

Republic of the Philippines
House of Representatives
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. 5776



Introduced by HON. JAMES "JOJO" ANG JR.

EXPLANATORY NOTE

The Municipality of Malay, Province of Aklan is a first-class municipality which is essential to our tourism industry as it encompasses Boracay, arguably one of the premier tourist destinations in the world. Thus, the Municipality of Boracay has contributed significantly to the country's economy through the years.

Under Republic Act No. 11683, titled "*An Act Amending Section 450 of Republic Act No. 7160, as Amended, by Providing for the Requisites for the Conversion of a Municipality into a Component City, and for Other Purposes,*" a municipality may be converted into city provided it meets the requirements set forth therein. The Municipality of Malay has met all conditions as required by RA 11683 and RA 7610.

In view of the foregoing, the immediate passage of this bill creating the City of Malay Boracay is earnestly sought


JAMES "JOJO" ANG JR.
Uswag Ilonggo Party-list

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 5776

Introduced by HON. JAMES “JOJO” ANG JR.

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

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

ARTICLE I

GENERAL PROVISIONS

Section 1. Title. This Act shall be known as the “Charter of the City of Malay Boracay.”

Section 2. The City of Malay Boracay. The Municipality of Malay is hereby converted into a component city to be known as the City of Malay Boracay, hereinafter referred to as the “City,” which shall comprise the present territory of the Municipality of Malay in the Province of Aklan. The territorial jurisdiction of the City shall be within the present metes and bounds of the Municipality of Malay.

The foregoing provision shall be without prejudice to the resolution, by the appropriate agency or forum, of existing boundary disputes or cases involving questions of territorial jurisdiction between the City of Malay Boracay and the adjoining local government units (LGUs): Provided, That the territorial jurisdiction of the disputed area or areas shall remain with the LGU exercising powers, prerogatives,

and authorities over such disputed area or areas under Republic Act No. 7160, otherwise known as the Local Government Code of 1991, as amended, until the final resolution of the case.

Section 3. Corporate Powers of the City. The City constitutes a political body corporate and, as such, is endowed with the attribute of perpetual succession and possessed of the powers which pertain to a municipal corporation, to be exercised in conformity with the provisions of this Charter. The City shall have the following corporate powers:

(a) To have a continuous succession in its corporate name;

(b) To sue and be sued;

(c) To have and use a corporate seal;

(d) To acquire and convey real or personal property;

(e) To enter into contracts; and

(f) To exercise such other powers as are granted to corporations, subject to the limitations provided in this Act and other laws.

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

Section 5. General Welfare Clause. - The City shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary,

appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare.

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

Section 6. Liability for Damages. The City and its officials shall not be exempt from liability for death or injury to persons or damage to property done or caused as a consequence or result of the discharge or performance of official functions within the scope of their duties.

Section 7. Jurisdiction of the City. The jurisdiction of the City of Malay Boracay, for police purposes only, shall be coextensive with its territorial jurisdiction and for the purpose of protecting and insuring the purity of the water supply of the city, such police jurisdiction shall also extend over all territory within the drainage area of such water supply, or within one hundred meters of any reservoir, conduit, canal, aqueduct or pumping station used in connection with the city water service.

The city court of the city shall have concurrent jurisdiction with the city or municipal courts of adjoining municipalities or cities, to try crimes and misdemeanors committed within said drainage area, or within said spaces of one hundred (100) meters.

The court, first taking cognizance of such an offense, shall have jurisdiction to try said cases to the exclusion of others. But any license that may be issued within said zone, area, or spaces shall be granted by the proper authorities of the city or municipality concerned, and the fees arising therefrom shall accrue to the treasury of the said city or municipality.

ARTICLE II
OFFICIALS IN GENERAL

Section 8. Officials of the City of Malay Boracay.

