office.

1 Such authorization shall specify the powers and functions that the
2 local official concerned shall exercise in the absence of the City
3 Mayor, except the power to appoint, suspend or dismiss employees.

4 (d) In the event, however, that the City Mayor fails or refuses to issue
5 such authorization, the city vice mayor or the highest ranking
6 Sangguniang Panlungsod member, as the case may be, shall have
7 the right to assume the powers, duties and functions of the said office
8 on the fourth (4th) day of absence of the City Mayor subject to the
9 limitations provided in subsection (c) hereof.

10 (e) Except as provided above, the City Mayor shall, in no case, authorize
11 any local official to assume the powers, duties and functions of the
12 office other than the city vice mayor or the highest ranking
13 Sangguniang Panlungsod member, as the case may be.

14 15 **ARTICLE VII**

16 **THE APPOINTIVE OFFICIALS OF THE CITY; THEIR QUALIFICATIONS,** 17 **POWERS AND DUTIES**

18 **SECTION 26. *The Secretary to the Sangguniang Panlungsod.* –**

19 (a) There shall be a Secretary to the Sangguniang Panlungsod who shall
20 be a career official with the rank and salary equal to a head of a
21 department or office who shall be appointed by the City Mayor with
22 the concurrence of a majority of all Sangguniang Panlungsod
23 members, subject to civil service law, rules and regulations.

24 (b) No person shall be appointed Secretary to the Sangguniang
25 Panlungsod unless he is a citizen of the Philippines, a resident of the

1 City, of good moral character, preferably, a holder of a master's
2 degree in law, commerce or public administration from a recognized
3 college or university and a first grade civil service eligible or its
4 equivalent.

5 (c) The Secretary to the Sangguniang Panlungsod shall receive such
6 compensation, emoluments and allowances as may be determined
7 by law.

8 (d) The Secretary to the Sanggunian shall take charge of the office of
9 the Sangguniang Panlungsod, and shall:

10 (1) Attend meetings of the Sangguniang Panlungsod and keep a
11 journal of its proceedings;

12 (2) Keep the seal of the City and affix the same with his signature
13 to all ordinances, resolutions and other official acts of the
14 Sangguniang Panlungsod and present the same to the
15 presiding officer for his signature;

16 (3) Forward to the City Mayor for approval copies of ordinances
17 enacted by the Sangguniang Panlungsod, duly certified by the
18 presiding officer;

19 (4) Forward to the Sangguniang Panlalawigan copies of duly
20 approved ordinances in the manner as provided in Section 56
21 under Book I of the Local Government Code of 1991;

22 (5) Furnish, upon request of any interested party, certified copies
23 of records of public character in his custody, upon payment to
24 the City Treasurer of such fees as may be prescribed by
25 ordinance;

- 1 (6) Record in a book kept for the purpose, all ordinances and
2 resolutions enacted or adopted by the Sangguniang
3 Panlungsod, with the dates of passage and publication
4 thereof;
- 5 (7) Keep his office and all nonconfidential records therein open to
6 the public during usual business hours;
- 7 (8) Translate into the dialect used by a majority of the inhabitants
8 all ordinances and resolutions immediately after their approval
9 and cause the publication of the same together with the
10 original version in the manner provided for under the Local
11 Government Code of 1991;
- 12 (9) Take custody of the local archives and, where applicable, the
13 local library and annually account for the same;
- 14 (10) Perform such other duties and functions and exercise such
15 other powers as provided for under the Local Government
16 Code of 1991, and those that are prescribed by other relevant
17 laws or by ordinance.

18
19 **SECTION 27. *The City Treasurer.* –**

- 20 (a) The City Treasurer shall be appointed by the Secretary of Finance
21 from a list of at least three (3) ranking eligible recommendees of the
22 City Mayor, subject to civil service law, rules and regulations.
- 23 (b) The City Treasurer shall be under the administrative supervision of
24 the City Mayor, to whom he shall report regularly on the tax collection
25 efforts of the City.

1 (c) No person shall be appointed City Treasurer unless he is a citizen of
2 the Philippines, a resident of the City, of good moral character, a
3 holder of a college degree preferably in commerce, public
4 administration or law from a recognized college or university and a
5 first grade civil service eligible or its equivalent. He must have
6 acquired experience in treasury or accounting service for at least five
7 (5) years.

8 (d) The City Treasurer shall receive such compensation, emoluments
9 and allowances as may be determined by law.

10 (e) The City Treasurer shall take charge of the city treasury office, and
11 shall:

12 (1) Advise the City Mayor, the Sangguniang Panlungsod and
13 other local government and national officials concerned
14 regarding disposition of local government funds and on such
15 other matters relative to public finance;

16 (2) Take custody and exercise proper management of the funds
17 of the City;

18 (3) Take charge of the disbursement of all funds of the City and
19 other funds, the custody of which may be entrusted to him by
20 law or other competent authority;

21 (4) Inspect private commercial and industrial establishments
22 within the jurisdiction of the City in relation to the
23 implementation of tax ordinances, pursuant to the provisions
24 of the Local Government Code of 1991;

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

1 and

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

6
7 **SECTION 28. *The Assistant City Treasurer.* –**

8 (a) The Assistant City Treasurer may be appointed by the Secretary of
9 Finance from a list of at least three (3) ranking eligible
10 recommendtees of the City Mayor, subject to civil service law, rules
11 and regulations.

12 (b) No person shall be appointed Assistant City Treasurer unless he is a
13 citizen of the Philippines, a resident of the City, of good moral
14 character, a holder of a degree preferably in commerce, public
15 administration or law from a recognized college or university and a
16 first grade civil service eligible or its equivalent. He must have
17 acquired at least three (3) years experience in treasury or accounting.

18 (c) The Assistant City Treasurer shall receive such other compensation,
19 emoluments and allowances as may be determined by law.

20 (d) The Assistant City Treasurer shall assist the City Treasurer and
21 perform such other duties as the latter may assign to him. He shall
22 have authority to administer oaths concerning notices and
23 notifications to those delinquent in the payment of the real property
24 tax and concerning official matters relating to the accounts of the City
25 Treasurer or otherwise arising from the offices of the City Treasurer

1 and the City Assessor.

