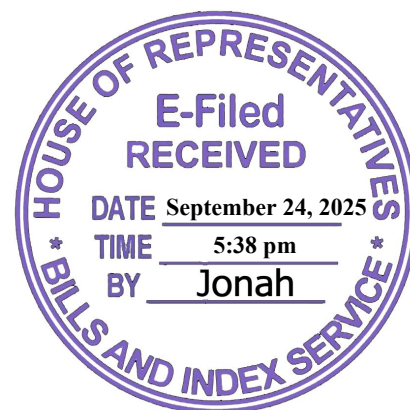


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 4889



Introduced by Representative **JESUS R. MARQUEZ**

EXPLANATORY NOTE

This bill seeks to convert Municipality of Kalibo into a component City that will be called Kalibo City in the Province of Aklan.

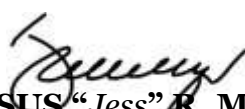
The municipality of Kalibo is the Capital and seat of government of the Province of Aklan and continues to serve as its center for governance, commerce, education, health care, tourism and public services. Kalibo has consistently demonstrated significant growth in local income infrastructure development and populations making it prime candidate for cityhood under the existing criteria of the Local Government Code of 1991, as amended by Republic Act No. 9009.

The intent of the said bill is to provide better opportunities for capital town by enhancing local autonomy increasing fiscal viability and ensuring greater share in the National Tax Allotment (NTA) all of which are essential to sustaining growth and delivering improved services to constituents.

The Municipality of Kalibo stands to benefit significantly from cityhood in terms of access to national funds, eligibility for larger projects improved administrative capacity and a stronger platform for socioeconomic advancement. It is timely for the Municipality of Kalibo to revisit and update its cityhood application and take proactive steps to align with the legislative momentum here in congress.

The proposed conversion will significantly to attain the Kalibo fullest development as self-reliant communities and make them more effective partners in attainment of national goals and the process of decentralization shall proceed from the National Government to the Local Government units.

Immediate approval of this bill is earnestly sought.


HON. JESUS "Jess" R. MARQUEZ

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 4889

Introduced by Representative **JESUS R. MARQUEZ**

AN ACT
CONVERTING THE MUNICIPALITY OF KALIBO IN THE PROVINCE OF
AKLAN INTO A COMPONENT CITY TO BE KNOWN AS KALIBO CITY

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

- 1 **Section 1. Short Title.** - This Act shall be known as the "*Charter of the City of Kalibo.*"
- 2
- 3 **Section 2. The City of Kalibo.** - The Municipality of Kalibo shall be converted into a
- 4 component city to be known as the City of Kalibo, hereinafter referred to as "the City".
- 5 which shall comprise the present territory of the Municipality of Kalibo, Province of
- 6 Aklan. The territorial jurisdiction of the City shall be within the present metes and bounds
- 7 of the Municipality of Kalibo. The foregoing provision shall be without prejudice to the
- 8 resolution, by the appropriate agency or forum, of existing boundary disputes or cases
- 9 involving questions of territorial jurisdiction between the City of Kalibo and the adjoining
- 10 local government units (LGUs): *Provided, That* the territorial jurisdiction of the disputed
- 11 area or areas shall remain with the LGU exercising powers, prerogatives and authorities
- 12 over such disputed area or areas under Republic Act No. 7160, otherwise known as the
- 13 Local Government Code of 1991, as amended, until the final resolution of the case.
- 14
- 15 **Section 3. Corporate Powers of the City.** - The City constitutes a political body corporate
- 16 and, as such, is endowed with the attributes of perpetual succession and possessed of the
- 17 powers which pertain to a municipal corporation to be exercised in conformity with the
- 18 provision of this Charter. The City shall have the following corporate powers:
- 19 (a) To have continuous succession in its corporate name;
- 20 (b) To sue and be sued;
- 21 (c) To have and use a corporate seal;
- 22 (d) To acquire, hold and convey real or personal property;
- 23 (e) To enter into any contract agreement; and

1 (f) To exercise such other powers, prerogatives, or authorities granted to corporations,
2 subject to the limitations provided under the Local Government Code of 1991, as
3 amended, this Act or other laws.

4
5 The City shall have a common seal and it may continue using, modify, or change their
6 existing corporate seals: *Provided*, That any change of corporate seal shall be registered
7 with the Department of the Interior and Local Government (DILG).

8
9 **Section 4. General Powers.** - The City shall exercise the power to levy taxes, fees and
10 charges; to close and open roads, streets, alleys, parks or squares; to take, purchase,
11 receive, hold, lease, convey and dispose of real and personal property for the general
12 interests of the City; to expropriate or condemn private property for public use; to
13 contract and be contracted with, to sue and be sued; to prosecute and defend to final
14 judgment and execution suits wherein the City is involved or interested in; and to exercise
15 all the powers under Sections 18, 19, 20, and 21 of the Local Government Code of 1991, as
16 amended, subject to the limitations provided therein.

17
18 **Section 5. General Welfare Clause.** - The City shall exercise the powers expressly
19 granted, those necessarily implied therefrom, as well as powers necessary, appropriate,
20 or incidental for its efficient and effective governance, and those which are essential to
21 the promotion of the general welfare.

22
23 Within its territorial jurisdiction, the City shall ensure and support, among other things,
24 the preservation and enrichment of its culture, promote health and safety, enhance the
25 right of the people to a balanced ecology, encourage and support the development of
26 appropriate and self-reliant scientific and technological capabilities, improve public
27 morals, enhance economic prosperity and social justice, promote full employment among
28 its residents, maintain peace and order, and preserve the comfort and convenience of its
29 inhabitants.

30
31 **Section 6. Liability for Damages.** - The City and its officials shall not be exempt from
32 liability for death or injury to persons and damage property.

33
34 **Section 7. Jurisdiction of the City.** - The jurisdiction of the City, for police purposes,
35 shall be coextensive with its territorial jurisdiction and for the purpose of protecting and
36 ensuring the purity of the water supply of the City, such police jurisdiction shall also
37 extend over all the territory within the drainage area of such water supply, or within one
38 hundred meters (160 m.) of any reservoir, conduit, canal, aqueduct or pumping station
39 used in connection with the city water service.

1 The Municipal Trial Court in Cities of the City of Kalibo and the municipal trial courts of
2 the adjoining cities and municipalities shall have concurrent jurisdiction to try felonies
3 and offenses committed within the said drainage area or areas within said spaces of one
4 hundred meters (100 m.) of any reservoir, conduit, canal, aqueduct or pumping station
5 used in connection with the City water service delivery.

6
7 The court first taking jurisdiction of such felonies and offenses shall have jurisdiction to
8 try cases to the exclusion of others. The police force of the municipalities and cities
9 concerned shall have concurrent jurisdiction with the police forces of the City for
10 maintenance of good order and the enforcement of ordinances throughout said zone, area
11 or space. Any license that may be issued within said zone, area, or space shall be granted
12 by the proper authorities of the city or municipality concerned, and the fees arising
13 therefrom shall accrue to the treasury of the said city or municipality concerned.

14
15 **ARTICLE II**
16 **OFFICIALS IN GENERAL**

17 **Section 8.** *The Officials of the City of Kalibo.* - (a) There shall be in the City of Kalibo: a
18 City Mayor, a City Vice-Mayor, Sangguniang Panlungsod members, a Secretary to the
19 Sangguniang Panlungsod, a City Treasurer and an Assistant City Treasurer, a City
20 Assessor and an Assistant City Assessor, a City Accountant, a City Budget Officer, a City
21 Planning and Development Officer, a City Engineer and Assistant City Engineer, a City
22 Building Official, a City Health Officer and an Assistant City Civil Registrar, a City
23 Administrator, a City Legal Officer, a City Social Worker and Development Officer, a City
24 Veterinarian, a City General Services Officer and a City Register of Deeds.

25
26 (b) In addition, thereto, the City Mayor may appoint a City Environment and Natural
27 Resources Officer, a City Architect, a City Information Officer, a City Cooperatives Officer,
28 a City Population Officer, a City Public Order and Safety Officer, a City Agriculturist, a
29 City Human Resource Management Officer, and a City Tourism Officer.

30
31 (c) The Sangguniang Panlungsod may:
32 (1) Maintain existing offices not mentioned in subsections (a) and (b) hereof;
33 (2) Create such other offices as may be necessary to carry out the purposes of the City
34 Government; or
35 (3) Consolidate the functions of any office with those of another in the interest of
36 efficiency and economy.

37
38 (d) Unless otherwise provided herein, heads of departments and offices shall be
39 appointed by the City Mayor with the concurrence of the majority of all the Sangguniang

1 Panlungsod members, subject to civil service law, rules and regulations. The Sangguniang
2 Panlungsod shall act on the appointment within fifteen (15) days from the day of its
3 submission, otherwise the same shall be deemed confirmed.

4
5 (e) Elective and appointive city officials shall be entitled to compensation, allowances and
6 other emoluments as may be determined by law or ordinance, subject to the budgetary
7 limitations for personal services prescribed under *Title Five*, Book II of the Local
8 Government Code of 1991, as amended: *Provided*, That no increase in the compensation
9 of the City Mayor, City Vice-Mayor and the Sangguniang Panlungsod member shall take
10 effect until after the expiration of the full term of the local officials approving the increase.

11 12 **ARTICLE III**

13 **THE CITY MAYOR AND CITY VICE-MAYOR**

14 **Section 9. *The City Mayor.*** - (a) The City Mayor shall be the Chief Executive of the City
15 and shall be elected at large by the qualified voters of the City. The City Mayor shall, at
16 the time of the election, be at least twenty-one (21) years of age, a resident of the City of
17 Kalibo for at least one (1) year immediately preceding the day of the election, a qualified
18 registered voter therein, and be able to read and write Filipino or any local language or
19 dialect. The City Mayor, who shall hold office for three (3) years unless sooner removed,
20 and shall not serve for more than three (30) consecutive terms in the same position, shall
21 receive a minimum monthly compensation corresponding to Salary Grade (SG) 30 as
22 prescribed under Republic Act No. 6758, as amended, otherwise known as the
23 Compensation and Position Classification Act of 1989, and the implementing guidelines
24 issued pursuant thereto and such other compensation, emoluments and allowances as
25 may be determined by law.

26
27 (b) The City Mayor, as the Chief Executive of the City Government, shall exercise such
28 powers and perform such duties and functions as provided under the Local Government
29 Code of 1991, as amended, this Act and other laws.