(a) There shall be in the City of Malay Boracay a City Mayor, a Vice Mayor, and Sangguniang Panlungsod Members. The appointive city officials are as follows:

- 1) Secretary to the Sangguniang Panlungsod
- 2) City Administrator
- 3) City Treasurer and an Assistant City Treasurer
- 4) City Assessor and an Assistant City Assessor
- 5) City Accountant
- 6) City Budget Officer
- 7) City Planning and Development Officer
- 8) City Engineer
- 9) City Health Officer
- 10) City Civil Registrar
- 11) City Legal Officer
- 12) City Veterinarian
- 13) City Social Welfare and Development Officer
- 14) City General Services Officer
- 15) City Disaster Risk Reduction Management Officer
- 16) City Public Employment and Services Officer
- 17) City Tourism Officer
- 18) City Youth Development Officer
- 19) City Cooperatives Development Officer
- 20) City Persons with Disability Affairs Officer
- 21) City Office of the Senior Citizens Affairs Head
- 22) City Agricultural and Biosystems Engineer
- 23) City Agriculturist
- 24) City Population Officer
- 25) City Environment and Natural Resources Officer

- 26) City Human Resource Management Officer
27) City Zoning Administrator
28) City Business Permitting and Licensing Officer
29) City Economic Enterprise and Development Officer
30) City Transportation Regulation Officer
31) City College Administrator
32) City Building and Architecture Officer
33) City Sports Development Officer
34) City Public Information Officer

The City of Malay Boracay shall maintain a City Fire Station to be headed by a City Fire Marshal and a City Jail to be headed by a City Jail Warden.

The City of Malay Boracay, through the Sangguniang Panlungsod, may:

1. Maintain existing offices not mentioned in subsections hereof;
2. Create such other offices as may be necessary to carry out the purpose of the City; or
3. Consolidate the functions of any office with those of another in the interest of efficiency and economy.

Unless otherwise provided herein, all appointive city officials of the City shall be appointed by the City Mayor with the concurrence of the majority of all the Sangguniang Panlungsod Members, subject to Civil Service Law, rules, and regulations. The Sangguniang Panlungsod shall act on the appointment within fifteen (15) days from the date of its submission; otherwise, the same shall be deemed confirmed.

ARTICLE III THE CITY MAYOR AND CITY VICE-MAYOR

Section 9. The City Mayor. (a) The City Mayor shall be the Chief Executive of the City and shall be elected at large by the qualified voters of the City.

The City Mayor shall, at the time of the election, be at least twenty-one (21) years of age, a resident of the City of Malay Boracay for at least one (1) year immediately preceding the day of the election, a qualified registered voter therein, and be able to read and write Filipino or any local language or dialect.

The City Mayor, who shall hold office for three (3) years unless sooner removed, and shall not serve for more than three (3) consecutive terms in the same position, shall receive a minimum monthly compensation corresponding to Salary Grade (SG) 30 as prescribed under Republic Act No. 6758, as amended, otherwise known as the Compensation and Position Classification Act of 1989, and the implementing guidelines issued pursuant thereto and such other compensation, emoluments, and allowances as may be determined by law.

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

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

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

(i) Determine the guidelines of city policies and be responsible to the Sangguniang 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

151 the opening of the regular session of the Sangguniang
152 Panlungsod every calendar year and, as often as may be deemed
153 necessary, as the general welfare of the inhabitants and the needs
154 of the City Government may require;

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

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

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

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

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

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

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

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

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

194 (xiii) Visit component barangays of the City, at least once every
195 six (6) months, to deepen his understanding of problems and
196 conditions, to listen and to give appropriate counsel to local
197 officials and inhabitants, to inform component barangay officials
198 and inhabitants of general laws and ordinances which especially
199 concern them, and other wise, conduct visits and inspections to
200 ensure that the governance of the City will improve the quality of
201 life of inhabitants;

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

205 (xv) Authorize official trips of city officials and employees
206 outside of the City for a period not exceeding thirty (30)

207 days: *Provided*, That trips abroad for longer periods may be
208 authorized in accordance with the Local Government Code of
209 1991, as amended;

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

213 (xvii) Coordinate with said officials or employees in the
214 formulation and the implementation of plans, programs, and
215 projects; and when appropriate, initiate an administrative or
216 judicial action against a National Government official or
217 employee, who may have committed an offense in the
218 performance of the official duties while stationed in or assigned
219 to the City;

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

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

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

231 (xxi) Submit to the provincial governor of the following reports
232 an annual report containing a summary of all matters pertinent
233 to the management, administration, and development of the City
234 and all information and data relative to its political, social and

235 economic conditions; supplemental reports when unexpected
236 events and situations arise at any time during the year,
237 particularly when man-made or natural disasters or calamities
238 affect the general welfare of the City.