2
3 **SECTION 29. *The City Assessor.* –**

4 (a) The City Assessor must be a citizen of the Philippines, a resident of
5 the City, of good moral character, a holder of a college degree
6 preferably in civil or mechanical engineering, commerce or any other
7 related course from a recognized college or university and a first
8 grade civil service eligible or its equivalent. He must have acquired
9 experience on real property assessment work or in any related field
10 for at least five (5) years immediately preceding the date of his
11 appointment.

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

14 (c) The City Assessor shall take charge of the City Assessor's office, and
15 shall:

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

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

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

24 (4) Install and maintain real property identification and accounting
25 systems;

- (5) Prepare, install and maintain a system of tax mapping, showing graphically all properties subject to assessment and gather all data concerning the same;
- (6) Conduct frequent physical surveys to verify and determine whether all real properties within the City are properly listed in the assessment rolls;
- (7) Exercise the functions of appraisal and assessments primarily for taxation purposes of all real properties in the City;
- (8) Prepare a schedule of the fair market value of the different classes of real properties in accordance with the provisions of the Local Government Code of 1991;
- (9) Issue, upon request of any interested party, certified copies of assessment upon payment of a service charge or fee to the City Treasurer;
- (10) Submit every semester a report of all assessments as well as cancellations and modifications of assessments to the City Mayor and the Sangguniang Panlungsod; and
- (11) Perform such other duties and functions and exercise such other powers as provided for under the Local Government Code of 1991, and those that are prescribed by law or ordinance.

SECTION 30. *The Assistant City Assessor.* –

- (a) The Assistant City Assessor must be a citizen of the Philippines, a resident of the City, of good moral character, a holder of a college

1 degree preferably in civil or mechanical engineering, commerce or
2 any related course from a recognized college or university and a first
3 grade civil service eligible or its equivalent. He must have acquired
4 experience in assessment or in any related field for at least three (3)
5 years immediately preceding the date of his appointment.

6 (b) The Assistant City Assessor shall receive such compensation,
7 emoluments and allowances as may be determined by law.

8 (c) The Assistant City Assessor shall assist the City Assessor and
9 perform such other duties as the latter may assign to him. He shall
10 have authority to administer oaths on all declarations of real property
11 for purposes of assessment.

12
13 **SECTION 31. *The City Accountant.* –**

14 (a) The City Accountant must be a citizen of the Philippines, a resident
15 of the City, of good moral character and a certified public accountant.
16 He must have acquired experience in the treasury or accounting
17 services for at least five (5) years immediately preceding the date of
18 his appointment.

19 (b) The City Accountant shall receive such compensation, emoluments
20 and allowances as may be determined by law.

21 (c) The City Accountant shall take charge of both the office of the
22 accounting and internal audit services, and shall:

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

24 (2) Prepare and submit financial statements to the City Mayor and
25 to the Sangguniang Panlungsod;

- (3) Apprise the Sangguniang Panlungsod and other officials on the financial condition and operation of the City;
- (4) Certify to the availability of budgetary allotment from which expenditures and obligations may be properly charged;
- (5) Review supporting documents before the preparation of vouchers to determine the completeness of requirements;
- (6) Prepare statements of cash advances, liquidations, salaries, allowances, reimbursements and remittances pertaining to the City;
- (7) Prepare statements of journal vouchers and liquidations of the same and other adjustments related thereto;
- (8) Post individual disbursements to the subsidiary ledger and index cards;
- (9) Maintain individual ledgers for officials and employees of the City pertaining to payrolls and deductions;
- (10) Record and post in index cards details of purchased furniture, fixtures and equipment, including disposal thereof, if any;
- (11) Account for all issued requests for obligations and maintain and keep all records and reports related thereto;
- (12) Prepare journals and the analysis of obligations and maintain and keep all records and reports related thereto; and
- (13) Perform such other duties and functions and exercise such other powers as provided for under the Local Government Code of 1991, and those that are prescribed by law or

ordinance.

SECTION 32. *The City Engineer.* –

(a) The City Engineer must be a citizen of the Philippines, a resident of the City, of good moral character and a licensed civil engineer. He must have acquired experience in the practice of his profession for at least five (5) years immediately preceding the date of his appointment.

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

(c) The City Engineer shall take charge of the city engineering office, and shall:

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

(2) Advise the City Mayor on infrastructure, public works and other engineering matters;

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

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

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

5
6 **SECTION 33. *The Assistant City Engineer.* –**

7 (a) The Assistant City Engineer must be a citizen of the Philippines, a
8 resident of the City, of good moral character, a holder of a college
9 degree preferably in civil or mechanical engineering, commerce or
10 any related course from a recognized college or university and a first
11 grade civil service eligible or its equivalent. He must have acquired
12 experience in assessment or in any related field for at least three (3)
13 years immediately preceding the date of his appointment.

14 (b) The Assistant City Engineer shall assist the city engineer and perform
15 such other duties as the latter may assign to him.

16 (c) The Assistant City Engineer shall receive such compensation,
17 emoluments and allowances as may be determined by law.

18
19 **SECTION 34. *The City Architect.* –**

20 (a) The city architect must be a citizen of the Philippines, a resident of
21 the City, of good moral character and a duly licensed architect. He
22 must have practiced his profession for at least five (5) years
23 immediately preceding the date of his appointment.

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

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

3 (1) Formulate measures for the consideration of the Sangguniang
4 Panlungsod and provide technical assistance and support to
5 the City Mayor in carrying out measures to ensure the delivery
6 of basic services and the provision of adequate facilities
7 relative to architectural planning and design;

8 (2) Develop plans and strategies and, upon approval thereof by
9 the City Mayor, implement the same, particularly those which
10 have to do with architectural planning and design programs
11 and projects which the City Mayor is empowered to implement
12 and which the Sangguniang Panlungsod is empowered to
13 provide for under the Local Government Code of 1991;

14 (3) In addition to the foregoing duties and functions, the city
15 architect shall:

16 (i) Prepare and recommend, for consideration of the
17 Sanggunian, the architectural plan and design for the
18 City or a part thereof, including the renewal of slums
19 and blighted areas, land reclamation activities, the
20 greening of land and appropriate planning of marine
21 and foreshore areas;