30
31 (c) For efficient, effective, and economical governance the purpose of which is the general
32 welfare of the City and its inhabitants, the City Mayor shall:

33
34 (1) Exercise general supervision and control over all programs, projects, services, and
35 activities of the City Government and, in this connection, shall:

36 (i) Determine the guidelines of city policies and be responsible to the Sangguniang
37 Panlungsod for the program of government;

(ii) Direct the formulation of the City Development Plan with the assistance of the City Development Council and upon approval thereof by the Sangguniang Panlungsod, implement the same;

(iii) Present the program of government and propose policies and projects for the consideration of the Sangguniang Panlungsod at the opening of the regular session of the Sangguniang Panlungsod every calendar year and, as often as may be deemed necessary, as the general welfare of the inhabitants and the needs of the City Government may require;

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

(v) Appoint all officials and employees whose salaries and wages are wholly or mainly paid out of city funds and whose appointments are not otherwise provided under the Local Government Code of 1991, as amended, and this Act, and those whose appointment the City Mayor may be authorized by law to appoint;

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

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

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

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

(x) Ensure that all executive officials and employees of the City faithfully discharge their duties and functions as provided for by law and the Local Government Code of 1991, as amended, and cause to be instituted administrative or judicial proceedings against any official or employee of the City, who may have committed an offense in the performance of official duties;

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

(xii) Furnish copies of executive orders issued by the City mayor to the Office of the Provincial Governor within seventy-two (72) hours after their issuance;

(xiii) Visit component barangays of the City, at least once every six (6) months, to deepen his understanding of problems and conditions, to listen and to give

1 appropriate counsel to local officials and inhabitants, to inform component
2 barangay officials and inhabitants of general laws and ordinances which especially
3 concern them, and other wise, conduct visits and inspections to ensure that the
4 governance of the City will improve the quality of life of inhabitants;

5 (xiv) Act on leave applications of appointed officials and employees and the
6 commutation of the monetary value of their leave credits in accordance with law;

7 (xv) Authorize official trips of city officials and employees outside of the City for a
8 period not exceeding thirty (30) days: *Provided*, That trips abroad for longer
9 period may be authorized in accordance with the Local Government Code of 1991,
10 as amended;

11 (xvi) Call upon any national official or employee stationed in or assigned to the
12 City for advice on matters affecting the City and make recommendations thereon;

13 (xvii) Coordinate with said officials or employees in the formulation and the
14 implementation of plans, programs and projects; and when appropriate, initiate
15 an administrative or judicial action against a National Government official or
16 employee, who may have committed an offense in the performance of the official
17 duties while stationed in or assigned to the City;

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

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

23 (xx) Conduct an annual Palarong Panlungsod which shall feature traditional
24 sports and disciplines included in national and international games, in
25 coordination with the Department of Education (DepEd); and

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

32
33 (2) Enforce all laws and ordinances relative to the governance of the City and in the
34 exercise of its appropriate corporate powers provided under Section 22 of the Local
35 Government Code of 1991, as amended, implement all approved policies, programs,
36 projects, services and activities of the City and in addition to the foregoing, shall:

37 (i) Ensure that the acts of the City's component barangays and of its officials and
38 employees are in accordance with the scope of their prescribed powers, duties and
39 functions;

(ii) Call for the conduct of conventions, conferences, seminars or meetings of elective or appointive officials of the City, including provincial and national officials and employees stationed in or assigned to the City, at such time and place and on such subjects as may be deemed important for the promotion of the general welfare of the LGU and its inhabitants;

(3) Initiate and maximize the generation of resources and revenues and apply the same to the implementation of development plans, program objectives and priorities, particularly the resources and revenues programmed for agro-industrial development and countryside growth and progress, and relative thereto, shall:

(i) Require head of an office or department to prepare and submit an estimate of appropriations for the ensuing calendar year, in accordance with the budget preparation process enshrined in the Local Government Code of 1991, as amended;

(ii) Prepare and submit to the Sangguniang Panlungsod for approval the executive and supplemental budgets of the City for the ensuing calendar year in the manner provided for under the Local Government Code of 1991, as amended;

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

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

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

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

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

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

- (ix) Institute or cause to be instituted administrative or judicial proceedings for violation of ordinances in the collection of taxes, fees or charges, and for the recovery of funds and property; and cause the City to be defended against all suits to ensure that its interests, resources, and rights are adequately protected.
- (4) Ensure the delivery of basic services and the provision of adequate facilities and, in addition thereto:
- (i) Ensure that the construction and repair of roads and highways funded by the National Government shall be, as far as practicable, carried out in a spatially contiguous manner and in coordination with the construction and repair of the roads and bridges of the City and the province;
- (ii) Coordinate the implementation of technical services including public works and infrastructure programs, rendered by national offices and provincial office.
- (5) Exercise such other powers and perform such other duties and functions as provided under the Local Government Code of 1991, as amended, and those that are prescribed by law or ordinance.
- (d) The City Mayor shall hold office in the City Hall of the City of Kalibo.

Section 10. *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. The City Vice-Mayor shall hold office for three (3) years, unless sooner removed, and who shall not serve for more than three (3) consecutive terms in the same position, shall receive a monthly compensation corresponding to SG 26 as prescribed under the Compensation and Position Classification Act of 1989, as amended, and the implementing guidelines issued pursuant thereto, and such other compensation, emoluments and allowances as may be determined by law.

(b) The City Vice-Mayor shall exercise the following duties:

- (1) Act as presiding officer of the Sangguniang Panlungsod and sign all warrants drawn on the City Treasury for all expenditures appropriated for the operation of the Sangguniang Panlungsod.
- (2) Subject to civil service law, rules and regulations, appoint all officials and employees including the secretary of the Sangguniang Panlungsod, except those manner of appointment is specifically provided under the Local Government Code of 1991, as amended;
- (3) Assume the office of the City Mayor for the unexpired term of the latter in the event of permanent vacancy as provided under the Local Government Code of 1991, as amended;

- 1 (4) Exercise the powers and perform the duties and functions of the City Mayor in
2 cases of temporary vacancy as provided under the Local Government Code of 1991,
3 as amended; and
4 (5) Perform such other duties and functions, and exercise such other powers as
5 provided under the Local Government Code of 1991, as amended, and those that are
6 prescribed by law or ordinance.

7
8 **ARTICLE IV**
9 **THE SANGGUNIAN PANLUNGSOD**

10 **Section 11.** Composition and Compensation. - (a) The Sangguniang Panlungsod, the
11 legislative body of the City, shall be composed of the City Vice-Mayor as the presiding
12 officer, ten (10) regular Sanggunian Members, the President of the City Chapter of the
13 Liga ng mga Barangay, the President of the Panlungsod na Pederasyon ng mga
14 Sangguniang Kabataan and the three (3) sectoral representatives from the following
15 sectors, as members: one (1) from the woman sector; and, as shall be determined by the
16 Sangguniang Panlungsod within ninety (90) days prior to the holding of the local
17 elections, one (1) from the agricultural or industrial workers sector; and one (1) from the
18 other sectors, including the urban poor, indigenous cultural communities, or persons with
19 disabilities (PWDs).

20
21 (b) The regular members of the Sangguniang Panlungsod and the sectoral representatives
22 shall be elected in the manner as may be provided for by law.

23
24 (c) The members of the Sangguniang Panlungsod shall receive a minimum monthly
25 compensation corresponding to SG 25 as prescribed under the Compensation and
26 Position Classification Act of 1989, as amended, and the implementing guidelines issued
27 pursuant thereto.

28
29 **Section 12.** Powers, Duties, and Functions. - (a) The Sangguninang Panlungsod, as the
30 legislative body of the City, shall enact ordinances, approve resolutions and appropriate
31 funds for the general welfare of the City and its inhabitants pursuant to Section 16 of the
32 Local Government Code of 1991, as amended, and in the proper exercise of the corporate
33 powers of the City as provided under Section 22 of the Local Government Code of 1991,
34 as amended, and in the proper exercise of the corporate powers of the City as provided
35 under Section 22 of the Local Government Code of 1991, as amended, and shall:

36 (1) Approve ordinances and pass resolutions necessary for an efficient and effective
37 City Government and relative hereto shall:

38 (i) Review all ordinances approved by the Sangguniang Barangay and executive
39 orders issued by the Punong Barangay to determine whether these are within the

scope of the prescribed powers of the Sangguniang Barangay and of the Punong
Barangay;

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

(iii) Approve ordinances imposing fine not exceeding Five thousand pesos
(P5,000) or an imprisonment for a period not exceeding one (1) year, or both at
the discretion of the court, for violation of a city ordinance;

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

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

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

(vii) Subject to the provisions of the Local Government Code of 1991, as amended,
and the pertinent laws, determine the powers and duties of officials and
employees of the City;

(viii) Consistent with the Compensation and Position Classification Act of 1989,
as amended, determine the positions and the salaries, wages, allowances and
other emoluments and benefits of officials and employees paid wholly or mainly
from city funds and provide for expenditures necessary for the proper conduct of
programs, projects, services, and activities of the City Government;

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

1 (x) Provide a mechanism and the appropriate funds therefor to ensure the safety
2 and protection of all City Government property, public documents, or records
3 such as those relating to property inventory, land ownership, record of births,
4 marriages, deaths, assessments, taxation, accounts, business permits and such
5 other records and documents of public interest in the offices and department of
6 the government;

7 (xi) When the finance of the City Government allow, provide for additional
8 allowances and other benefits to judges, prosecutors, public elementary and high
9 school teachers, and other National Government officials stationed in or assigned
10 to the City;

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

14 (xiii) Provide for group insurance or additional insurance coverage for all
15 barangay officials, including members of barangay tanod brigades and other
16 service units, by public or private insurance companies, when the finances of the
17 City Government allow and coverage.

18 (2) Generate and maximize the use of resources and revenues for the development
19 plans, program objectives and priorities of the City, as provided under the Local
20 Government Code of 1991, as amended, with particular attention to agro-industrial
21 development and city-wide growth and progress, and relative thereto, shall:

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

26 (ii) Subject to the provisions of Book II of the Local Government Code of 1991, as
27 amended, and applicable laws, and upon the majority vote of all the members of
28 the Sangguniang Panlungsod, enact ordinance levying taxes, fees and charges,
29 prescribing the rates thereof for general and specific purposes and granting tax
30 exemptions, incentives or reliefs;

31 (iii) Subject to the provisions of Book II of the Local Government Code of 1991, as
32 amended, and upon the majority vote of all the members of the Sangguniang
33 Pnalungsod, authorize the City Mayor to negotiate and contract loans and other
34 forms of indebtedness;

35 (iv) Subject to the provisions of Book II of the Local Government Code of 1991, as
36 amended, and applicable laws, and upon the majority vote of all the members of
37 the Sangguniang Panlungsod, enact ordinances authorizing the floating of bonds
38 or other instruments of indebtedness, for the purpose of raising funds to finance
39 development projects;

1 (v) Appropriate funds for the construction and maintenance or the rental of
2 buildings for the use of the City; and, upon the majority vote of all the members
3 of the Sangguniang Panlungsod authorize by the City Mayor to lease to private
4 parties such public buildings held in proprietary capacity, subject to existing laws,
5 rules and regulations;

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

8 (vii) Adopt a comprehensive land use plan for the City: *Provided*, That the
9 formulation, adoption or modification of said plan shall be in coordination with
10 the approved provincial comprehensive ;and use plan;

11 (viii) Reclassify lands within the jurisdiction of the City subject to the pertinent
12 provisions of the Local Government Code of 1991, as amended;

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

18 (x) Subject to national law, process and approve subdivision plans for residential,
19 commercial or industrial purposes and other development purposes, and to
20 collect processing fees and other charges, the proceeds of which shall accrue
21 entirely of the City: *Provided*, however, That where approval of a national agency
22 or office is required, said approval shall not be withheld for more than thirty (30)
23 days from receipt of the application. Failure to act on the application within the
24 period stated above shall be deemed as approval thereof;

25 (xi) With the concurrence of at least two-thirds (2/3) of all the members of the
26 Sangguniang Panlungsod, grant tax exemptions, incentives or reliefs to entities
27 engaged in community growth-inducing industries, subject to the provisions of
28 the Local Government Code of 1991, as amended;

29 (xii) Grant loans or provide grants to other LGU or to national, provincial and city
30 charitable, benevolent or educational institutions: *Provided*, That said
31 institutions are operated and maintained within the City;

32 (xiii) Implement a numbering system for residential, commercial and other
33 buildings in the City; and