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

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

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

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

258 (i) Require the head of an office or department to prepare and submit an
259 estimate of appropriations for the ensuing calendar year, in accordance
260 with the budget preparation process enshrined in the Local Government
261 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

288 (ix) Institute or cause to be instituted administrative or judicial
289 proceedings for violation of ordinances in the collection of taxes, fees, or
290 charges, and for the recovery of funds and property; and cause the City
291 to be defended against all suits to ensure that its interests, resources, and
292 rights are adequately protected.

293 (4) Ensure the delivery of basic services and the provision of adequate facilities
294 and, in addition thereto:

295 (i) Ensure that the construction and repair of roads and highways
296 funded by the National Government shall be, as far as practicable,
297 carried out in a spatially contiguous manner and in coordination with
298 the construction and repair of the roads and bridges of the City and the
299 province;

300 (ii) Coordinate the implementation of technical services, including
301 public works and infrastructure programs, rendered by national offices
302 and provincial offices.

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

306 (d) The City Mayor shall hold office in the City Hall of the City of Malay Boracay.

307 The Office of the Mayor may create the following offices, which will be supervised by
308 an officer with a salary equivalent to City Assistant Department Head, to effectively
309 and efficiently deliver services:

310 (1) City Procurement Management Division

311 (2) City Internal Audit Division

312 (3) City Information and Communications Technology Development Division

313 (4) City Public Order and Safety Division

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 that 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;

(4) Exercise the powers and perform the duties and functions of the City Mayor in cases of temporary vacancy as provided under the Local Government Code of 1991, as amended; 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.

340 **ARTICLE IV**

341 **THE SANGGUNIAN PANLUNGSOD**

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

352 The regular member shall be elected by district, with each district electing five (5)
353 members of the Sangguniang Panlungsod, as follows:

354 (1) The 1st district to be known as The District of Mainland Malay is
355 composed of the fourteen (14) barangays that are geographically located
356 in Mainland Malay: Barangay Caticlan, Sambiray, Argao, Napaan,
357 Cogon, Cubay Norte, Cubay Sur, Nabaoy, Motag, Balusbos, Poblacion,
358 Dumlog, Kabulihan, and Naasug; and

359 (2) The 2nd district to be known as The District of Boracay Island is
360 composed of the three barangays in Boracay Island: Manocmanoc,
361 Balabag, and Yapak.

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

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

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

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

(i) Review all ordinances approved by the Sangguniang Barangay and executive 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 a 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 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;

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

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

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

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

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

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

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

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

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

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

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

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

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

481 (ix) Enact an integrated zoning ordinance in consonance with the
482 approved comprehensive land use plan, subject to existing laws, rules,
483 and regulations; establish fire limits or zones, particularly in populous
484 centers, and regulate the construction, repair, or modification of
485 buildings within said fire limits or zones in accordance with the
486 provisions of the Fire Code of the Philippines;

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

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

500 (xii) Grant loans or provide grants to other LGUs or to national,
501 provincial, and city charitable, benevolent, or educational
502 institutions: *Provided*, That said institutions are operated and
503 maintained within the City;

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

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

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

532 franchises for the operation thereof within the territorial jurisdiction of
533 the City; and

534 (vii) Upon approval by a majority vote of all the members of the
535 Sangguniang Panlungsod, grant a franchise to any person, partnership,
536 corporation or cooperative to do business within the City; establish,
537 construct, operate and maintain markets or slaughterhouses; or
538 undertake such other activities within the City as may be allowed by
539 existing laws: *Provided*, That cooperatives shall be given preference in
540 the grant of such a franchise.

541 (4) Regulate activities relative to the use of land, buildings, and structures
542 within the City in order to promote the general welfare and for said purpose
543 shall:

544 (i) Declare, prevent, or abate any nuisance;

545 (ii) Within the concurrence of the majority of the members of the
546 Sangguniang Panlungsod expressed during a meeting, deny the entry of
547 legalized gambling by ordinance into any part of the City;

548 (iii) Require that buildings and the premises thereof and any land within
549 the City be kept and maintained in a clean and sanitary condition;
550 impose penalties for any violation thereof; or upon failure to comply
551 with said requirement, have the work done at the expense of the owner,
552 administrator or tenant concerned; or require the filling of any land or
553 premise to a grade necessary for proper sanitation;

554 (iv) Regulate the disposal of clinical and other wastes from hospitals,
555 clinics, and other similar establishments;

