

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. 68



Introduced by **Hon. Bernadette S. Barbers**

AN ACT
CONVERTING THE MUNICIPALITY OF CLAVER IN THE PROVINCE OF SURIGAO
DEL NORTE INTO A COMPONENT CITY TO BE KNOWN AS THE CITY OF CLAVER

EXPLANATORY NOTE

This bill is a refiled version of a measure that was deliberated upon and approved on the third reading during the previous Congress. It seeks to create and convert the Municipality of Claver into a component city of the province of Surigao del Norte.

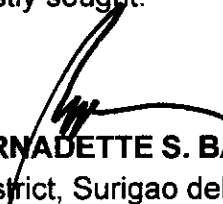
As the province is considered the mining capital of the country, Claver—a first-class municipality—hosts a significant number of mining companies, including some of the largest in the industry. The proposed conversion to city is expected to accelerate Claver's development and improve the quality of life for its residents. It will enable Claver to attract more businesses and industries, substantially increase its local revenues, and improve its capacity to provide essential services to its constituents.

Section 2(a) of the Local Government Code states that:

"it is the policy of the State that the territorial and political subdivisions to 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."

The proposed conversion will significantly empower Claver in its pursuit of self-reliance and local autonomy, allowing it to exercise greater authority and responsibility in governance and revenue generation.

Toward this end, your support and approval of this bill is earnestly sought.


HON. BERNADETTE S. BARBERS
2nd District, Surigao del Norte

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CLAVER

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 Claver.”

SEC. 2. *The City of Claver.* – The Municipality of Claver shall be converted into a component city to be known as the City of Claver, hereinafter referred to as the City, which shall comprise the present jurisdiction of the Municipality of Claver, Province of Surigao del Norte. The territorial jurisdiction of the City shall be within the present metes and bounds of the Municipality of Claver. The foregoing provision shall be without prejudice to the resolution by the appropriate agency or forum of existing boundary disputes or cases involving questions of territorial jurisdiction between the City of Claver and the adjoining local government units (LGUs):

Provided, That, the territorial jurisdiction of the disputed area or areas shall remain with the LGU which has existing administrative supervision over said area or areas until the final resolution of the case.

SEC. 3. *Powers of the City.* – As a corporation and political unit, the City shall exercise all powers provided in the Local Government Code of 1991, as amended, and in other laws.

ARTICLE II
CITY OFFICIALS

SEC. 4. The Officials of the City of Claver. – As mandated by the Local Government Code of 1991, as amended (a) There shall be in the City of Claver: a City Mayor, a City Vice Mayor, Sangguniang Panlungsod members, a Secretary to the Sangguniang Panlungsod, a City Treasurer and an Assistant City Treasurer, a City Assessor and an Assistant City Assessor, a City Accountant, a City Budget Officer, a City Planning and Development Officer, a City Engineer and Assistant City Engineer, a City Health Officer and an Assistant City Health Officer, a City Civil Registrar and an Assistant City Civil Registrar, a City Administrator, a City Legal Officer, a City Social Welfare and Development Officer, a City Veterinarian, and a City General Services Officer.

(b) In addition, thereto, the City Mayor may appoint a City Architect, a City Information Officer, an Environment and Natural Resources Officer, a City Cooperatives Officer, a City Population Officer, and a City Agriculturist, a City Human Resource and Management Officer, and a City Tourism Officer.

(c) The Sangguniang Panlungsod may:

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

(2) Create such other offices as may be necessary to carry out the purposes of the City Government; or

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

(d) Unless otherwise provided herein, heads of departments and offices shall be appointed by the City Mayor with the concurrence of the majority of all the Sangguniang Panlungsod members, subject to civil service law, rules and regulations. The Sanggunian Panlungsod shall act on the appointment within fifteen (15) days from the day of its submission, otherwise the same shall be deemed confirmed.

(e) Elective and appointive city officials shall receive compensation, allowances and other emoluments as may be determined by law or ordinances, subject to the budgetary limitations on personal services prescribed under Title Five, Book II of the Local Government Code of 1991, as amended: *Provided*, That no increase in the compensation of the City Mayor, City Vice Mayor and the Sangguniang Panlungsod member shall take effect until after the expiration of the full term of the local officials approving the increase.

SEC. 5. The City Mayor. – (a) The City Mayor shall be the Chief Executive of the City and shall be elected at large by the qualified voters of the City. The City Mayor shall be subject to all the qualifications and disqualifications as provided in the Local Government Code, as amended. His tenure shall likewise be governed by the Local Government Code, as amended, and by other laws.

(b) The City Mayor, as the Chief Executive of the City Government, shall exercise such powers and perform such duties and functions as provided under the Local Government Code of 1991, as amended, this Act and other laws.

(c) The City Mayor shall hold office in the City Hall of the City of Claver.

SEC. 6. *The City Vice Mayor.* – (a) There shall be a City Vice Mayor who shall be elected in the same manner as the City Mayor and shall at the time of the election possess the same qualifications as the City Mayor. His tenure shall likewise be governed by the Local Government Code of 1991, as amended.

(b) The City Vice Mayor shall exercise the duties and powers provided in the Local Government Code of 1991, as amended, and in other laws.