22 (ii) Review and recommend for appropriate action of the
23 Sanggunian or the mayor, as the case may be, the
24 architectural plans and designs submitted by
25 governmental and nongovernmental entities or

1 individuals particularly those for undeveloped,
2 underdeveloped and poorly-designed areas; and

3 (iii) Coordinate with government, nongovernment entities
4 and individuals involved in the aesthetics and the
5 maximum utilization of the land and water within the
6 jurisdiction of the City, compatible with environmental
7 integrity and ecological balance;

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

13 (5) Recommend to the Sangguniang Panlungsod and advise the
14 City Mayor on all matters relative to architectural planning and
15 design as it relates to the total socioeconomic development of
16 the City; and

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

21
22 **SECTION 35. *The City Budget Officer.* –**

23 (a) The city budget officer must be a citizen of the Philippines, a resident
24 of the City, of good moral character, a holder of a college degree
25 preferably in accounting, economics, public administration or any

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

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

7 (c) The city budget officer shall take charge of the city budget office, and
8 shall:

9 (1) Prepare forms, orders and circulars embodying instructions on
10 budgetary and appropriation matters for the signature of the
11 City Mayor;

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

14 (3) Assist the City Mayor in the preparation of the proposed
15 legislation and submit comments and recommendations
16 thereon;

17 (4) Study and evaluate budgetary implementation of proposed
18 legislation and submit comments and recommendations
19 thereon;

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

22 (6) Coordinate with the City Treasurer, the city accountant and
23 the city planning and development officer for the purpose of
24 budgeting;

25 (7) Assist the Sangguniang Panlungsod in reviewing the

1 approved budgets of component barangays;

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

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

8
9 **SECTION 36. *The City Planning and Development Officer.* –**

10 (a) The City Planning and Development Officer must be a citizen of the
11 Philippines, a resident of the City, of good moral character, a holder
12 of a college degree preferably in urban planning, development
13 studies, economics, public administration or any related course from
14 a recognized college or university and a first-grade civil service
15 eligible or its equivalent. He must have acquired experience in
16 development planning or in any related field for at least five (5) years
17 immediately preceding the date of his appointment.

18 (b) The City Planning and Development Officer shall receive such
19 compensation, emoluments and allowances as may be determined
20 by law.

21 (c) The City Planning and Development Officer shall take charge of the
22 city planning and development coordinating office, and shall:

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

- (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 or agencies;
- (4) Monitor and evaluate the implementation of the different development programs, projects and activities in the City in accordance with the approved development plan;
- (5) Prepare comprehensive plans and other development planning documents for the consideration of the local 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 City as provided for under the Local Government Code of 1991;
- (7) Promote people's participation in development planning within the City;
- (8) Exercise supervision and control over the secretariat of the local development council; and
- (9) Perform such other duties and functions and exercise such other powers as provided for under the Local Government Code of 1991, and those that are prescribed by law or ordinance.

SECTION 37. *The City Health Officer.* –

- (a) The City Health Officer must be a citizen of the Philippines, a resident of the City, of good moral character and a licensed medical

1 practitioner. He must have acquired experience in the practice of his
2 profession for at least five (5) years immediately preceding the date
3 of his appointment.

4 (b) The City Health Officer shall receive such compensation,
5 emoluments and allowances as may be determined by law.

6 (c) The City Health Officer shall take charge of the office of the city health
7 services, and shall:

8 (d) Supervise the personnel and staff of the said office, formulate
9 program implementation guidelines, and rules and regulations for the
10 operation of the said office for the approval of the City Mayor in order
11 to assist him in the efficient, effective and economical implementation
12 of health services programs geared to implement health-related
13 projects and activities;

14 (1) Formulate measures for the consideration of the Sangguniang
15 Panlungsod and provide technical assistance and support to
16 the City Mayor in carrying out activities to ensure the delivery
17 of basic services and the provision of adequate facilities
18 relative to health services provided for under Section 17 of the
19 Local Government Code of 1991;

20 (2) Develop plans and strategies and, upon approval thereof by
21 the City Mayor, implement the same, particularly those which
22 have to do with health programs and projects which the City
23 Mayor is empowered to implement and which the
24 Sangguniang Panlungsod is empowered to provide for under
25 the Local Government Code of 1991;

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

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

5 (ii) Advise the City Mayor and the Sangguniang
6 Panlungsod on matters pertaining to health;

7 (iii) Execute and enforce all laws, ordinances and
8 regulations relating to health;

9 (iv) Recommend to the Sangguniang Panlungsod, through
10 the local health board, the passage of such ordinance
11 as he may deem necessary for the preservation of
12 public health;

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

15 (vi) Direct the sanitary inspection of all business
16 establishments selling food items or providing
17 accommodation, such as hotels, motels, lodging
18 houses and the like, in accordance with the Sanitation
19 Code;

20 (vii) Conduct health information campaigns and render
21 health intelligence services; and

22 (viii) Coordinate with other government agencies and
23 nongovernment organizations involved in the
24 promotion and delivery of health services;

25 (4) Be in the frontline of the delivery of health services, particularly

1 during and in the aftermath of man-made and natural disasters
2 or calamities; and

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

7
8 **SECTION 38. *The Assistant City Health Officer.* –**

9 (a) The Assistant City Health Officer must be a citizen of the Philippines,
10 a resident of the City, of good moral character and a licensed medical
11 practitioner. He must have acquired experience in assessment or in
12 any related field for at least three (3) years immediately preceding
13 the date of his appointment.

14 (b) The Assistant City Health Officer shall assist the City Health Officer
15 and perform such other duties as the latter may assign to him.

16 (c) The Assistant City Health Officer shall receive a minimum monthly
17 compensation equivalent to Salary Grade Twenty-four (24) as
18 prescribed under the Salary Standardization Law and the
19 implementing guidelines issued pursuant thereto, and such other
20 compensation, emoluments and allowances as may be determined
21 by law.

22
23 **SECTION 39. *The City Civil Registrar.* –**

24 (a) The City Civil Registrar must be a citizen of the Philippines, a resident
25 of the City, of good moral character, a holder of a college degree from

1 a recognized college or university and a first grade civil service
2 eligible or its equivalent. He must have acquired experience in civil
3 registry work for at least five (5) years immediately preceding the date
4 of his appointment.