556 (v) Regulate the establishment, operation, and maintenance of cafes,
557 restaurants, beerhouses, hotels, motels, inns, pension houses, lodging

558 houses, and other similar establishments, including tourist guides and
559 transportation;

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

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

565 (viii) Regulate the establishment, operation, and maintenance of any
566 entertainment or amusement facilities, including theaters, circuses,
567 billiard halls, public dancing schools, public dance halls, sauna baths,
568 massage parlors, and other places for entertainment or amusement;
569 regulate such other events or activities for amusement or entertainment,
570 particularly those which tend to disturb the community or annoy the
571 inhabitants, or require the suspension or suppression of the same; or
572 prohibit certain forms of amusement or entertainment in order to protect
573 the social and moral welfare of the community;

574 (ix) Regulate the establishment, operation, and maintenance of funeral
575 parlors and the burial or cremation of the dead, subject to existing laws,
576 rules, and regulations; and

577 (x) Enforce impounding activities to contain stray animals; designate a
578 pound area; regulate the keeping of animals in homes or as a part of
579 business, and the slaughter, sale, or disposition of the same; and adopt
580 measures to prevent and penalize animal cruelty.

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

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

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

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

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

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

(vi) Subject to existing law, establish and provide for the maintenance, repair, and operation of an efficient waterworks system to supply water for the City's inhabitants and to purify the source of water supply; regulate the construction, maintenance, repair and use of hydrants, pumps, cisterns and reservoirs; protect the purity and quantity of the

613 water supply of the City and, for this purpose, extend the coverage of
614 appropriate ordinances over all territories within the drainage area of
615 said water supply and within one hundred (100) meters of the reservoir,
616 canal, conduit, aqueduct, pumping station or watershed used in
617 connection with the water service; and regulate the consumption, use or
618 wastage of water and fix and collect charges therefor;

619 (vii) Regulate the drilling and excavation of the ground for the laying of
620 water, gas, sewer, and other pipes, telecommunication cable wires and
621 the construction, repair and maintenance of public drains, sewers,
622 cesspools, tunnels and similar structures; regulate the placing of poles
623 and the use of cross walks, curbs and gutters; adopt measures to ensure
624 public safety against open canals, manholes, live wires and other similar
625 hazards to life and property; and regulate the construction and use of
626 private water closets, privies and other similar structures in buildings
627 and homes;

628 (viii) Regulate the placing, stringing, attaching, installing, repairing, and
629 construction of all gas mains, electric telegraph and telephone wires,
630 conduits, meters, and other apparatus; and provide for the correction,
631 condemnation, or removal of the same when found to be dangerous,
632 defective, or otherwise hazardous to the welfare of the inhabitants;

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

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

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

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

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

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

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

662 (xvi) Establish a council for the elderly which shall formulate policies
663 and adopt measures mutually beneficial to the elderly and to the
664 community; provide incentives for nongovernmental agencies and
665 entities, and, subject to the availability of funds, appropriate funds to
666 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. 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 and procedures.

The rules of procedure shall provide for the following:

(a) The organization of the Sanggunian and the election of its officers as well as the creation of standing committees which shall include, but shall not be limited to, the Committees on Appropriations, Revenues, Engineering and Public Works, Education, Health, Women, Family, Human Rights, Youth and Sports Development, Environmental Protection, Peace and Order and Traffic, and Cooperatives; the general jurisdiction of each committee; and the election of the chairman and members of each committee;

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

(c) The legislative process;

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

(e) 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-third (2/3) vote of the Sanggunian Members: provided, further, that a member convicted by final

judgment to imprisonment of at least one (1) year for any crime involving moral turpitude shall be automatically expelled from the Sanggunian; and

(f) Such other rules as the Sanggunian may adopt.

Section 14. Full Disclosure of Financial and Business Interests of Sangguniang

Panlungsod Members. – (a) Every Sangguniang Panlungsod Member shall, upon assumption of office, make a full disclosure of his business and financial interests. He shall also disclose any business, financial, professional relationship, or any relation by affinity or consanguinity within the fourth civil degree, which he or she may have with any person, firm, or entity affected by any ordinance or resolution under consideration by the Sanggunian of which he or she is a member, which relationship may result in a conflict of interest. Such a 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 that the ordinance or resolution under consideration may affect.