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

35 (3) Subject to the provisions of the Local Government Code of 1991, as amended, enact
36 ordinances that grant franchises and authorize the issuance of permits or licenses,
37 upon conditions and for purpose that promote the general welfare of the inhabitants
38 of the City, and pursuant to this legislative authority, perform the following duties and
39 functions:

- (i) Fix and impose reasonable fees and charges for all services rendered by the City Government to private persons or entities;
- (ii) Regulate or fix license fees for any business or practice of profession within the City and the conditions under which the license for said business or practice of profession may be revoked and enact ordinances levying taxes thereon;
- (iii) Provide for and set the terms and conditions under which public utilities owned by the City shall be operated by the City Government, and prescribe the conditions under which the same may be leased to private persons or entities, preferably cooperatives;
- (iv) Regulate the display of and fix the license fees for signs, signboards or billboards at the place or places where the profession or business advertised thereby is, in whole or in part, conducted;
- (v) Any law to the contrary notwithstanding, authorize and license the establishment, operation and maintenance of cockpits, and regulate cockfighting and commercial breeding of gamecocks: *Provided*, That existing rights should not be prejudiced;
- (vi) Subject to the guidelines prescribed by the Department of Transportation (DOTr), regulate the operation of tricycles and grant franchises for the operation thereof within the territorial jurisdiction of the City; and
- (vii) Upon approval by a majority vote of all the members of the Sangguniang Panlungsod, grant a franchise to any person, partnership, corporation or cooperative to do business within the City; establish, construct, operate and maintain markets or slaughterhouses; or undertake such other activities within the City as may be allowed by existing laws: *Provided*, That cooperatives shall be given preference in the grant of such a franchise.
- (4) Regulate activities relative to the use of land, buildings and structure within the City in order to promote the general welfare and for said purpose shall:
- (i) Declare, prevent or abate any nuisance;
- (ii) Within the concurrence of the majority of the members of the Sangguniang Panlungsod expressed during a meeting, deny the entry of legalized gambling by ordinance into any part of the City;
- (iii) Require that buildings and the premises thereof and any land within the City be kept and maintained in a clean and sanitary condition; impose penalties for any violation thereof; or upon failure to comply with said requirement, have the work done at the expense of the owner, administrator or tenant concerned; or require the filling of any land or premise to a grade necessary for proper sanitation;
- (iv) Regulate the disposal of clinical and other wastes from hospitals, clinics and other similar establishments;

1 (v) Regulate the establishment, operation and maintenance of cafes, restaurants,
2 beerhouses, hotels, motels, inns, pension houses, lodging houses and other
3 similar establishments, including tourist guides and transportations;

4 (vi) Regulate the sale, giving away, or dispensing of any intoxicating malt, wine,
5 or mixed or fermented liquors at any retail outlets;

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

9 (viii) Regulate the establishment, operation, and maintenance of any
10 entertainment or amusement facilities, including theaters, circuses, billiard
11 halls, public dancing schools, public dance halls, sauna baths, massage parlors,
12 and other places for entertainment or amusement; regulate such other events or
13 activities for amusement or entertainment, particularly those which tend to
14 disturb the community or annoy the inhabitants, or require the suspension or
15 suppression of the same; or prohibit certain forms of amusement or
16 entertainment in order to protect the social and moral welfare of the community;
17 (ix) Regulate the establishment, operation, and maintenance of funeral parlors
18 and the burial or cremation of the dead, subject to existing laws, rules and
19 regulations; and

20 (x) Enforce impounding activities to contain stray animals; designate a pounding
21 area; regulate the keeping of animals in homes or as a part of business, and the
22 slaughter, sale or disposition of the same; and adopt measures to prevent and
23 penalize animal cruelty.

24 (5) Approve ordinances which shall ensure the efficient and effective delivery of the
25 basic services and facilities as provided under Section 17 of the Local Government
26 Code of 1991, as amended, and in addition to said services and facilities, shall:

27 (i) Provide for the establishment, maintenance, protection and conservation of
28 communal forests and watersheds, tree parks, green belt lands, mangroves, and
29 other similar forest development projects;

30 (ii) Establish markets, slaughterhouses or animal corrals and authorize the
31 operation thereof by the City Government; and regulate the construction and
32 operation of private markets, talipapa or other similar buildings and structures;

33 (iii) Regulate the preparation and sale of meat, poultry, fish, vegetables, fruits,
34 fresh dairy products, and other foodstuffs for public consumption;

35 (iv) Regulate the use of streets, avenues, alleys, sidewalks, bridges, parks and
36 other public places and approve the construction, improvement, repair and
37 maintenance of the same; establish bus and vehicle stops and terminals or
38 regulate the use of the same by privately-owned vehicles which serve the public;
39 regulate garages and operation of conveyances for hire; designate stands to be

1 occupied by public vehicles when not in use; regulate the putting up of signs,
2 signposts, awnings and awning posts on the streets; and provide for the lighting,
3 cleaning and sprinkling of streets and public places;

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

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

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

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

30 (ix) Subject to the availability of funds and to existing laws, rules and regulations,
31 establish and provide for the operation of vocational and technical schools and
32 similar post-secondary institutions and, with the approval of the DepEd and
33 Technical Education and Skills Development Authority (TESDA), as the case may
34 be, fix and collect reasonable tuition fees and other school charges in educational
35 institutions supported by the City Government;

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

38 (xi) Approve measures and adopt quarantine regulations to prevent the
39 introduction and spread of diseases;

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

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

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

(xv) Establish a council which shall promote culture and the arts, coordinate with government agencies and nongovernmental organizations and, subject to the availability of funds, appropriate funds for the support and development of the same; and

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

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

ARTICLE V

PROCESS OF LEGISLATION

Section 13. *Internal Rules of Procedure.* - (a) On the first regular session following the election of its members and within ninety (90) days thereafter, the Sangguniang Panlungsod shall adopt or update its existing rules of procedure.

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

- (1) The organization of the Sangguniang Panlungsod and the election of its officers as well as the creation of standing committees which shall include the committees on Appropriations, Revenues, Engineering and Public Works, Education and Health, Women and Family, Human Rights, Youth and Sports Development, Environmental Protection, Peace and Order and Traffic, and Cooperatives; the general jurisdiction of each committees; and the election of the chairperson and members of each committee;
- (2) The order and calendar of business for each session;
- (3) The legislative process;

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

(5) The discipline of members for disorderly behavior and absences without justifiable cause for four (4) consecutive sessions for which they may be censured, reprimanded, or excluded from the session, suspended for not more than sixty (60) days or expelled: *Provided*, That the penalty of suspension or expulsion shall require the concurrence of at least two-thirds (2/3) vote of all the Sangguniang Panlungsod members: *Provided*, further, That a member convicted by final judgment to imprisonment of at least one (1) year for any crime involving moral turpitude shall be automatically expelled from the Sangguniang Panlungsod; and (6) Such other rules as the Sangguniang Panlungsod may adopt.

Section 14. *Full Disclosure of Financial and Business Interests of Sangguniang Panlungsod Members.* - (a) Every Sangguniang Panlungsod member shall, upon assumption to office, make a full disclosure of their respective businesses and financial interests. The disclosure shall also include any business, financial, professional relationship or any relation by affinity or consanguinity within the fourth civil degree, which a Sangguniang member may have with any person, firm or entity affected by any ordinance or resolution under consideration by the Sangguniang Panlungsod and which relationship may result in conflict of interest. Such relationship shall include:

- (1) Ownership of stock or capital, or investment in the entity or firm to which the ordinance or resolution may apply; and
- (2) Contracts or agreements with any person or entity which the ordinance or resolution under consideration may affect. In the absence of a specific constitutional or statutory provision applicable to the situation, "conflict of interest" refers to a situation where it may be reasonably deduced that a member of the Sangguniang Panlungsod may not act in the public interest due to some private, pecuniary or other personal considerations that may tend to affect the exercise of judgment to the prejudice of the service or the public.

(b) The disclosure required under this Act shall be made in writing and submitted to the Secretary of the Sangguniang Panlungsod or the Secretary of the concerned committee. The disclosure shall, in all cases, form part of the record of the proceedings and shall be made in the following manner:

- (1) Disclosure shall be made before the member participates in the deliberations on the ordinance or resolution under consideration: *Provided*, That if the member did not participate during the deliberations, the disclosure shall be made before voting on the ordinance or resolution on second and third readings; and

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

5 **Section 15. Sessions.** - (a) On the first day of the session immediately following the
6 election of its members, the Sangguniang Panlungsod shall, by resolution, fix the day,
7 time and place of its sessions. The minimum number of regular sessions shall be once a
8 week for the Sangguniang Panlungsod and twice a month for the Sangguniang Barangay.

9 (b) When the public interest so demands, special sessions may be called by the City Mayor
10 or by a majority of the members of the Sangguniang Panlungsod.
11

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

17 (d) In the case of special sessions of the Sangguniang Panlungsod, a written notice to the
18 members shall be served personally at the members' usual place of residence at least
19 twenty-four (24) hours before the special session is held. Unless otherwise concurred in
20 by two-thirds (2/3) vote of the Sangguniang Panlungsod members present, there being a
21 quorum, no other matters may be considered at a special session except those stated in
22 the notice.
23

24 (e) The Sangguniang Panlungsod shall keep a journal and record of its proceedings which
25 may be published upon resolution of the majority of its members.
26

27 **Section 16. Quorum.** - (a) A majority of all the members of the Sangguniang Panlungsod,
28 who have been elected and qualified, shall constitute a quorum to transact official
29 business. Should a question of quorum be raised during a session, the presiding officer
30 shall immediately proceed to call the roll of the members and thereafter announce the
31 results.
32

33 (b) Where there is no quorum, the presiding officer may declare a recess until such time
34 as a quorum is constituted, or a majority of the members present may adjourn from day
35 to day and may compel the immediate attendance of any member absent without
36 justifiable cause by designating a member of the Sangguniang Panlungsod to escort a
37 member to the place where the session is being conducted, with the assistance of a
38 member or members of the police force assigned in the territorial jurisdiction of the City
39 of Kalibo, to arrest and present the absent member at the session.

1
2 (c) If there is still no quorum despite the enforcement of the immediately preceding
3 subsection, no business shall be transacted. The presiding officer shall, upon proper
4 motion duly approved by the members present, declare the session adjourned for lack of
5 quorum.
6

7 **Section 17. *Approval of Ordinances.*** - (a) The Sangguniang Panlungsod shall present to
8 the City Mayor every ordinance enacted. Each page thereof shall contain the affixed
9 signature of the City Mayor in case of approval. Otherwise, the ordinance shall be vetoed
10 and returned with statements of objections to the Sangguniang Panlungsod, which may
11 proceed to reconsider the same. The Sangguniang Panlungsod may override the veto of
12 the City Mayor by two-thirds (2/3) vote of all its members, thereby making the ordinance
13 effective for all legal intents and purposes.
14

15 (b) The City Mayor shall communicate the veto to the Sangguniang Panlungsod within
16 ten (10) days; otherwise, the ordinance shall be deemed approved as if it has been signed.
17

18 **Section 18. *Veto Power of the City Mayor.*** - (a) The city Mayor may veto any ordinance
19 of the Sangguniang Panlungsod on the ground that it is ultra vires or prejudicial to the
20 public welfare, and shall state the reasons for the veto in writing.
21

22 (b) The City Mayor shall have the power to veto any particular item or items of an
23 appropriates ordinance, an ordinance or resolution adopting a local development plan
24 and public investment program, or an ordinance directing the payment of money or
25 creating liability. In such case, the veto shall not affect the item or items which are not
26 objected to. The vetoed item or items shall not take effect unless the Sangguniang
27 Panlungsod overrides the veto in the manner herein provided; otherwise, the item or
28 items in the appropriations ordinance of the previous year corresponding to those vetoed,
29 if any, shall be deemed re-enacted.
30

31 (c) The City Mayor may veto an ordinance or resolution only once. The Sangguniang
32 Panlungsod may override the veto of the City Mayor by two-thirds (2/3) vote of all its
33 members, thereby making the ordinance effective even without the approval of the City
34 Mayor.
35

36 **Section 19. *Review of City Ordinances by the Sangguniang Panlalawigan.*** - (a) Within
37 three (3) days after approval, the Secretary to the Sangguniang Panlungsod shall forward
38 to the Sangguniang Panlalawigan for review, copies of approved ordinances and the

1 resolutions approving the local development plans and public investment programs
2 formulated by the local development council.