5 (b) The City Civil Registrar shall receive such compensation,
6 emoluments and allowances as may be determined by law.

7 (c) The City Civil Registrar shall be responsible for the civil registration
8 program in the City of San Jose pursuant to the Civil Registry Law,
9 the Civil Code and other pertinent laws, rules and regulations issued
10 to implement them.

11 (d) The City Civil Registrar shall take charge of the office of the city civil
12 registrar, and shall:

13 (1) Develop plans and strategies and, upon approval thereof by
14 the City Mayor, implement the same, particularly those which
15 have to do with the management and administration-related
16 programs and projects which the City Mayor is empowered to
17 implement and which the Sangguniang Panlungsod is
18 empowered to provide for under the Local Government Code
19 of 1991;

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

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

24 (ii) File, keep and preserve in a secure place the books
25 required by law;

1 (iii) Transcribe and enter immediately upon receipt all
2 registrable documents and judicial decrees affecting
3 the civil status of persons in the appropriate civil
4 registry books;

5 (iv) Transmit to the Office of the Civil Registrar-General
6 within the prescribed period duplicate copies of
7 registered documents required by law;

8 (v) Issue certified transcript or copies of any certificate or
9 registered document upon payment of the required
10 fees to the treasurer;

11 (vi) Receive applications for the issuance of a marriage
12 license and after determining that the requirements and
13 supporting certificates and publication thereof for the
14 prescribed period have been complied with, issue the
15 license upon payment of the authorized fee to the
16 treasurer; and

17 (vii) Coordinate with the Philippine Statistics Authority in
18 conducting educational campaigns for vital registration
19 and assist in the preparation of demographic and other
20 statistics for the City of San Jose; and

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

25

1 **SECTION 40. *The Assistant City Civil Registrar.* –**

2 (a) The Assistant City Civil Registrar must be a citizen of the Philippines,
3 a resident of the City, of good moral character and a holder of a
4 college degree from a recognized college or university and a first
5 grade civil service eligible or its equivalent. He must have acquired
6 experience in civil registry work or in any related field for at least three
7 (3) years immediately preceding the date of his appointment.

8 (b) The Assistant City Civil Registrar shall assist the City Civil Registrar
9 and perform such other duties as the latter may assign to him.

10 (c) The Assistant City Civil Registrar shall receive such compensation,
11 emoluments and allowances as may be determined by law.

12
13 **SECTION 41. *The City Administrator.* –**

14 (a) The City Administrator must be a citizen of the Philippines, a resident
15 of the City, of good moral character, a holder of a college degree
16 preferably in public administration, law or in any other related course
17 from a recognized college or university and a first grade civil service
18 eligible or its equivalent. He must have acquired experience in
19 management and administrative work for at least five (5) years
20 immediately preceding the date of his appointment.

21 (b) The term of the City Administrator is coterminous with that of his
22 appointing authority.

23 (c) The City Administrator shall receive such compensation,
24 emoluments and allowances as may be determined by law.

25 (d) The City Administrator shall take charge of the City Administrator's

Office, and shall:

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

(2) In addition to the foregoing duties and functions, the City Administrator shall assist in the coordination of the work of all the officials of the City under the supervision, direction and control of the City Mayor and, for this purpose, he may convene the chiefs of offices and other officials of the City;

(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 or calamities;

(4) Recommend to the Sangguniang Panlungsod and advise the City Mayor on all matters relative to the management and administration of the City; and

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

1 **SECTION 42. *The City Legal Officer.* –**

2 (a) The City Legal Officer must be a citizen of the Philippines, a resident
3 of the City, of good moral character and a member of the Philippine
4 Bar. He must have practiced his profession for at least five (5) years
5 immediately preceding the date of his appointment.

6 (b) The term of the city legal officer shall be coterminus with that of his
7 appointing authority.

8 (c) The City Legal Officer shall receive such compensation, emoluments
9 and allowances as may be determined by law.

10 (d) The City Legal Officer, the Chief Legal Counsel of the City, shall take
11 charge of the office of the city legal service, and shall:

12 (1) Formulate measures for the consideration of the Sangguniang
13 Panlungsod and provide legal assistance and support to the
14 City Mayor in carrying out the delivery of basic services and
15 the provision of adequate facilities;

16 (2) Develop plans and strategies and, upon approval thereof by
17 the City Mayor, implement the same, particularly those which
18 have to do with programs and projects related to legal services
19 which the City Mayor is empowered to implement and which
20 the Sangguniang Panlungsod is empowered to provide for
21 under the Local Government Code of 1991;

22 (3) In addition to the foregoing duties and functions, the City Legal
23 Officer shall:

24 (i) Represent the City in all civil actions and special
25 proceedings wherein the City or any official thereof, in

1 his official capacity, is a party: *Provided, That, in*
2 actions or proceedings where the City is a party
3 adverse to the provincial government or to another
4 component city or municipality, a special legal officer
5 may be employed to represent the adverse party;

6 (ii) When required by the City Mayor or Sanggunian, draft
7 ordinances, contracts, bonds, leases and other
8 instruments involving any instruments already drawn;

9 (iii) Render his opinion in writing on any question of law
10 when requested to do so by the City Mayor or
11 Sanggunian;

12 (iv) Investigate or cause to be investigated any local official
13 or employee for administrative neglect or misconduct in
14 office and recommend the appropriate action to the City
15 Mayor or Sanggunian, as the case may be;

16 (v) Investigate or cause to be investigated any person, firm
17 or corporation holding any franchise or exercising any
18 public privilege for failure to comply with any term or
19 condition in the grant of such franchise or privilege, and
20 recommend appropriate action to the City Mayor or
21 Sangguniang Panlungsod, as the case may be;

22 (vi) When directed by the City Mayor or Sanggunian,
23 initiate and prosecute, in the interest of the City, any
24 civil action on any bond, lease or other contract upon
25 any breach or violation thereof; and

1 (vii) Review and submit recommendations on ordinances
2 approved and executive orders issued by component
3 units;

4 (4) Recommend measures to the Sangguniang Panlungsod and
5 advise the City Mayor on all matters related to upholding the
6 rule of law;

7 (5) Be in the frontline of protecting human rights and prosecuting
8 any violations thereof, particularly those which occur during
9 and in the aftermath of man-made and natural disasters or
10 calamities; and

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

15
16 **SECTION 43. *The City Social Welfare and Development Officer.* –**

17 (a) The City Social Welfare And Development Officer must be a citizen
18 of the Philippines, a resident of the City, of good moral character, a
19 duly licensed social worker or a holder of a college degree preferably
20 in sociology or any other related course from a recognized college or
21 university and a first grade civil service eligible or its equivalent. He
22 must have acquired experience in the practice of social work for at
23 least five (5) years immediately preceding the date of his
24 appointment.