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

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

(1) Disclosure shall be made before the member participates in the deliberations on the ordinance or resolution under consideration: provided, that if the member did not participate during the

720 deliberations, the disclosure shall be made before voting on the
721 ordinance or resolution on second and third readings; and

722 (2) Disclosure shall be made when a member takes a position or makes
723 a privileged speech on a matter that may affect the business interest,
724 financial connection, or professional relationship described herein.

725 **Section 15. Sessions.** – (a) On the first day of the session immediately following the
726 election of its members, the Sangguniang Panlungsod shall, by resolution, fix the day,
727 time, and place of its regular sessions. The minimum number of regular sessions shall
728 be once a week for the Sangguniang Panlungsod and twice a month for the
729 Sangguniang Barangay.

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

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

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

739 Unless concurred in by a two-thirds (2/3) vote of the Sanggunian Members
740 present, there being a quorum, no other matters may be considered at a special
741 session except those stated in the notice.

742 (e) The Sanggunian shall keep a journal and record of its proceedings, which
743 may be published upon resolution of the Sangguniang Panlungsod.

744 **Section 16. Quorum.** – (a) A majority of all the members of the Sanggunian who have
745 been elected and qualified shall constitute a quorum to transact official business.
746 Should a question of quorum be raised during a session, the Presiding Officer shall

747 immediately proceed to call the roll of the members and thereafter announce the
748 results.

749 (b) Where there is no quorum, the Presiding Officer may declare a recess until
750 such time as a quorum is constituted, or a majority of the members present may
751 adjourn from day to day and may compel the immediate attendance of any
752 member absent without justifiable cause by designating a member of the
753 Sanggunian to be assisted by a member or members of the police force assigned
754 in the territorial jurisdiction of the City of Malay Boracay, to arrest the absent
755 member and present him at the session.

756 (c) If there is still no quorum despite the enforcement of the immediately
757 preceding subsection, no business shall be transacted. The Presiding Officer,
758 upon proper motion duly approved by the members present, shall then declare
759 the session adjourned for lack of quorum.

760 **Section 17. Approval of Ordinances.** – (a) Every ordinance enacted by the
761 Sangguniang Panlungsod shall be presented to the City Mayor. If the City Mayor
762 approves the same, he shall affix his signature on each and every page thereof;
763 otherwise, he shall veto it and return the same with his objections to the Sanggunian,
764 which may proceed to reconsider the same. The Sanggunian may override the veto of
765 the City Mayor by a two-thirds (2/3) vote of all its members, thereby making the
766 ordinance or resolution effective for all legal intents and purposes.

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

770 **Section 18. Veto Power of the City Mayor.** – (a) The City Mayor may veto any
771 ordinance of the Sangguniang Panlungsod on the ground that it is ultra vires or
772 prejudicial to the public welfare, stating his reasons therefor in writing.

773 (b) The City Mayor shall have the power to veto any particular item or items of
774 an appropriations ordinance, an ordinance or resolution adopting a local

development plan and public investment program, or an ordinance directing the payment of money or creating liability. In such a case, the veto shall not affect the item or items that are not objected to. The vetoed item or items shall not take effect unless the Sangguniang Panlungsod overrides the veto in the manner herein provided; otherwise, the item or items in the appropriation ordinance of the previous year corresponding to those vetoed, if any, shall be deemed reenacted.

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

Section 19. Review of Ordinances or Resolutions by the Sangguniang Panlalawigan. - (a) Within three (3) days after approval, the secretary to the Sangguniang Panlungsod or Sangguniang Bayan shall forward to the Sangguniang Panlalawigan for review, copies of approved ordinances and the resolutions approving the local development plans and public investment programs formulated by the local development councils.

(b) Within thirty (30) days after receipt of copies of such ordinances and resolutions, the Sangguniang Panlalawigan shall examine the documents or transmit them to the provincial attorney, or if there be none, to the provincial prosecutor for prompt examination. The provincial attorney or provincial prosecutor shall, within a period of ten (10) days from receipt of the documents, inform the Sangguniang Panlalawigan in writing of his comments or recommendations, which may be considered by the Sangguniang Panlalawigan in making its decision.

(c) If the Sangguniang Panlalawigan finds that such an ordinance or resolution is beyond the power conferred upon the Sangguniang Panlungsod or Sangguniang Bayan concerned, it shall declare such ordinance or resolution invalid in whole or in part. The Sangguniang Panlalawigan shall enter its action

in the minutes and shall advise the corresponding city or municipal authorities of the action it has taken.