3
4 (b) Within thirty (30) days after receipt of copies of such ordinances and resolutions, the
5 Sangguniang Panlalawigan shall examine the documents or transmit them to the
6 Provincial Attorney, or if there be none, to the Provincial Prosecutor for prompt
7 examination. The provincial Attorney or the Provincial Prosecutor shall, within a period
8 of ten (10) days from receipt of the documents, inform the Sangguniang Panlalawigan in
9 writing of their comments or recommendations, which may be considered by the
10 Sangguniang Panlalawigan in making its decision.

11
12 (c) If the Sangguniang Panlalawigan finds that such an ordinance or resolution is beyond
13 the power conferred upon the Sangguniang Panlungsod, it shall declare such ordinance
14 or resolution invalid in whole or in part. The Sangguniang Panlalawigan shall enter its
15 action in the minutes and shall advise the corresponding city authorities of the action it
16 has taken.

17
18 (d) If no action has been taken by the Sangguniang Panlalawigan within thirty (30) days
19 after submission of such an ordinance or resolution, the same shall be presumed
20 consistent with law and therefor valid.

21
22 **Section 20.** *Review of Barangay Ordinances by the Sangguniang Panlungsod.* - (a)
23 Within ten (10) days after their enactment, the Sangguniang Barangay shall furnish copies
24 of all barangay ordinance to the Sangguniang Panlungsod for review, as to whether the
25 ordinance is consistent with law and city ordinances.

26
27 (b) If the Sangguniang Panlungsod fails to take action on barangay ordinance within
28 thirty (30) days from receipt thereof, the same shall be deemed approved.

29
30 (c) If the Sangguniang Panlungsod finds the barangay ordinances inconsistent with law
31 or city ordinances, the Sangguniang Panlungsod shall, within thirty (30) days from receipt
32 thereof, return the same with its comments and recommendations to the Sangguniang
33 Barangay concerned for adjustment, amendment or modification, in which case, the
34 effectivity of the barangay ordinance is suspended until such time as the revision called
35 for is effected.

36
37 **Section 21.** *Enforcement of Disapproved Ordinances or Resolutions.* - Any attempt to
38 endorse any ordinance or any resolution approving the local development plan and public

investment program, after the disapproval thereof, shall be sufficient ground for the suspension or dismissal of the official or employee concerned.

Section 22. *Effectivity* of Ordinances or Resolutions. - (a) Unless otherwise stated in the ordinance or the resolution approving the local development plan and public investment program, the same shall take effect after ten (10) days from the date of a copy thereof is posted in a bulletin board at the entrance of the City Hall of Kalibo, and in at least two (2) other conspicuous places in the City of Kalibo not later than five (5) days after approval thereof.

(b) The Secretary of the Sangguniang Panlungsod shall cause the posting of an ordinance or resolution in the bulletin board at the entrance of the City Hall, and in at least two (2) conspicuous places in the City not later than five (5) days after approval thereof.

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

(c) The gist of all ordinances with penal sanctions shall be posted at prominent places in the City Hall, for a minimum period of three (3) consecutive weeks. Such ordinances shall also be published in a newspaper of general circulation within the City and in the City's official website.

ARTICLE VI

DISQUALIFICATIONS AND SUCCESSION FOR ELECTIVE CITY OFFICIALS

Section 23. *Disqualifications for Elective City Officials.* - The following persons are disqualified from running for any elective position in the City:

- (a) Those sentenced by final judgment for an offense involving moral turpitude or an offense punishable by one (1) year or more imprisonment, within two (2) years after serving sentence;
- (b) Those removed from office as a result of an administrative case;
- (c) Those convicted by final judgment for violating the oath of allegiance to the Republic of the Philippines;
- (d) Those with dual citizenship as a result of naturalization;
- (e) Fugitives from justice in criminal or nonpolitical cases here and abroad;
- (f) Permanent residents in a foreign country or those who have acquired the right to reside abroad and continue to avail of the same right after the effectivity of the Local Government Code of 1991, as amended; and

1 (g) The insane or feeble-minded.

2
3 **Section 24.** *Permanent Vacancy in the Offices of the City Mayor and City Vice-Mayor.* -

4 If a permanent vacancy occurs in the office of the City Mayor, the City Vice-mayor shall
5 become the City Mayor. If a permanent vacancy occurs in the office of the City Vice-
6 mayor, the highest ranking Sangguniang Panlungsod member or, in case of the latter's
7 permanent incapacity, the second highest ranking Sangguniang Panlungsod member
8 shall become the City Mayor or City Vice-Mayor, as the case may be. Subsequent
9 vacancies in the said offices shall be filled automatically by the other Sangguniang
10 Panlungsod members according to their ranking as defined under the Local Government
11 Code of 1991, as amended.

12
13 For purpose of this Act, a permanent vacancy arises when an elective local officials fills in
14 a higher vacant office, refuses to assume office, fails to qualify, dies, is removed from
15 office, voluntarily resigns or is otherwise permanently incapacitated to discharge the
16 functions of the office.

17
18 For purposes of succession as provided in this Act, ranking in the Sangguniang
19 Panlungsod shall be determined on the basis of the proportion of votes obtained by each
20 winning candidate to the total number of registered voters in the City in the immediately
21 preceding local election.

22
23 **Section 25.** *Permanent Vacancies in the Sangguniang Panlungsod.* - (a) Permanent
24 vacancies in the Sangguniang Panlungsod where automatic succession, as provided
25 above, does not apply shall be filled by appointments in the following manner:

26 (1) The Provincial Governor shall make the aforesaid appointments;

27 (2) Only the nominee of the political party under which the Sangguniang Panlungsod
28 member concerned had been elected and whose elevation to the position next higher in
29 rank created the last vacancy in the Sangguniang Panlungsod shall be nominated in the
30 manner provided herein. The appointee shall come from the political party as that of the
31 Sangguniang Panlungsod member who caused the vacancy and shall serve the unexpired
32 term of the vacant office.

33
34 In the appointment herein mentioned, a nomination and a certificate of membership of
35 the appointee from the highest official of the political party concerned shall be conditions
36 sine qua non, and any appointment without such nomination and certification shall be
37 null and void ab initio and shall be ground for administrative action against the official
38 responsible therefor;

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

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

Section 26. *Temporary Vacancy in the Office of the City Mayor.* - (a) When the City Mayor is temporarily incapacitated to perform the duties for physical or legal reasons such as, but not limited to, leave of absence, travel abroad, or suspension from office, the City Vice-Mayor or the highest ranking Sangguniang Panlungsod member, as the case may be, shall automatically exercise the powers and perform the duties and functions of the City Mayor, except the power to appoint, suspend or dismiss employees which can only exercised if the period of temporary incapacity exceeds thirty (30) working days.

(b) The temporary incapacity shall terminate upon submission of the City Mayor of a written declaration of having reported back to the office to the Sangguniang Panlungsod. In case where the temporary incapacity is due to legal cause, the City Mayor shall also submit the necessary documents showing that the legal cause no longer exists.

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

(d) If the City Mayor fails or refuses to issue such authorization, the City Vice-Mayor or the highest ranking Sangguniang Panlungsod member, as the case may be, shall have the right to assume the powers, duties and functions of the said office on the fourth (4th) day of absence of the City Mayor, subject to the limitations provided in subsection (c) hereof.

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

ARTICLE VII
THE APPOINTIVE OFFICIALS OF THE CITY:
QUALIFICATIONS, POWERS AND DUTIES

Section 27. *The Secretary to the Sangguniang Panlungsod.* - (a) There shall be a Secretary of the Sangguniang Panlungsod who shall be a career official with the rank and salary equal to a head of a department or office.

(b) The Secretary to the Sangguniang Panlungsod must be a citizen of the Philippines, a resident of the City of Kalibo, of good moral character, a holder of a bachelor's degree preferably in law, commerce, or public administration conferred by a recognized college or university, and a first-grade civil service eligible or its equivalent.

(c) The Secretary to the Sangguniang Panlungsod shall:

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

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

(3) Forward to the City Mayor, for approval, copies of ordinances enacted by the Sangguniang Panlungsod duly certified by the presiding officer, in the manner provided in Section 54 of the Local Government Code of 1991, as amended;

(4) Forward to the Sangguniang Panlalawigan copies of duly approved ordinances in the manner provided in Sections 56 and 57 of the Local Government Code of 1991, as amended;

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

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

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

(8) Translate into the dialect used by the majority of the inhabitants all ordinance and resolutions immediately after their approval and cause the publication of the same together with the original version in the manner provided under the Local Government Code of 1991, as amended;

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

(10) Perform other duties and functions and exercise such other powers as provided under the Local Government Code of 1991, as amended, and those that may be prescribed by law or ordinance relative to his position.

1 **Section 28. *The City Treasurer.*** - (a) The City Treasurer shall be appointed by the
2 Secretary of the Department of Finance (DOF) from a list of at least three (3) ranking
3 eligible recommendees of the City Mayor, subject to civil service law, rules and
4 regulations.

5
6 (b) The City Treasurer shall be under the administrative supervision of the City Mayor, to
7 whom the City Treasurer shall report regularly on the tax collection efforts of the City.

8
9 (c) The City Treasurer must be a citizen of the Philippines, a resident of the City of Kalibo,
10 of good moral character, a holder of a bachelor's degree in commerce, public
11 administration, or law from recognized college or university, a first grade civil service
12 eligible or its equivalent and must have acquired at least five (5) years of expiration in
13 treasury or accounting service.

14
15 (d) The City Treasurer shall receive such compensation, emoluments, and allowances as
16 may be determined by law.

17
18 (e) The City Treasurer shall supervise the City Finance Department, and shall:

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

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

23 (3) Take charge of the disbursement of all funds of the City and such other funds the
24 custody of which may be entrusted to the City Treasurer by law or other competent
25 authority;

26 (4) Inspect private commercial and industrial establishments, within the jurisdiction
27 of the City, in relation to the implementation of tax ordinances pursuant to the
28 provisions of the Local Government Code of 1991, as amended;

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

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

33
34 **Section 29. *Assistant City Treasurer.*** - (a) The Assistant City Treasurer may be
35 appointed by the Secretary of the DOF from a list of at least three (3) ranking eligible
36 recommendees of the City Mayor, subject to civil service law, rules and regulations;

37 (b) The Assistant City Treasurer must be a citizen of the Philippines, a resident of the City
38 of Kalibo, of good moral character, a holder of bachelor's degree preferably in commerce,
39 public administration or law from a recognized college or university, a first grade civil

1 service eligible or its equivalent and must have acquired at least five (5) years experience
2 in treasury or accounting service.