25 (b) The City Social Welfare And Development Officer shall receive such

1 compensation, emoluments and allowances as may be determined
2 by law.

3 (c) The City Social Welfare And Development Officer shall take charge
4 of the office of social welfare and development, and shall:

5 (1) Formulate measures for the approval of the Sangguniang
6 Panlungsod and provide technical assistance and support to
7 the City Mayor in carrying out measures to ensure the delivery
8 of basic services and the provision of adequate facilities
9 relative to social welfare and development services;

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

16 (3) In addition to the foregoing duties and functions, the City
17 Social Welfare And Development Officer shall:

18 (i) Identify the basic needs of the needy, the
19 disadvantaged and the impoverished and develop and
20 implement appropriate measures to alleviate their
21 problems and improve their living conditions;

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

1 (iii) Assist the City Mayor in implementing the barangay
2 level program for the total development and protection
3 of children up to six (6) years of age;

4 (iv) Facilitate the implementation of welfare programs for
5 the differently-abled, elderly and victims of drug
6 addition, the rehabilitation of prisoners and parolees,
7 the prevention of juvenile delinquency and such other
8 activities which would eliminate or minimize the ill-
9 effects of poverty;

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

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

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

23 (5) Recommend to the Sangguniang Panlungsod and advise the
24 City Mayor on all other matters related to social welfare and
25 development services which will improve the livelihood and

1 living conditions of the inhabitants; and

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

6 **SECTION 44. *The City Veterinarian.* –**

7 (a) The City Veterinarian must be a citizen of the Philippines, a resident
8 of the City, of good moral character and a licensed doctor of
9 veterinary medicine. He must have practiced his profession for at
10 least three (3) years immediately preceding the date of his
11 appointment.

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

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

16 (1) Formulate measures for consideration of the Sangguniang
17 Panlungsod and provide technical assistance and support to
18 the City Mayor in carrying out measures to ensure the delivery
19 of basic services and the provision of adequate facilities;

20 (2) Develop plans and strategies and, upon approval thereof by
21 the City Mayor, implement the same, particularly those which
22 have to do with veterinary-related activities which the City
23 Mayor is empowered to implement and which the
24 Sangguniang Panlungsod is empowered to provide for under
25 the Local Government Code of 1991;

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

3 (i) Advise the City Mayor on all matters pertaining to the
4 slaughter of animals for human consumption and the
5 regulation of slaughterhouses;

6 (ii) Regulate the keeping of domestic animals;

7 (iii) Regulate and inspect poultry, milk and dairy products
8 for public consumption;

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

11 (v) Take the necessary measures to eradicate, prevent or
12 cure all forms of animal diseases;

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

18 (5) Recommend to the Sangguniang Panlungsod and advise the
19 City Mayor on all matters relative to veterinary services which
20 will increase the number and improve the quality of livestock,
21 poultry and other domestic animals used for work or for human
22 consumption; and

23 (6) Perform such other duties and functions and exercise such
24 other powers as provided for under the Local Government

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

SECTION 45. *The City General Services Officer.* –

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

(b) The City General Services Officer shall receive such compensation, emoluments and allowances as may be determined by law.

(c) The City General Services Officer shall take charge of the Office Of The General Services, and shall:

(1) Formulate measures for the consideration of the Sangguniang Panlungsod and provide technical assistance and support to the City Mayor in carrying out measures to ensure the delivery of basic services and the provision of adequate facilities which require general services expertise and technical support services;

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

1 of the inhabitants of the City which the City Mayor is
2 empowered to implement and which the Sangguniang
3 Panlungsod is empowered to provide for under the Local
4 Government Code of 1991;

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

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

11 (ii) With the approval of the City Mayor, assign building or
12 land space to local officials or other public officials
13 which, by law, are entitled to space;

14 (iii) Recommend to the City Mayor the reasonable rental
15 rates for local government properties, whether real or
16 personal, which will be leased to public or private
17 entities, owned by the City;

18 (iv) Recommend to the City Mayor reasonable rental rates
19 for private properties which may be leased for the
20 official use of the City;

21 (v) Maintain and supervise janitorial, security, landscaping
22 and other related services in all local government public
23 buildings and other real property, whether owned or
24 leased by the City;

1 (vi) Collate and disseminate information regarding prices,
2 shipping and other costs of supplies and other items
3 commonly used by the City;

4 (vii) Perform archival and record management with respect
5 to records of offices and development of the City; and

6 (viii) Perform all other functions pertaining to supply and
7 property management and enforce policies on records
8 creation, maintenance and disposal;

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

14 (5) Recommend to the Sangguniang Panlungsod and advise the
15 City Mayor on all matters relative to general services; and

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

21 **SECTION 46. *The City Information Officer.* –**

22 (a) The City Information Officer must be a citizen of the Philippines, a
23 resident of the City, of good moral character, a holder of a college
24 degree preferably in journalism or mass communications or any
25 related course from a recognized college or university and a first

1 grade civil service eligible or its equivalent. He must have acquired
2 experience in writing articles and research papers or writing for print,
3 television, broadcast and other forms of mass media for at least five
4 (5) years immediately preceding the date of his appointment.

5 (b) The City Information Officer shall receive such compensation,
6 emoluments and allowances as may be determined by law.