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

Section 20. Review of Barangay Ordinances by Sangguniang Panlungsod. – (a) Within ten (10) days after enactment, the Sangguniang Barangay shall furnish copies of all barangay ordinances to the Sangguniang Panlungsod for review as to whether the ordinances are consistent with law and city ordinances.

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

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

Section 21. Enforcement of Disapproved Ordinances or Resolutions. Any attempt to enforce 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 a copy thereof is posted in a bulletin board at the entrance of the city hall of Malay Boracay, and in at least two (2) other conspicuous places in the City of Malay Boracay 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 of Malay Boracay, and in at least two (2) conspicuous places in the City of Malay Boracay 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 the Secretary of the Sangguniang Panlungsod shall record such fact in a book kept for the purpose, stating the date 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 on the City's official website.

ARTICLE VI

DISQUALIFICATION AND SUCCESSION OF ELECTIVE CITY OFFICIALS

Section 23. Disqualifications of Elective Public 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 for an offense punishable by one (1) year or more of imprisonment, within two (2) years after serving the 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;

(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; and

(g) The insane or feeble-minded.

Section 24. Permanent Vacancy in the Office of the City Mayor and City Vice

Mayor. If a permanent vacancy occurs in the office of the City Mayor, the City Vice Mayor concerned shall become the City Mayor. If a permanent vacancy occurs in the Offices of the Mayor or the City Vice Mayor, the highest ranking Sangguniang Panlungsod Member or, in case of his permanent incapacity, the second highest Sangguniang Panlungsod Member shall become the City Mayor or City Vice Mayor, as the case may be. Subsequent vacancies in said offices shall be filled automatically by the other Sanggunian Members according to their ranking as defined under the Local Government Code of 1991, as amended.

For purposes of this act, a permanent vacancy arises when an elective local official fills a higher vacant office, refuses to assume office, fails to qualify, dies, is removed from office, voluntarily resigns, or is otherwise permanently incapacitated to discharge the functions of the office.

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

Section 25. Permanent Vacancies in the Sangguniang Panlungsod. – (a) Permanent vacancies in the Sangguniang Panlungsod where automatic succession as provided above does not apply shall be filled by appointment in the following manner:

(1) The Provincial Governor shall make the aforesaid appointment;

(2) Only the nominee of the political party under which the Sanggunian Member concerned had been elected shall be appointed in the manner herein

provided. The appointee shall come from the same political party as that of the Sanggunian Member who caused the vacancy and shall serve the unexpired term of the vacant office. In the appointment herein mentioned, a nomination and a certificate of membership of the appointee from the highest official of the political party concerned are conditions sine qua non, and any appointment without such nomination and certification shall be null and void ab initio and shall be a ground for administrative action against the official responsible therefor;

(3) In case the permanent vacancy is caused by a Sanggunian 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 his duties for physical or legal reasons such as, but not limited to, leave of absence, travel abroad, and suspension from office, the City Vice Mayor, or the highest ranking Sangguniang Panlungsod Member 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 be exercised if the period of temporary incapacity exceeds thirty (30) working days;

(b) Said temporary incapacity shall terminate upon submission to the Sangguniang Panlungsod of a written declaration by the City Mayor that he has reported back to office. In cases where the temporary incapacity is due to legal causes, the City Mayor shall also submit necessary documents showing that said legal causes no longer exist.

(c) When the City Mayor is travelling within the country but outside his territorial jurisdiction for a period not exceeding three (3) consecutive days, he may designate in writing the officer-in-charge of his 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) In the event, however, that 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 day of absence of the City Mayor, subject to the limitations provided in subsection (c) hereof; and

(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 Member of the Sangguniang Panlungsod, as the case may be.

ARTICLE VII

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

Section 27. The Secretary of the Sangguniang Panlungsod. – (a) There shall be a Secretary to the Sangguniang Panlungsod who shall be a career official with the rank and salary equal to a head of department or office and who shall be appointed by the City Vice Mayor.

(b) No person shall be appointed Secretary to the Sangguniang Panlungsod unless he is a citizen of the Philippines, a resident of the City of Malay Boracay, of good moral character, a holder of a college degree preferably in Law, Commerce, or Public Administration from a recognized college or university, and a second-level civil service eligible or its equivalent.