3
4 (c) The Assistant City Treasurer shall assist the City Treasurer and perform such duties
5 as may be assigned by the latter.

6
7 (d) The Assistant City Treasurer shall have authority to administer oaths concerning
8 notices and notifications to those delinquent in the payment of the real property tax and
9 concerning official matters relating to the accounts of the City Treasurer or otherwise
10 arising in the office of the City Treasurer and the City Assessor.

11
12 (e) The Assistant City Treasurer shall receive such compensation, emoluments and
13 allowances as may be determined by law.

14
15 **Section 30. The City Assessor.** - (a) The City Assessor must be a citizen of the
16 Philippines, a resident of the City of Kalibo, of good moral character, a holder of bachelor's
17 degree preferably in civil or mechanical engineering, commerce, or any other related
18 course from a recognized college or university, a first grade civil service eligible or its
19 equivalent and must have acquired at least five (5) years experience in real property
20 assessment work or in any related field immediately preceding the date of appointment.

21
22 (b) The City Assessor shall receive such compensation, emoluments and allowances as
23 may be determined by law.

24
25 (c) The City Assessor shall take charge of the City Assessor's Department, and shall:
26 (1) Ensure that all laws and policies governing the appraisal and assessment of real
27 properties for taxation purposes are properly executed;
28 (2) Initiate, review, and recommend changes in policies and objectives, plans and
29 programs, techniques, procedures and practices in the evaluation and assessment of
30 real properties for taxation purposes;
31 (3) Establish a systematic method of real property assessment;
32 (4) Install and maintain real property identification and accounting system;
33 (5) Prepare, install, and maintain a system of tax mapping, showing graphically all
34 properties subject to assessment and gather all data concerning the same;
35 (6) Conduct frequent physical surveys to verify and determine whether all real
36 properties within the City are properly listed in the assessment rolls;
37 (7) Exercise the functions of appraisal and assessment primarily for taxation purposes
38 of all real properties in the City;

- 1 (8) Prepare a schedule of the fair market value of the different classes of real properties
2 in accordance with the provisions of the Local Government Code of 1991, as amended;
3 (9) Issue, upon request of any interested party, certified copies of assessment records
4 of real properties and all other records relative to its assessment, upon payment of a
5 service charge or fee to the City Treasurer;
6 (10) Submit every semester a report of all assessments, as well as cancellations and
7 modifications of assessments to the City Mayor and the Sangguniang Panlungsod;
8 (11) Attend personally or through an authorized representative all sessions of the Local
9 Board of Assessment Appeals whenever an assessment is subject of an appeal, and
10 present or submit any information or record in the possession of the City Property
11 Valuation and Assessment Department as may be required by the Board; and
12 (12) Perform such other duties and functions, and exercise such other powers as
13 provided under the Local Government Code of 1991, as amended, and those that are
14 prescribed by law or ordinance.

15
16 **Section 31. *The Assistant City Assessor.*** - (a) The Assistant City Assessor must be a
17 citizen of the Philippines, a resident of the City of Kalibo, of good moral character, a holder
18 of a bachelor's degree preferably in civil or mechanical engineering, commerce, or any
19 other related course from a recognized college or university, a first grade civil service
20 eligible or its equivalent and must have acquired at least three (3) years experience in real
21 property assessment work or in any related field immediately preceding the date of the
22 appointment.

23
24 (b) The Assistant City Assessor shall assist the City Assessor and perform such other
25 duties as may be assigned by the latter.

26
27 (c) The Assistant City Assessor shall have the authority to administer oaths on all
28 declarations of real property for purposes of assessments.

29
30 (d) The Assistant City Assessor shall receive such compensation, emoluments, and
31 allowances as may be determined by law.

32
33 **Section 32. *The City Accountant.*** - (a) The City Accountant must be a citizen of the
34 Philippines, a resident of the City of Kalibo, of good moral character, a certified public
35 accountant and must have acquired experience in either treasury or accounting work
36 immediately preceding the date of the appointment for at least five (5) years.

37
38 (b) The City Accountant shall receive such compensation, emoluments and allowances as
39 may be determined by law.

1
2 (c) The City Accountant shall take charge of both the office of the accounting and internal
3 audit services of the City, and shall:

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

5 (2) Prepare and submit financial statements to the City Mayor and to the
6 Sangguniang Panlungsod;

7 (3) Apprise the Sangguniang Panlungsod and other officials on the financial
8 condition and operations of the City;

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

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

13 (6) Prepare statements of cash advances, liquidations, salaries, allowances,
14 reimbursement and remittances pertaining to the City;

15 (7) Prepare statements of journal vouchers and liquidation of the same and other
16 adjustments related thereto;

17 (8) Post individual disbursements to the subsidiary ledgers and other appropriate
18 record keeping instruments;

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

21 (10) Record and post the details of purchased furniture fixtures and equipment,
22 including disposal thereof, if any;

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

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

27 (13) Perform such other duties and functions, and exercise such other powers as
28 provided under the Local Government Code of 1991, as amended, and those that are
29 prescribed by law or ordinance.
30

31 **Section 33. *The City Budget Officer.*** - (a) The City Budget Officer must be a citizen of
32 the Philippines, a resident of the City of Kalibo, of good moral character, a holder of
33 bachelor's degree preferably in accounting, economics, public administration or any
34 related course from a recognized college or university, a first grade civil service eligible or
35 its equivalent, and must have acquired at least five (5) years experience in government
36 budgeting or in any related field immediately preceding the date of appointment.
37

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

1
2 (c) The City Budget Officer shall take charge of the City Budget Department, and shall:
3 (1) Prepare forms, orders, and circulars embodying instructions on budgetary and
4 appropriation matters for the signature of the City Mayor;
5 (2) Review and consolidate the budget proposals of the different departments and
6 offices of the City;
7 (3) Provide assistance to the City Mayor in the preparation of the City's annual budget
8 and in presenting the same during the budget hearings;
9 (4) Study and evaluate budgetary implications of proposed legislation and submit
10 comments and recommendations thereon;
11 (5) Submit periodic budgetary reports to the Department of Budget and Management
12 (DBM);
13 (6) Coordinate with the City Treasurer, the City Accountant and the City Planning
14 and Development Officer for the purpose of budgeting;
15 (7) Assist the Sangguniang Panlungsod in reviewing the approved budgets of
16 component barangays;
17 (8) Coordinate with the City Planning and Development Officer in the formulation of
18 the development plan of the City; and
19 (9) Perform such other duties and functions, and exercise such other powers as
20 provided under the Local Government Code of 1991, as amended, and those that are
21 prescribed by law or ordinance.
22

23 **Section 34.** *The City Planning and Development Officer.* - (a) The City Planning and
24 Development Officer must be a citizen of the Philippines, a resident of the City of Kalibo,
25 of good moral character, a holder of a bachelor's degree preferably in urban planning,
26 development studies, economics, public administration, or in any related course from a
27 recognized college or university, a first grade civil service eligible or its equivalent, and
28 must have at least five (5) years experience in development planning or in any related
29 field immediately preceding the date of the appointment.
30

31 (b) The City Planning and Development Officer shall receive such compensation,
32 emoluments and allowances as may be determined by law.
33

34 (c) The City Planning and Development Officer shall take charge of the City Planning and
35 Development Coordinating Office, and shall:

- 36 (1) Formulate integrated economic, social, physical and other development plans and
37 policies for consideration of the City;
38 (2) Conduct continuing studies, researches and training programs necessary to evolve
39 plans and programs for implementation;

- 1 (3) Integrate and coordinate all sectoral plans and studies undertaken by the different
2 functional groups or agencies;
- 3 (4) Monitor and evaluate the implementation of the different development programs,
4 projects and activities in the City in accordance with the approved development plan;
- 5 (5) Prepare comprehensive plans and other development planning documents for the
6 consideration of the local development council;
- 7 (6) Analyze the income and expenditure patterns, and formulate and recommend
8 fiscal plans and policies for consideration of the finance committee of the City as
9 provided under the Local Government Code of 1991, as amended;
- 10 (7) Promote people's participation in development planning within the City;
- 11 (8) Exercise supervision and control over the secretariat of the Local Development
12 Council; and
- 13 (9) Perform such other functions and duties and exercise such other powers as
14 provided under the Local Government Code of 1991, as amended, and those that are
15 prescribed by law or ordinance.
- 16

17 **Section 35.** *The City Engineer.* - (a) The City Engineer must be a citizen of the
18 Philippines, a resident of the City of Kalibo, of good moral character, a licensed civil
19 engineer, and must have practiced the engineering profession for at least five (5) years.

20

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

23

24 (c) The City Engineer shall take charge of the City Engineering Office, and shall:

- 25 (1) Initiate, review and recommend changes in infrastructure development and public
26 works policies, objectives, plans and programs of the City, and the techniques,
27 procedures and practices to be implemented relative thereto;
- 28 (2) Advise the City Mayor on infrastructure, public works and other engineering
29 matters;
- 30 (3) Administer, coordinate, supervise and control the construction, maintenance,
31 improvement and repair of roads, bridges, other engineering and public works
32 projects of the City;
- 33 (4) Provide engineering service to the City, including investigation and survey,
34 engineering designs, feasibility studies and project management; and
- 35 (5) Perform such other duties and functions, and exercise such other powers as
36 provided for under the Local Government Code of 1991, as amended, and those that
37 are prescribed by law or ordinance.
- 38

Section 36. *The Assistant City Engineer.* - (a) The Assistant City Engineer must be a citizen of the Philippines, a resident of the City of Kalibo, of good moral character, a holder of a bachelor's degree preferably in civil or mechanical engineering, commerce or any related course from a recognized college or university and a first grade civil service eligible or its equivalent and must have practiced the engineering profession or any related field for at least three (3) years.

(b) The Assistant City Engineer shall assist in the City Engineer and perform such other duties as may be assigned by the latter.

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

Section 37. *The City Building Official.* - (a) The City Building Official shall be appointed by the Secretary of the Department of Public works and Highways (DPWH) from a list of at least three (3) ranking eligible recommendees of the City Mayor, subject to civil service law, rules and regulations.

(b) The City Building Official shall be under the administrative supervision of the City Mayor, to whom the City Building Official shall report regularly;

(c) The City Building Official must be a citizen of the Philippines, a resident of the City of Kalibo, of good moral character, a licensed architect or civil engineer, a member of good standing of a duly accredited organization of his profession and have practiced his profession for at least five (5) years with diversified and professional experience in building design and construction, and attended and successfully completed a seminar workshop on Presidential Decree No. 1096, otherwise known as the National Building Code, conducted by the DPWH.

(d) The City Building Official shall take charge of the City Building Office, independent of the City Engineering Office, and shall:

(1) Be primarily responsible for the enforcement of the provisions of the National Building Code and its implementing rules and regulations, as well as circulars, memoranda, opinions and decisions/orders issued pursuant thereto. His actions shall always be guided by appropriate orders/directives from the Secretary;

(2) Have overall administrative control and/or supervision over all works pertinent to buildings/structures in his area of responsibility and shall be charged with the processing of all permit applications and certificates as well as the issuance of the same;

- (3) Ensure that all changes, modifications, and alterations in the design plans during the construction phase shall not start until the modified design plan has been evaluated and the necessary amendatory permit issued;
- (4) Undertake annual inspections of all buildings/structures and keep an up-to-date record of their status;
- (5) Keep a permanent record and accurate account of all fees and other charges fixed and authorized to be collected and received under Presidential Decree No. 1096, otherwise known as the National Building Code; and
- (6) Perform other duties and functions, and exercise such other powers as provided under the National Building Code, as amended, and those that are prescribed by law or ordinance, or as may thereafter be delegated to him from time to time.