7 (c) The City Information Officer shall take charge of the office on public
8 information, and shall:

9 (1) Formulate measures for the consideration of the Sangguniang
10 Panlungsod and provide technical assistance and support to
11 the City Mayor in providing the information and research data
12 required for the delivery of basic services and the provision of
13 adequate facilities so that the public becomes aware of said
14 services and may fully avail of the same;

15 (2) Develop plans and strategies and, upon approval thereof by
16 the City Mayor, implement the same, particularly those which
17 have to do with public information and research data to
18 support programs and projects which the City Mayor is
19 empowered to implement and which the Sangguniang
20 Panlungsod is empowered to provide for under the Local
21 Government Code of 1991;

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

24 (i) Provide relevant, adequate and timely information to
25 the City and its residents;

1 (ii) Furnish information and data on the City to government
2 agencies or offices as may be required by law or
3 ordinance and nongovernmental organizations to be
4 furnished to said agencies and organizations; and

5 (iii) Maintain effective liaison with the various sectors of the
6 community on matters and issues that affect the
7 livelihood and the quality of life of the inhabitants and
8 encourage support for programs of the local and
9 national governments;

10 (4) Be in the frontline in providing information during and in the
11 aftermath of man-made and natural disasters or calamities,
12 with special attention to the victims thereof, to help minimize
13 injuries and casualties during and after the emergency, and to
14 accelerate relief and rehabilitation;

15 (5) Recommend to the Sangguniang Panlungsod and advise the
16 City Mayor on all matters relative to public information and
17 research data as it relates to the total socioeconomic
18 development of the City; and

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

23 **SECTION 47. *The City Cooperatives Officer.* –**

24 (a) The City Cooperatives Officer must be a citizen of the Philippines, a
25 resident of the City, of good moral character, a holder of a college

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

7 (b) The City Cooperatives Officer shall receive such compensation,
8 emoluments and allowances as may be determined by law.

9 (c) The City Cooperatives Officer shall take charge of the Office For The
10 Development Of Cooperatives, and shall:

11 (1) Formulate measures for the consideration of the Sangguniang
12 Panlungsod and provide technical assistance and support to
13 the City Mayor in carrying out measures to ensure the delivery
14 of basic services and the provision of facilities through the
15 development of cooperatives, and in providing access to such
16 services and facilities;

17 (2) Develop plans and strategies and, upon approval thereof by
18 the City Mayor, implement the same, particularly those which
19 have to do with the integration of cooperatives principles and
20 methods in programs and projects which the City Mayor is
21 empowered to implement and which the Sangguniang
22 Panlungsod is empowered to provide for under the Local
23 Government Code of 1991;

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

- 1 (i) Assist in the organization of cooperatives;
- 2 (ii) Provide technical and other forms of assistance to
- 3 existing cooperatives to enhance their viability as an
- 4 economic enterprise and social organization; and
- 5 (iii) Assist cooperatives in establishing linkages with
- 6 government agencies and nongovernmental
- 7 organizations involved in the promotion and integration
- 8 of the concept of cooperatives in the livelihood of the
- 9 people and other community activities;

10 (4) Be in the frontline of cooperatives organization, rehabilitation

11 or viability enhancement, particularly during and in the

12 aftermath of man-made and natural disasters or calamities, to

13 aid in their survival and, if necessary, subsequent

14 rehabilitation;

15 (5) Recommend to the Sangguniang Panlungsod and advise the

16 City Mayor on all other matters relative to cooperatives

17 development and viability enhancement which will improve the

18 livelihood and the quality of life of the inhabitants; and

19 (6) Perform such other duties and functions and exercise such

20 other powers as provided for under the Local Government

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

22 ordinance.

23

24 **SECTION 48. *The City Population Officer.* –**

25 (a) The City Population Officer must be a citizen of the Philippines, a

1 resident of the City, of good moral character, a holder of a college
2 degree preferably with specialized training in population
3 development from a recognized college or university and a first grade
4 civil service eligible or its equivalent. He must have acquired
5 experience in the implementation of programs on population
6 development or responsible parenthood for at least five (5) years
7 immediately preceding the date of his appointment.

8 (b) The City Population Officer shall receive such compensation,
9 emoluments and allowances as may be determined by law.

10 (c) The City Population Officer shall take charge of the Office of The
11 Population Development, and shall:

12 (1) Formulate measures for the consideration of the Sangguniang
13 Panlungsod and provide technical assistance and support to
14 the City Mayor in carrying out measures to ensure the delivery
15 of basic services and the provision of adequate facilities
16 relative to the integration of the population development
17 principles and in providing access to said services and
18 facilities;

19 (2) Develop plans and strategies and, upon approval thereof by
20 the City Mayor, implement the same, particularly those which
21 have to do with the integration of population development
22 principles and methods in programs and projects which the
23 City Mayor is empowered to implement and which the
24 Sangguniang Panlungsod is empowered to provide for under
25 the Local Government Code of 1991;

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

3 (i) Assist the City Mayor in the implementation of the
4 constitutional provisions relative to population
5 development and the promotion of responsible
6 parenthood;

7 (ii) Establish and maintain an updated data bank for
8 program operations, development planning and an
9 educational program to ensure people's participation in
10 and understanding of population development; and

11 (iii) Implement appropriate population training programs
12 responsive to the cultural heritage of the inhabitants;
13 and

14 (4) Perform such other duties and functions and exercise such
15 other powers as provided for under the Local Government
16 Code of 1991, and those that are prescribed by law or
17 ordinance.

18
19 **SECTION 49. *The City Agriculturist.* –**

20 (a) The City Agriculturist must be a citizen of the Philippines, a resident
21 of the City, of good moral character, a holder of a college degree
22 preferably in agriculture or any other related course from a
23 recognized college or university and a first grade civil service eligible
24 or its equivalent. He must have practiced his profession in agriculture
25 or acquired experience for at least five (5) years preceding the date

1 of his appointment.

2 (b) The City Agriculturist shall receive such compensation, emoluments
3 and allowances as may be determined by law.

4 (c) The City Agriculturist shall take charge of the Office for Agricultural
5 Services, and shall:

6 (1) Formulate measures for the approval of the Sangguniang
7 Panlungsod and provide technical assistance and support to
8 the City Mayor in carrying out measures to ensure the delivery
9 of basic services and the provision of adequate facilities
10 relative to agricultural services;

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

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

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

24 (ii) Conduct or cause to be conducted location-specific
25 agricultural researches and assist in making available

1 the appropriate technology arising out of and
2 disseminating information on basic research on crops,
3 prevention and control of plant diseases and pests and
4 other agricultural matters which will maximize
5 productivity;

6 (iii) Assist the City Mayor in the establishment and
7 extension services of demonstration farms on
8 aquaculture and marine products;

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

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

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

19 (5) Recommend to the Sangguniang Panlungsod and advise the
20 City Mayor on all other matters related to agriculture and
21 aquaculture which will improve the livelihood and living
22 conditions of the inhabitants; and

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

ordinance.