ARTICLE III THE SANGGUNIANG PANLUSOD

SEC. 7. *Composition.* – (a) The Sangguniang Panlungsod, the legislative body of the City, shall be composed of the City Vice Mayor as the presiding officer, ten (10) regular Sanggunian Members, the President of the City Chapter of the Liga ng mga Barangay, the President of the Panlungsod na Pederasyon ng mga Sangguniang Kabataan and the three (3) sectoral representatives from the following sectors, as members: one (1) from the women sector; and, as shall be determined by the Sangguniang Panlungsod within ninety (90) days prior to the holding of the local elections, one (1) from the agricultural or industrial workers sector; and one (1) from the other sectors, including the urban poor, indigenous cultural communities, or persons with disabilities (PWDs). (b) The regular members of the Sangguniang Panlungsod and the sectoral representatives shall be elected in the manner provided for by law. All the pertinent qualifications and disqualifications enumerated in the Local Government Code of 1991, as amended, apply to the members of the Sanggunian. City Vice Mayor as the presiding officer, ten (10) regular Sanggunian Members, the President of the City Chapter of the Liga ng mga Barangay, the President of the Panlungsod na Pederasyon ng mga Sangguniang Kabataan and the three (3) sectoral representatives from the following sectors, as members: one (1) from the women sector; and, as shall be determined by the Sangguniang Panlungsod within ninety (90) days prior to the holding of the local elections, one (1) from the agricultural or industrial workers sector; and one (1) from the other sectors, including the urban poor, indigenous cultural communities, or persons with disabilities (PWDs). (b) The regular members of the Sangguniang Panlungsod and the sectoral representatives shall be elected in the manner provided for by law. All the pertinent qualifications and disqualifications enumerated in the Local Government Code of 1991, as amended, apply to the members of the Sanggunian.

SEC. 8. Powers, Duties, and Functions. – (a) The Sangguniang Panlungsod, as the legislative body of the City, shall exercise its powers and discharge its functions as provided in the Local Government Code of 1991, as amended.

SEC. 9. Vacancies. – Vacancies occurring in the elective positions shall be governed by the pertinent provisions in the Local Government Code of 1991, as amended, other laws and jurisprudence.

ARTICLE IV THE APPOINTIVE OFFICIALS OF THE CITY

SEC. 10. Powers, Duties and Functions. – All appointive officials shall be appointed as provided for in the Local Government Code of 1991, as amended, and their powers, functions and duties discharged in accordance therewith.

SEC. 11. Composition. – (a) The Sangguniang Panlungsod, the legislative body of the City, shall be composed of the City Vice Mayor as the presiding officer, ten (10) regular Sanggunian Members, the President of the City Chapter of the Liga ng mga Barangay, the President of the Panlungsod na Pederasyon ng mga Sangguniang Kabataan and the three (3) sectoral representatives from the following sectors, as members: one (1) from the women sector; and, as shall be determined by the Sangguniang Panlungsod within ninety (90) days prior to the holding of the local elections, one (1) from the agricultural or industrial workers sector; and one (1) from the other sectors, including the urban poor, indigenous cultural communities, or persons with disabilities (PWDs). (b) The regular members of the Sangguniang Panlungsod and the sectoral representatives shall be elected in the manner provided for by law. All the pertinent qualifications and disqualifications enumerated in the Local Government Code of 1991, as amended, apply to the members of the Sanggunian.

SEC. 12. Powers, Duties, and Functions. – (a) The Sangguniang Panlungsod, as the legislative body of the City, shall exercise its powers and discharge its functions as provided in the Local Government Code of 1991, as amended.

SEC. 13. Vacancies. – Vacancies occurring in the elective positions shall be governed by the pertinent provisions in the Local Government Code of 1991, as amended, other laws and jurisprudence.

ARTICLE V THE APPOINTIVE OFFICIALS OF THE CITY

SEC. 14. Powers, Duties and Functions. – All appointive officials shall be appointed as provided for in the Local Government Code of 1991, as amended, and their powers, functions and duties discharged in accordance therewith.

ARTICLE VI
TRANSITORY AND FINAL PROVISIONS

SEC. 15. *Municipal Ordinances Existing at the Time of the Approval of this Act.*

– All municipal ordinances of the Municipality of Claver existing at the time of the approval of this Act shall continue to be in force within the City of Claver until otherwise, amended or repealed by the Sangguniang Panlungsod.

SEC. 16. *Plebiscite.* – The City of Claver shall acquire corporate existence upon the ratification of its creation by a majority of the votes cast by the qualified voters in a plebiscite to be conducted in the present Municipality of Claver within sixty (60) days from the approval of this Act.

The Commission on Elections (COMELEC) shall conduct and supervise such plebiscite. The expenses for such plebiscite shall be borne by the Municipality of Claver. The Commission on Elections (COMELEC) shall conduct and supervise such plebiscite. The expenses for such plebiscite shall be borne by the Municipality of Claver.

SEC. 17. *Holdover Authority of the Officials of the Municipality of Claver.* – The present elective officials of the Municipality of Claver shall continue to exercise their powers and functions until such time that a new election is held and the duly-elected officials shall have already qualified and assumed their offices. Appointive officials and employees of the Municipality of Claver shall likewise continue exercising their functions and duties and they shall automatically be absorbed by the City Government of the City of Claver.

SEC. 18. *Succession Clause.* – The City of Claver shall succeed to all the assets, properties, liabilities and obligations of the Municipality of Claver.

SEC. 19. *Legislative District.* – Until otherwise provided by law, the City of Claver shall continue to be a part of the Second Legislative District of the Province of Surigao del Norte.

SEC. 20. *Applicability of Laws.* – The provisions of the Local Government Code of 1991, as amended, and such other laws as are applicable to component cities shall govern the City of Claver in so far as they are not inconsistent with the provisions of this Act.

Approved,