Section 38. *The City Health Officer.* - (a) The City Health Officer must be a citizen of the Philippines, a resident of the City of Kalibo, of good moral character, a licensed medical practitioner, and must have practiced the medical profession for at least five (5) years.

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

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

- (1) Supervise the personnel and staff of the said office, formulate program implementation guidelines and rules and regulations for the operation of the said office for the approval of the City Mayor in order to assist him in efficient, effective and economical implementation of health service program geared to implement health-related projects and activities;
- (2) Formulate measures for the consideration of the Sangguniang Panlungsod and provide technical assistance and support to the City Mayor in carrying out activities to ensure the delivery of basic services and provision of adequate facilities relative to health services provided under Section 17 of the Local Government Code of 1991, as amended;
- (3) Develop plans and strategies, and upon approval thereof by the City Mayor, implement these with the health programs and projects which the City Mayor is empowered to implement and which the Sangguniang Panlungsod is empowered to implement and which the Sangguniang Panlungsod is empowered to provide under the Local Government Code of 1991, as amended;
- (4) Coordinate with national, regional and provincial health officials and with other agencies of the government in the implementation of mitigation policies and other measures during public health emergencies;

1 (5) Supervise the delivery of basic health service, all city health centers, hospitals,
2 and clinics in accordance with city and national health policies and programs such
3 as those on dental health, maternal health, family planning, nutrition,
4 immunization, and environmental safety and sanitation;

5 (6) In addition to the foregoing duties and functions, the City Health Officer shall:

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

8 (ii) Advise the City Mayor and the Sangguniang Panlungsod on matter's
9 pertaining to health;

10 (iii) Execute and enforce all laws, ordinances and regulations relating to public
11 health;

12 (iv) Recommend to the Sangguniang Panlungsod, through the Local Health
13 Board, the passage of such ordinances necessary for the preservation of public
14 health;

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

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

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

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

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

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

29
30 **Section 39. *The Assistant City Health Officer.*** - (a) The Assistant City Health Officer
31 must be a citizen of the Philippines, a resident of the City of Kalibo, of good moral
32 character, a licensed medical practitioner, and must have practiced the medical
33 profession for at least three (3) years.

34
35 (b) The Assistant City Health Officer shall assist the City Health Officer and perform such
36 other duties as may be assigned by the latter.

37
38 (c) The Assistant City Health Officer shall receive such compensation, emoluments and
39 allowances as may be determined by law.

1
2 **Section 40. *The City Civil Registrar.*** - (a) The City Civil Registrar must be a citizen of
3 the Philippines, a resident of the City of Kalibo, of good moral character, a holder of a
4 bachelor's degree from a recognized college or university, a first grade civil service eligible
5 or its equivalent and must have acquired at least five (50) years experience in civil registry
6 work.

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

10
11 (c) The City Civil Registrar shall be responsible for the civil registration program in the
12 City of Kalibo pursuant to the Civil Registry Law, the Civil Code, and other pertinent laws,
13 rules and regulations issued to implement them.

14
15 (d) The City Civil Registrar shall take charge of the office of the City Civil Registrar, and
16 shall:

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

22 (2) In addition to the foregoing duties and functions, the City Civil Registrar shall:

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

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

26 (iii) Transcribe and enter immediately upon receipt all registrable documents and
27 judicial decrees affecting the civil status of persons in the appropriate civil registry
28 books;

29 (iv) Transmit to the Office of the Civil Registrar-General within the prescribed
30 period, duplicate copies of registered documents required by law;

31 (v) Issue certified transcripts or copies of any certificate or registered documents
32 upon payment of the required fees to the city treasurer;

33 (vi) Receive applications for the issuance of a marriage license and, after
34 determining that the requirements and supporting certificates and publication
35 thereof for the prescribed period have been complied with, issue the license upon
36 payment of the authorized fee to the City Treasurer; and

37 (vii) Coordinate with the Philippine Statistics Authority (PSA) in conducting
38 educational campaigns for vital registration and assist in the preparation of
39 demographic data and other statistics for the City of Kalibo; and

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

4
5 **Section 41.** *The Assistant City Civil Registrar.* - (a) The Assistant City Civil Registrar
6 must be a citizen of the Philippines, a resident of the City of Kalibo, of good moral
7 character, a holder of bachelor's degree from a recognized college or university, a first
8 grade civil service eligible, and must have acquired at least three (3) years experience in
9 civil registry work or any related field.

10 (b) The Assistant City Civil Registrar shall assist in the City Civil Registrar and perform
11 such other duties as may be assigned by the latter.

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

14
15 **Section 42.** *The city Administrator.* - (a) The City Administrator must be a citizen of the
16 Philippines, a resident of the City of Kalibo, of good moral character, a holder of a
17 bachelor's degree preferably in public administration, law, or any other related course
18 from a recognized college or university, a first grade civil service eligible or its equivalent,
19 and must have acquired at least five (5) years of experience in management and
20 administrative work.

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

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

27
28 (d) The City Administrator shall take charge of the City Administrator's Office, and shall:

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

34 (2) Assist in the coordination of the work of all the officials of the City under the
35 supervision, direction and control of the City Mayor, and for this purpose, may
36 convene the chiefs of offices and other officials of the LGU;

37 (3) Establish and maintain a sound human resource development program designed
38 to promote career development and uphold the merit principle in the local
39 government service;

1 (4) Conduct a continuing organizational development program with the end in view
2 of instituting effective administrative reforms;

3 (5) Be in the frontline of the delivery of administrative support services, particularly
4 those related to situation during and in the aftermath of man-made and natural
5 disasters or calamities;

6 (6) Recommend to the Sangguniang Panlungsod and the City Mayor policies,
7 programs and activities, relative to the management and administration of the City;
8 and

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

12
13 **Section 43. *The City Legal Officer.*** - (a) The City Legal Officer must be a citizen of the
14 Philippines, a resident of the City of Kalibo, of good moral character, a member of the
15 Philippine Bar, and must have practiced the law profession for at least five (5) years.

16
17 (b) The term of City Legal Officer shall be coterminous with that of the appointing
18 authority.

19
20 (c) The City Legal Officer shall receive such compensation, emoluments and allowances
21 as may be determined by law.

22
23 (d) The City Legal Officer, the chief legal counsel of the City, shall take charge of the Office
24 of the City Legal Service, and shall:

25 (1) Formulate measures and ordinances for the consideration of the Sangguniang
26 Panlungsod and provide legal assistance and support to the City Mayor in carrying
27 out the delivery of basic services and provisions of adequate facilities;

28 (2) Develop plans and strategies, and upon approval thereof by the City Mayor,
29 implement the same, particularly those which have to do with programs and projects
30 related to legal services which the City Mayor is empowered to implement and which
31 the Sangguniang Panlungsod is empowered to provide;

32 (3) Represent the City in all civil actions and special proceedings wherein the LGU or
33 any official thereof, in official capacity, is a party: *Provided*, That in actions or
34 proceedings where the City of Kalibo is a party adverse to the provincial government
35 or to another component city or municipality, a special legal officer may be employed
36 to represent the adverse party;

37 (4) When required by the City Mayor or Sangguniang Panlungsod, draft ordinances,
38 contracts, bonds, leases and other instruments involving any interest of the City and
39 provide comments and recommendations on any instruments already drawn;

- 1 (5) Render an opinion in writing on any question of law when requested to do so by
2 the City Mayor or Sangguniang Panlungsod;
- 3 (6) Investigate or cause to be investigated any local official or employee for
4 administrative neglect or misconduct in office and recommend the appropriate action
5 to the City Mayor or Sangguniang Panlungsod, as the case may be;
- 6 (7) Investigate or cause to be investigated any person, firm, or corporation holding
7 any franchise of exercising any public privilege for failure to comply with any term or
8 condition in the grant of such franchise or privilege, and recommend appropriate
9 action to the City mayor or Sangguniang Panlungsod, as the case may be;
- 10 (8) When directed by the City Mayor or Sangguniang Panlungsod, initiate and
11 prosecute, in the interest of the City, any civil action on any bond, lease, or other
12 contract upon any breach or violation thereof;
- 13 (9) Review and submit recommendation on ordinances approved and executive
14 orders issued by component units;
- 15 (10) Advise the City Mayor on all matters related to upholding the rule of law;
- 16 (11) Be in the frontline of protecting human rights and prosecuting any violations
17 thereof, particularly those which occur during and in the aftermath of man-made and
18 natural disasters or calamities and
- 19 (12) Perform such other duties and functions, and exercise such other powers as
20 provided under the Local Government Code of 1991, as amended, and those that are
21 prescribed by law or ordinance.

22

23 **Section 44.** *The City Social Welfare and Development Officer.* - (a) The City Social
24 Welfare and Development Officer must be a citizen of the Philippines, a resident of the
25 City of Kalibo, of good moral character, a duly licensed social worker or a holder of a
26 bachelor's degree preferably in the fields of social work, sociology, or any other related
27 course from a recognized college or university, a first grade civil service eligible or its
28 equivalent, and must have acquired at least five (5) years experience in the practice of the
29 social work profession immediately preceding the date of appointment.

30

31 (b) The City Social Welfare and Development Officer shall receive compensation,
32 emoluments and allowances as may be determined by law.

33

34 (c) The City Social Welfare and Development Officer shall take charge of the Office of
35 Social Welfare and Development, and shall:

- 36 (1) Formulate measures and strategies to ensure the delivery of basic services and the
37 provision of adequate facilities relative to social welfare and development services for
38 the approval of the Sangguniang Panlungsod and to assist the City Mayor in carrying
39 out these measures;

(2) In addition to the foregoing duties, the City Social Welfare and Development Officer shall:

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

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

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

(iv) Facilitate the implementation of welfare programs for the disabled, elderly and victims of drug addition, the rehabilitation of prisoners and parolees, the prevention of juvenile delinquency and such other activities which would eliminate and minimize the ill-effects of poverty;

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

(vi) Coordinate with government agencies and non-governmental organizations whose purpose is the promotion and the protection of all the needy, disadvantaged, underprivileged or impoverished groups or individuals, particularly those identified to be vulnerable and high risk to exploitation, abuse and neglect;

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

(4) Recommend to the Sangguniang Panlungsod and advise the City Mayor on all other matters related to social welfare and development services that will improve the livelihood and living conditions of the City's inhabitants; and

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

Section 45. The City Veterinarian. - (a) The City Veterinarian must be a citizen of the Philippines, a resident of the City of Kalibo, of good moral character, a licensed doctor of veterinary medicine and must have practiced the profession for at least three (3) years.