SECTION 50. *The City Environment and Natural Resources Officer.* –

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

(b) The City Environment and Natural Resources Officer shall receive a minimum monthly compensation equivalent to Salary Grade Twenty-six (26) as prescribed under the Salary Standardization Law, and such compensation, emoluments and allowances as may be determined by law.

(c) The City Environment and Natural Resources officer shall take charge of the Office Of The Environment And Natural Resources, and shall:

- 1) Formulate measures for the consideration of the Sangguniang Panlungsod and provide assistance and support to the City Mayor 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

1 under Section 17 of the Local Government Code of 1991;

2 2) Develop plans and strategies and, upon approval thereof by
3 the City Mayor, implement the same, particularly those which
4 have to do with the environment and natural resources
5 programs and projects which the City Mayor is empowered to
6 implement and which the Sangguniang Panlungsod is
7 empowered to provide for under the Local Government Code
8 of 1991;

9 3) In addition to the foregoing duties and functions, the City
10 Environment and Natural Resources Officer shall:

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

16 (ii) Provide extension service to beneficiaries of forest
17 development projects and render assistance for natural
18 resources-related conservation and utilization activities
19 consistent with ecological balance;

20 (iii) Manage and maintain seedbanks and produce
21 seedlings for forest and tree parks;

22 (iv) Promote the small-scale mining and utilization of
23 mineral resources, particularly the mining of gold; and

24 (v) Coordinate with government agencies and
25 nongovernmental organizations in the implementation

1 of measures to prevent and control land, air and water
2 pollution, with the assistance of the Department of
3 Environment and Natural Resources;

4 4) Be in the frontline of the delivery of services concerning the
5 environment and natural resources, particularly in the renewal
6 and rehabilitation of the environment during and in the
7 aftermath of man-made and natural disasters or calamities;

8 5) Recommend to the Sangguniang Panlungsod and advise the
9 City Mayor on all matters relative to protection, conservation,
10 maximum utilization, application of appropriate technology
11 and other matters related to the environment and natural
12 resources; and

13 6) Perform such other duties and functions and exercise such
14 other powers as provided for under the Local Government
15 Code of 1991, and those that are prescribed by law or
16 ordinance.

17
18 **SECTION 51. *The City Tourism Officer.* –**

19 (a) The City Tourism Officer must be a citizen of the Philippines, a
20 resident of the City, of good moral character, a holder of a college
21 degree preferably with specialized training in tourism development
22 from a recognized college or university and a first grade civil service
23 eligible or its equivalent. He must have acquired experience in the
24 implementation of programs on tourism development for at least five
25 (5) years immediately preceding the date of his appointment.

1 (b) The City Tourism Officer shall receive such compensation,
2 emoluments and allowances as may be determined by law.

3 (c) The City Tourism Officer shall take charge of the City Tourism Office
4 and shall assist the City Mayor and the local tourism council in
5 developing and implementing programs, and shall:

6 (1) Encourage the local government unit to enact local legislation
7 adopting the Department of Tourism (DOT) accreditation
8 standards for tourism facilities and services;

9 (2) Ensure a pleasant experience and stay of tourists while at the
10 same time protecting the interests, welfare and rights of the
11 City;

12 (3) Develop tourist products and destinations that will benefit the
13 City and its local community;

14 (4) Pursue the implementation of the national tourism master
15 plans, the national ecotourism strategy and the area specific
16 plans of the national and local government units;

17 (5) Support the local government unit in promoting festivals,
18 fiestas and other tourism-related activities; and

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

23
24 **SECTION 52. *The City Human Resource Development Officer.* –**

25 (a) The City Human Resource Development Officer must be a citizen of

1 the Philippines, a resident of the City, of good moral character, a
2 holder of a college degree preferably in psychology or any related
3 course from a recognized college or university and a first-grade civil
4 service eligible or its equivalent. He must have acquired experience
5 in personnel administration.

6 (b) The City Human Resource Development Officer shall receive a
7 minimum monthly compensation equivalent to Salary Grade Twenty-
8 Five (25) as prescribed under the Salary Standardization Law, and
9 such compensation, emoluments and allowances as may be
10 determined by law.

11 (c) The City Human Resource Development Officer shall take charge of
12 the Human Resource Development Office, and shall:

13 (1) Develop a human resource management program for
14 approval by the City Mayor and the Sangguniang Panlungsod;

15 (2) Assist the City Mayor in implementing the city's policies and
16 programs relative to recruitment and selection, appointments,
17 training, promotion, compensation and other personnel
18 actions involving officials and employees of the City;

19 (3) Recommend to the Sangguniang Panlungsod and advise the
20 City Mayor on all matters relative to human resource
21 management and development;

22 (4) Establish and maintain a sound personnel program for the City
23 designed to promote career development and uphold the merit
24 principle in the local government service;

25 (5) Conduct a continuing organizational development of the City,

1 with the end in view of instituting effective administrative
2 reforms; and

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

8 **ARTICLE VIII**

9 **The City Fire Station Service, The City Jail Service, The City Schools** 10 **Division And The City Prosecution Service**

11 12 **SECTION 53. *The City Fire Station Service.* –**

13 (a) There shall be established in the City at least one (1) fire station with
14 adequate personnel, firefighting facilities and equipment, subject to
15 the standards, rules and regulations that may be promulgated by the
16 Department of the Interior and Local Government (DILG). The City
17 shall provide the necessary land or site of the station.

18 (b) The city fire station service shall be headed by a city fire marshal
19 whose qualifications shall be as those provided for under the
20 Philippine National Police Law.

21 (c) The city fire station shall be responsible for the provision of various
22 emergency services such as the rescue and evacuation of injured
23 people at fire-related incidents and, in general, fire prevention and
24 suppression measures to secure the safety of life and property of the
25 citizenry.