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

(c) The City Veterinarian shall take charge of the Office of Veterinary Services, and shall:

- (1) Formulate measures for the consideration of the Sangguniang Panlungsod and provide technical assistance and support to the City Mayor in carrying out measures to ensure the delivery of basic services and provision of adequate facilities;
- (2) Develop plans and strategies, and upon approval thereof by the City mayor, implement the same, particularly those which have to do with veterinary-related activities which the City Mayor is empowered to implement and which the Sangguniang Panlungsod is empowered to provide;
- (3) Advise the City Mayor on all matters pertaining to the slaughter of animals for human consumption and the regulation of slaughterhouses;
- (4) Regulate the keeping of domestic animals;
- (5) Regulate and inspect poultry, milk and dairy products for public consumption;
- (6) Enforce all laws and regulations for the prevention of cruelty to animals;
- (7) Take the necessary measures to eradicate, prevent or cure all forms of animal disease;
- (8) Be in the frontline of veterinary-related activities, such as during the outbreak of highly contagious and deadly diseases and in situations involving the depletion of animals for work and for human consumption, particularly those arising from and as a result of man-made and natural disasters or calamities;
- (9) Recommend to the Sangguniang Panlungsod and advise the City Mayor on all matter relative to veterinary services which will increase the number and improve the quality of livestock, poultry and other domestic animals used for work or human consumption; and
- (10) Perform such other duties and functions, and exercise such other powers as provided under the Local Government Code of 1991, as amended, and those that are prescribed by law or ordinance.

Section 46. *The City General Services Officer.* - (a) The City General Services Officer must a citizen of the Philippines, a resident of the City of Kalibo, of good moral character, a holder of a bachelor's degree in public administration, business administration, or management conferred by a recognized college or university, a first grade civil service eligible or its equivalent and must have acquired at least five (5) years experience in general services, including the management of supply, property, solid waste disposal and general sanitation.

(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 provisions of adequate facilities that require general services expertise in 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 that are supportive of the welfare of the inhabitants of the City which the City Mayor is empowered to implement and which the Sangguniang Panlungsod is empowered to provide;
- (3) Take custody of and accountable for all properties, real or personal, owned by the City, and those conveyed to it in the form of donation, reparation, assistance and counterpart of joint projects;
- (4) With the approval of the City Mayor, assign building or land space to local officials or other public officials who, by law, are entitled to the space;
- (5) Recommend to the City Mayor the reasonable rental rates for local government properties, whether real or personal which will be leased to public or private entities by the local government;
- (6) Recommend to the City Mayor reasonable rental rates of private properties which may be leased for the official use of the City;
- (7) Maintain and supervise janitorial, security, landscaping and other related services in all local government public buildings and other real property, whether owned or leased by the City;
- (8) Collate and disseminate information regarding prices, shipping and other costs of supplies and other items commonly used by the City;
- (9) Perform archival and record management with respect to records of offices and departments of the City;
- (10) Perform all other functions pertaining to supply and property management and enforce policies on records creation, maintenance and disposal;
- (11) Be in the frontline of general services-related activities such as the possible and imminent destruction or damage to records, supplies, properties and structure materials or debris, particularly during and in the aftermath of man-made and natural disasters and calamities;
- (12) Advise the City Mayor on all matters relative to general services; and
- (13) Perform such other duties and functions, and exercise such other powers as provided under the Local Government Code of 1991, as amended, and those that are prescribed by law or ordinance.

Section 47. *The City Environment and Natural Resources Officer.* - (a) The City Environment and Natural Resources Officer must be a citizen of the Philippines, a

1 resident of the City of Kalibo, of good moral character, a holder of a bachelor's degree
2 preferably in environment, forestry, agriculture or any other related course from a
3 recognized college or university, a first grade civil service eligible or its equivalent and
4 must have acquired at least five (5) years experience in environment and natural
5 resources management, conservation, and utilization work.

6 (b) The City Environment and Natural Resources Officer shall receive such compensation,
7 emoluments and allowances as may be determined by law.

8
9 (c) The City Environment and Natural Resources Officer shall take charge of the Office of
10 the Environment Service Department, and shall:

11 (1) Formulate measures and ordinances for the consideration of the Sangguniang
12 Panlungsod and provide assistance and support to the City Mayor in carrying out
13 measures to ensure the delivery of basic services and provisions of adequate facilities
14 relative to environment and natural resources services as provided under Section 17
15 of the Local Government Code of 1991, as amended;

16 (2) Develop plans and strategies, and upon approval thereof by the City Mayor,
17 implement the same, particularly those which have to do with environment and
18 natural resources programs and projects which the City Mayor is empowered to
19 implement and which the Sangguniang Panlungsod is empowered to provide;

20 (3) Establish, maintain, protect and preserve communal forests, watersheds, tree
21 parks, mangroves, green belt lands, commercial forests and similar projects like
22 industrial tree farms and agro-forestry projects;

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

25 (5) Manage and maintain seed banks and produce seedlings for forest and tree parks;

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

29 (7) Coordinate with government agencies and nongovernmental organizations in the
30 implementation of measures to prevent and control land, air, and water pollution
31 with the assistance of the Department of Environment and Natural Resources
32 (DENR);

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

36 (9) Recommend measures to the Sangguniang Panlungsod and advise the City
37 Mayor on all matters relative to the protection, conservation, maximum utilization,
38 application of appropriate technology and other matters related to the environment
39 and natural resources; and

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

Section 48. *The City Architect.* - (a) The City Architect must be a citizen of the Philippines, a resident of the City of Kalibo, of good moral character, a duly licensed architect and must have practiced the architectural profession for at least five (5) years. (b) The City Architect shall receive such compensation, emoluments and allowances as may be determined by law.

(c) The City Architect shall take charge of the Office of Architectural Planning and Design, 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 provision of adequate facilities relative to architectural planning and design;

(2) Develop plans and strategies, and upon approval thereof by the City Mayor, implement the same, particularly those which have to do with architectural planning and design programs and projects which the City Mayor is empowered to implement and which the Sangguniang Panlungsod is empowered to provide;

(3) Prepare and recommend for consideration of the Sangguniang Panlungsod the architectural plan and design for the City or a part thereof, including the renewal of slums and blighted areas, land reclamation activities, the greening of landscapes, the development of appropriate plans for the preservation and protection of marine and foreshore areas;

(4) Review and recommend for appropriate action of the Sangguniang Panlungsod or City Mayor, as the case may be, the architectural plans and design submitted by governmental and nongovernmental entities or individuals, particularly those for undeveloped, underdeveloped, and poorly designated areas;

(5) Coordinate with government and nongovernmental entities and individuals involved in the aesthetics and the maximum utilization of the land and water within the jurisdiction of the City in the implementation of plans and programs for the preservation of environmental integrity and ecological balance;

(6) Be in the frontline of the delivery of services involving architectural planning, design, and spatial distribution of basic facilities and physical structures especially in the aftermath of man-made and natural disasters or calamities;

(7) Advise the City Mayor on all matters relative to architectural planning and design as its relates to the total socio-economic development of the City; and

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

5 **Section 49. *The City Information Officer.*** - (a) The City Information Officer must be a
6 citizen of the Philippines, a resident of the City of Kalibo, of good moral character, a holder
7 of bachelor's degree preferably in journalism, mass communications, or any related
8 course from a recognized college or university, a first grade civil service eligible or its
9 equivalent and must have acquired at least three (3) years experience in writing articles
10 and research papers, or writing for print, television, or broadcast media,

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

14 (c) The term of the City Information Officer shall be coterminous with that of the
15 appointing authority;
16

17 (d) The City Information Officer shall take charge of the Office of the City Information
18 and Community Relations Department, and shall:

19 (1) Formulate measures for the consideration of the Sangguniang Panlungsod and
20 provide technical assistance and support to the City Mayor in providing the
21 appropriate information and research data required for the delivery of basic services
22 and provision of adequate facilities so that the public becomes aware of said services
23 and may fully avail of the same;

24 (2) Develop plans and strategies, and upon approval thereof by the City Mayor,
25 implement the same, particularly those which have to do with public information and
26 research data to support programs and projects which the City Mayor is empowered
27 to implement and which the Sangguniang Panlungsod is empowered to provide;

28 (3) Provide relevant, adequate and timely information to the City and its residents;

29 (4) Furnish information and data on the local government agencies or offices as may
30 be required by law or ordinance, and nongovernmental organization to be furnished
31 to said agencies and organizations;

32 (5) Maintain effective liaison with the various sectors of the community on matters
33 and issues that affect the livelihood and the quality of life of the City's inhabitants and
34 encourage support for programs of the local and National Government;

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

1 (7) Recommend to the Sangguniang Panlungsod and advise the City Mayor on all
2 matters relative to public information and research data as it relates to the total
3 socioeconomic development of the City; and

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

7
8 **Section 50. *The City Cooperatives Officer.*** - (a) The City Cooperatives Officer must be a
9 citizen of the Philippines, a resident of the City of Kalibo, of good moral character, a holder
10 of a bachelor's degree preferably in business administration with special training on
11 cooperatives or any related course from a recognized college or university, a first grade
12 civil service eligible or its equivalent and must have acquired at least five (5) years
13 experience on cooperative development, organization, and management.

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

16
17 (c) The City Cooperatives Officer shall take charge of the Office of the Development of
18 Cooperatives, and shall:

19 (1) Formulate measures for the consideration of the Sangguniang Panlungsod and
20 provide technical assistance and support to the City Mayor in carrying out measures
21 to ensure the delivery of basic services and the provision of facilities through the
22 development of cooperatives, and in providing access to such services and facilities;

23 (2) Develop plans and strategies, and upon approval thereof by the City Mayor,
24 implement the same, particularly those which have to do with the integration of
25 cooperatives principles and methods in programs which the City Mayor is
26 empowered to implement and which the Sangguniang Panlungsod is empowered to
27 provide;

28 (3) Assist in the organization of cooperatives;

29 (4) Provide technical and other forms of assistance to existing cooperatives to
30 enhance their viability as an economic enterprise and social organization;

31 (5) Assist cooperatives in establishing linkages with government agencies and
32 nongovernment organizations involved in the promotion and integration of the
33 concept of cooperatives in the livelihood of the people and other community
34 activities;

35 (6) Be in the frontline of cooperative organization, rehabilitation or viability-
36 enhancement, particularly during and in the aftermath of man-made and natural
37 calamities or disasters, to aid in their survival and, if necessary, subsequent
38 rehabilitation;

1 (7) Recommend to the Sangguniang Panlungsod and advise the City Mayor on all
2 other matters relative to cooperatives development and viability enhancement which
3 will improve the livelihood and quality of life of the inhabitants; and

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

7
8 **Section 51. *The City Population Officer.*** - (a) The City Population Officer must be a
9 citizen of the Philippines, a resident of the City of Kalibo, of good moral character, a holder
10 of a bachelor's degree in any of the social science discipline conferred by a recognized
11 college or university, and preferably specialized training in population development, a
12 first grade civil service eligible or its equivalent and must have acquired at least five (5)
13 years experience in the implementation of programs on population development or
14 responsible parenthood.

15
16 (b) The City Population Officer shall receive such compensation, emoluments and
17 allowances as may be determined by law.

18
19 (c) The City Population Officer shall take charge of the Office on Population Development,
20 and shall:

21 (1) Formulate measures for the consideration of the Sangguniang Panlungsod and provide
22 technical assistance and support to the City mayor in carrying out measures to ensure the
23 delivery of basic services and provision of adequate facilities through the integration of
24 the population development principles and in providing access to said services and
25 facilities;

26 (2) Develop plans and strategies, and upon approval thereof by the City Mayor,
27 implement the same, particularly those which have to do with the integration of
28 population development principles and methods in program and projects which the City
29 Mayor is empowered to implement and which the Sangguniang Panlungsod is
30 empowered to provide; and

31 (3) Assist the City Mayor in the implementation of the constitutional provisions relative
32 to population development and the promotion of responsible parenthood;

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

36 (5) Implement appropriate training programs responsive to the cultural heritage of the
37 inhabitants; and

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

Section 52. *The City Agriculturist.* (a) The City Agriculturist must be a citizen of the Philippines, a resident of the City of Kalibo, of good moral character, a holder of a bachelor's degree in agriculture or any other related course conferred by a recognized college or university, a first grade civil service eligible or its equivalent, and must have practiced the agriculture profession or acquired at least five (5) years experience in agriculture or a related field.

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

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

(1) Formulate measures for 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 provision of adequate facilities relative to agricultural services;

(2) Develop plans and strategies, and upon approval thereof by the City Mayor, implement the same, particularly those which have to do with agricultural programs and projects which the City Mayor is empowered to implement and which the Sangguniang Panlungsod is empowered to provide;

(3) In addition to the foregoing duties and functions, the City Agriculturist shall:

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

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

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

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

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

- (4) Be in the frontline in the delivery of basic agricultural services and provide technical advice to farmers and fisher-folk in the adoption of critical climate adaptation and disaster mitigation practices and techniques, and ensure the availability of staple food such as rice, corn, and produce especially in preparation for an impending natural calamity, and in the aftermath of man-made or natural disasters;
- (5) Recommend to the Sangguniang Panlungsod and advise the City Mayor on all other matters related to agriculture and aquaculture which will improve the livelihood and living conditions of the inhabitants; and
- (6) Perform such other duties and functions, and exercise such other powers as provided under the Local Government Code of 1991, as amended, and those that are prescribed by law or ordinance.

Section 53. *The City Human Resource Management Officer.* - (a) The City Human Resource Management Officer must be a citizen of the Philippines, a resident of the City of Kalibo, of good moral character, a holder of a bachelor's degree preferably in human resource, psychology, and other related course conferred by a recognized college or university, a first grade civil service eligible or its equivalent and must have acquired at least five (5) years experience in organization design and strategic workforce planning, recruitment and staffing, performance management, compensation and benefits, and training and development traffic management immediately preceding the date of appointment.

(b) The City Human Resource Management Officer shall receive compensation, emoluments, and allowances as may be determined by law.

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

- (1) Develop a human resource management plan aimed at improving the productivity and professional growth of the City Government's employees, and recommend the same to the City Mayor, and if warranted, to the Sangguniang Panlungsod for approval and implementation;
- (2) Ensure that the recruitment, selection and placement is based on merit and fitness;
- (3) Design, develop, coordinate, implement, deliver and evaluate training programs that support organization objectives that are aligned with the organizations strategic plans;
- (4) Develop and implement heads and staff development programs that support the organizations succession plans;

1 (5) Ensure the implementation of a Strategic Performance Management System that
2 includes individual Performance Contracts, ensures results-based performance, and
3 the provision of rewards and recognition for outstanding performance and loyalty in
4 the service; and

5 (6) Perform such other duties and functions, and exercise such other powers as may
6 be prescribed by law or ordinance.

7
8 **Section 54. *The City Tourism Officer.*** - (a) The City Tourism Officer must be a citizen of
9 the Philippines, a resident of the City of Kalibo, of good moral character, a holder of a
10 bachelor's degree in tourism or a related field conferred by a recognized college or
11 university, and preferably specialized training in tourism development, a first grade civil
12 service eligible or its equivalent, and must have acquired at least five (5) years experience
13 in implementing programs on tourism development.

14
15 (b) The City Tourism Officer shall receive such compensation, emoluments and
16 allowances as may be determined by law.

17
18 (c) The City Tourism Officer shall assist the City mayor and the local tourism council in
19 developing and implementing programs and shall:

20 (1) Encourage the LGU to enact local legislation adopting the Department of Tourism
21 (DOT) accreditation stands for tourism facilities and services;

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

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

26 (4) Pursue the implementation of the national tourism master plans, the national
27 ecotourism strategy and the area specific plans of the national and LGUs;

28 (5) Support the LGU in promoting festivals, fiestas and other tourism-related activities;
29 and

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

33
34 **Section 55. *The Public Order and Safety Officer.*** - (a) The City Public Order and Safety
35 Officer must be a citizen of the Philippines, a resident of the City of Kalibo, of good moral
36 character, a holder of a bachelor's degree from a recognized college or university and a
37 first grade civil service eligible or its equivalent. He must have acquired experience in
38 public safety management for at least five (5) years immediately preceding the date of his
39 appointment.

ARTICLE VIII
THE CITY FIRE STATION SERVICE, THE CITY JAIL
SERVICE, THE CITY SCHOOLS DIVISION, AND THE CITY
PROSECUTION SERVICE

Section 56. *The City Fire Station Service.* - (a) There shall be established in the City of Kalibo at least one (1) fire station with adequate personnel, firefighting facilities and equipment, subject to the standards, rules and regulations that may be promulgated by the DILG. The City shall provide necessary site for the station.

(b) The City Fire Station Service shall be responsible for the provision of various emergency services such as rescue and evacuation of injured people related to fire incidents and, in general, fire prevention and suppression measures to secure the safety of life and property of the citizenry.

(c) The City Fire Station Service shall be headed by a City Fire Marshal whose qualifications shall be as provided under Republic Act No. 9263, as amended, otherwise known as the "Bureau of Fire Protection and Bureau of Jail Management and Penology Professionalization Act of 2004".

Section 57. *The City Jail Service.* - (a) At least five (5) months from the commencement of the corporate existence of the City, the DILG shall establish and maintain a secured, clean, adequately equipped and sanitary jail facility for the custody and safekeeping of prisoners, any fugitive from justice, or person detained awaiting investigation or trial or transfer to the national penitentiary, or a violent mentally-ill persona who may endanger oneself or the safety of others, as duly certified by the proper medical health officer, prior to the transfer of such person to a mental institution.

(b) The City Jail Service shall be headed by a City Jail Warden whose qualifications shall be provided for under Republic Act No. 9263, as amended, otherwise known as the "Bureau of Fire Protection and Bureau of Jail Management and Penology Professionalization Act of 2004". The Provincial Jail Warden shall assist in the immediate rehabilitation of individuals or detention of prisoners. Great care must be exercised so that human rights of these prisoners are respected and protected, and their spiritual and physical well-being are properly and promptly attended to.

Section 58. *The City Schools Division.* - The Department of Education (DepEd) shall establish and maintain a City Schools Division of the City of Kalibo whose area of jurisdiction will cover all the school districts within the City.

1
2 The City Schools Division shall be headed by a City Schools Division Superintendent who
3 must possess the necessary qualifications required by the DepEd.
4

5 **Section 59.** *The City Prosecution Service.* - (a) The Department of Justice (DOJ) shall,
6 within two (2) months from the commencement of the corporate existence of the City,
7 establish and maintain a prosecution service. It shall be headed by a City Prosecutor, who
8 shall be assigned by such number of assistant prosecutors as may be necessary, and whose
9 qualifications, manner of appointment, rank, salary and benefits shall be governed by
10 existing laws covering prosecutors in the DOJ. The City Prosecution Service shall be
11 organizationally part of the DOJ, and under the supervision and control of the Secretary
12 of the DOJ.
13

14 (b) The City Prosecutor shall handle the criminal prosecution in the municipal trial courts
15 in the City as well as in the regional trial courts, for criminal cases originating in the
16 territory of the City, and shall render to or for the City such services as are required by
17 law, ordinance, or regulation of the DOJ.
18

19 (c) The Secretary of Justice shall always ensure the adequacy and quality of prosecution
20 service in the City and for this purpose, shall, in the absence or lack or insufficiency in
21 number of assistant city prosecutors as provided hereinabove, designate from among the
22 assistant provincial prosecutors a sufficient number to perform and discharge the
23 function of the City Prosecution Service as provided hereinabove.
24

25 **ARTICLE IX**

26 **THE CITY REGISTRY OF DEEDS**

27 **Section 60.** *The City Registry of Deeds Office.* - There shall be established in the City a
28 Registry of Deeds Office, subject to the standards, rules, and regulations as may be
29 promulgated by the DOJ, which shall discharge its duties under the general supervision
30 of the Administrator of the Land Registration Authority and the Secretary of the DOJ.
31

32 **Section 61.** *The City Register of Deeds.* - (a) The City Register of Deeds shall be the head
33 of the City Registry of Deeds Office, He must be a citizen of the Philippines, of good moral
34 character, a member of the Integrated Bar, and must have practiced his profession for at
35 least five (5) years immediately preceding the date of his appointment.

36 (b) The City Register of Deeds shall receive such compensation, emoluments, and
37 allowances as may be determined by law.

1 (c) The City Register of Deeds shall take charge of the City Registry of Deeds Office and
2 shall perform such duties and functions and exercise such other powers as provided by
3 law.

4
5 **ARTICLE X**

6 **TRANSITORY AND FINAL PROVISIONS**

7 **Section 62.** *Municipal Ordinances Existing at the Time of the Approval of this Act.* - All
8 municipal ordinances of the Municipality of Kalibo existing at the time of the approval of
9 this Act shall continue to be in force within the City of Kalibo until the Sangguniang
10 Panlungsod shall provide otherwise.

11
12 **Section 63.** *Plebiscite.* - The City of Kalibo shall acquire corporate existence upon the
13 ratification of its creation by a majority of the votes cast by the qualified voters in a
14 plebiscite to be conducted in the present Municipality of Kalibo within sixty (60) days
15 from the approval of this Act.

16
17 The Commission on Elections (COMELEC) shall conduct and supervise such plebiscite.
18 The expenses for such plebiscite shall be borne by the Municipality of Kalibo.

19
20 **Section 64.** *Holdover Authority of the Officials of the Municipality of Kalibo.* - The
21 present elective officials of the Municipality of Kalibo shall continue to exercise their
22 powers and functions until such time that a new election is held and the duly-elected
23 officials shall have already qualified and assumed their offices. Appointive officials and
24 employees of the Municipality of Kalibo shall, likewise, continue exercising their
25 functions and duties and they shall automatically be absorbed by the City Government of
26 the City of Kalibo.

27
28 **Section 65.** *Succession Clause.* - The City of Kalibo shall succeed to all the assets,
29 properties, liabilities and obligations of the Municipality of Kalibo.

30
31 **Section 66.** *Election of Provincial Governor and Sangguniang Panlalawigan Members*
32 *of the Province of Aklan.* - The qualified voters of the City of Aklan shall be qualified to
33 vote and run for any elective position in the elections for provincial governor, provincial
34 vice governor, Sangguniang Panlalawigan members and other elective offices of the
35 Province of Kalibo.

36
37 **Section 67.** *Jurisdiction of the Province of Aklan.* - The City of Kalibo shall, unless
38 otherwise provided by law, continue to be under the jurisdiction of the Province of Aklan.

Section 68. *Suspension of Increase in Rates of Local Taxes.* - No increase in the rates of local taxes shall be imposed by the City of Kalibo within the period of five (5) years from its acquisition of corporate existence.

Section 69. *Legislative District.* - Until otherwise provided by law, the City of Kalibo shall continue to be part of the Fifth Legislative District of the Province of Aklan.

Section 70. *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 Kalibo insofar as they are not inconsistent with the provisions of this Act.

Section 71. *Separability Clause.* - If, for any reason or reasons, any part or provision of this Charter shall be held unconstitutional, invalid or inconsistent with the Local Government Code of 1991, as amended, the other parts or provisions hereof which are not affected shall continue to be in full force and effect.

Section 72. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,