1

2 **SECTION 54. *The City Jail Service.* –**

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

10 (b) The city jail service shall be headed by a city jail warden who must
11 be a holder of a Bachelor's degree in psychology, psychiatry,
12 sociology, nursing, social work or criminology, who shall assist in the
13 immediate rehabilitation of individuals or detention of prisoners.
14 Great care must be exercised so that the human rights of these
15 prisoners are respected and protected, and their spiritual and
16 physical well-being are properly and promptly attended to. Likewise,
17 the City shall ensure that proper separate detention centers for
18 juveniles and women are provided for.

19

20 **SECTION 55. *The City Schools Division.* –**

21 (a) The DepEd shall establish and maintain a City Schools Division of
22 the City of San Jose whose area of jurisdiction will cover all the
23 school districts within the City.

24 (b) The city schools division shall be headed by a city schools Division
25 Superintendent who must possess the necessary qualifications

1 required by the DepEd.

2
3 **SECTION 56. *The City Prosecution Service.* –**

4 (a) There shall be established in the City a prosecution service to be
5 headed by a City Prosecutor and such number of assistant city
6 prosecutors as may be necessary who shall be organizationally part
7 of the Department of Justice (DOJ), and under the supervision and
8 control of the Secretary of Justice and whose qualifications, manner
9 of appointment, rank, salary and benefits shall be governed by
10 existing laws covering prosecutors in the DOJ.

11 (b) The City Prosecutor shall handle the criminal prosecution in the
12 municipal trial courts in the City as well as in the regional trial courts
13 for criminal cases originating in the territory of the City and shall
14 render to or for the City such services as are required by law,
15 ordinance or regulation of the DOJ.

16 (c) The Secretary of Justice shall always assure the adequacy and
17 quality of prosecution service in the City and for this purpose shall, in
18 the absence or lack or insufficiency in number of assistant city
19 prosecutors as provided hereinabove, designate from among the
20 assistant provincial prosecutors a sufficient number to perform and
21 discharge the functions of the city prosecution service as provided
22 hereinabove.

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1 discharge its duties under the general supervision of the Administrator of the
2 Land Registration Authority and the Secretary of the Department of Justice.

3
4 **Section 58. *The City Register of Deeds.* –**

5 (a) The city register of deeds shall be the head of the City Registry of
6 Deeds Office. He must be a citizen of the Philippines, a resident of
7 the City, of good moral character, a member of the Integrated Bar,
8 and must have practiced his profession for at least five (5) years
9 immediately preceding the date of his appointment.

10 (b) The city register of deeds shall receive such compensation,
11 emoluments and allowances as may be determined by law.

12 (c) The city register of deeds shall take charge of the Registry of Deeds
13 Office and shall perform such duties and functions and exercise such
14 other powers as provided by law.

15
16 **ARTICLE X**

17 **TRANSITORY AND FINAL PROVISIONS**

18 **SECTION 59. *Municipal Ordinances Existing at the Time of the Approval***
19 ***of This Act.*** – All municipal ordinances of the Municipality of San Jose existing
20 at the time of the approval of this Act shall continue to be in force and effect
21 within the City of San Jose until the Sangguniang Panlungsod shall provide
22 otherwise.

23
24 **SECTION 60. *Plebiscite.*** – The City of San Jose shall acquire corporate
25 existence upon the ratification of its creation by a majority of the votes cast by

1 the qualified voters in a plebiscite to be conducted in the present Municipality
2 of San Jose within thirty (30) days from the approval of this Act. The expenses
3 for such plebiscite shall be borne by the Municipality of San Jose. The
4 Commission on Elections shall conduct and supervise such plebiscite.

5
6 **SECTION 61. *Officials of the City of San Jose.*** – The present elective officials
7 of the Municipality of San Jose shall continue to exercise their powers and
8 functions until such time that a new election is held and the duly elected officials
9 shall have already qualified and assumed their offices. The appointive officials
10 and employees of the municipality shall likewise continue exercising their
11 functions and duties and they shall automatically be absorbed by the city
12 government of San Jose.

13
14 **SECTION 62. *Succession Clause.*** – The City of San Jose shall succeed to all
15 the assets, properties, liabilities and obligations of the Municipality of San Jose.

16
17 **SECTION 63. *Election of Provincial Governor and Sangguniang***
18 ***Panlalawigan Members of the Province of Occidental Mindoro.*** – The
19 qualified voters of the City of San Jose shall be qualified to vote and run for any
20 elective position in the elections for provincial governor, provincial vice
21 governor, Sangguniang Panlalawigan members and other elective offices for
22 the Province of Occidental Mindoro.

1 **SECTION 64. *Jurisdiction of the Province of Occidental Mindoro.*** – The
2 City of San Jose shall, unless otherwise provided by law, continue to be under
3 the jurisdiction of the Province of Occidental Mindoro.

4
5 **SECTION 65. *Suspension of Increase in Rates of Local Taxes.*** – No
6 increase in the rates of local taxes shall be imposed by the City within the period
7 of five (5) years from its acquisition of corporate existence.

8
9 **SECTION 66. *Legislative District.*** – The City of San Jose shall continue to be
10 under the 5th Legislative District of the Province of Occidental Mindoro after the
11 effectivity of this Act.

12
13 **SECTION 67. *Applicability of Laws.*** – The provisions of Republic Act No
14 7160, otherwise known as the Local Government Code of 1991, and such laws
15 as are applicable to component cities shall govern the City of San Jose insofar
16 as they are not inconsistent with the provisions of this Act.

17
18 **SECTION 68. *Reservation.*** – Nothing herein contained shall preclude the
19 determination by the appropriate agency or forum of any boundary dispute or
20 case involving question of territorial jurisdiction between the City of San Jose
21 and any of the adjoining local government units even after the effectivity of this
22 Act.

23

1 **SECTION 69. *Separability Clause.*** – If, for any reason, any part or provision
2 of this Act is declared invalid or unconstitutional, the remaining parts or
3 provisions not affected thereby shall remain in full force and effect.

4

5 **SECTION 70. *Repealing Clause.*** – All laws, decrees, rules and regulations or
6 parts thereof inconsistent with the provisions of this Act are hereby repealed, or
7 modified accordingly.

8

9 **SECTION 71. *Effectivity.*** – This Act shall take effect fifteen (15) days after
10 publication in the Official Gazette or in a newspaper of general circulation.

11

12 *Approved,*