(c) The Secretary to the Sangguniang Panlungsod shall take charge of the office of the Secretary to the Sangguniang Panlungsod and shall:

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

(2) Keep the seal of the city and affix the same with his signature to all ordinances, resolutions, and other official acts of the Sangguniang Panlungsod and present the same to the Presiding Officer for his signature;

(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 of Aklan 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 his 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 office and all non-confidential records therein open to the public during the usual business hours;

(8) Translate into the dialect used by the majority of the inhabitants all ordinances and resolutions immediately after their approval and cause the publication of the same together with the original version in the

963 manner provided under the Local Government Code of 1991, as
964 amended;

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

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

970 **Section 28. The City Administrator.** – (a) The City Administrator must be a citizen of
971 the Philippines, a resident of the City of Malay Boracay, of good moral character, a
972 holder of a college degree preferably in Public Administration, Law, or any other
973 related courses from a recognized college or university, and a second-level civil
974 service eligible or its equivalent. He must have acquired experience in management
975 and administration work for at least five (5) years immediately preceding the date of
976 his appointment.

977 (b) The term of the City Administrator is coterminous with that of the
978 appointing authority.

979 (c) The City Administrator shall take charge of the Office of the City
980 Administrator, and shall:

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

987
988 (2) Assist in the coordination of the work of all the officials of the City
989 under the supervision, direction, and control of the City Mayor, and for

990 this purpose, may convene the chiefs of offices and other officials of the
991 LGU;

992
993 (3) Establish and maintain a sound human resource development
994 program designed to promote career development and uphold the merit
995 principle in the local government service;

996
997 (4) Conduct a continuing organizational development program with the
998 end in view of instituting effective administrative reforms;

999
1000 (5) Be in the frontline of the delivery of administrative support services,
1001 particularly those related to the situations during and in the aftermath
1002 of man-made and natural disasters and calamities;

1003
1004 (6) Recommend to the Sangguniang Panlungsod and advise the City
1005 Mayor on all matters relative to the management and administration of
1006 the city; and

1007
1008 (7) Perform such other duties and functions and exercise such other
1009 powers as provided for under the Local Government Code of 1991, as
1010 amended, and those that are prescribed by law or ordinance.

1011 **Section 29. The City Treasurer.** – (a) The City Treasurer shall be appointed by the
1012 Secretary of Finance from a list of at least three (3) ranking eligible recommended by
1013 the City Mayor, subject to Civil Service Law, rules, and regulations.

1014 (b) The City Treasurer shall be under the administrative supervision of the City
1015 Mayor, to whom he shall report regularly on the tax collection efforts of the
1016 city.

1017 (c) No person shall be appointed Treasurer unless he is a citizen of the
1018 Philippines, a resident of the City of Malay Boracay, of good moral character, a

holder of a college degree preferably in Commerce, Public Administration or Law from a recognized college or university, a basic competency on local treasury examination passer and a second level civil service eligible or its equivalent. He must have acquired experience in treasury or accounting service for at least five (5) years.

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

(e) The City Treasurer shall take charge of the City Treasurer's Office, and shall:

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

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

(3) Take charge of the disbursement of all funds of the city and such other funds the custody of which may be entrusted to him by law or other competent authority;

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

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

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

Section 30. The Assistant City Treasurer. – (a) The Assistant City Treasurer may be appointed by the Secretary of Finance from a list of at least three (3) ranking eligible recommended by the City Mayor, subject to Civil Service Law, rules, and regulations.

(b) No person shall be appointed Assistant City Treasurer unless he is a citizen of the Philippines, a resident of the City of Malay Boracay, of good moral character, a holder of a college degree preferably in Commerce, Public Administration or Law from a recognized college or university, a basic competency on local treasury examination passer, and a second level civil service eligible or its equivalent. He must have acquired at least five (5) years of experience in Treasury or Accounting.

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

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

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

Section 31. The City Assessor. – (a) The City Assessor must be a citizen of the Philippines, a resident of the City of Malay Boracay, of good moral character, a holder of a college degree preferably in Civil Engineering, Commerce, or any other related course from a recognized college or university, and a licensed Real Estate Appraiser. He must have acquired experience in real property assessment work or in any related field for at least five (5) years immediately preceding the day of his appointment.

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

(c) The City Assessor shall take charge of the City Property Valuation and Assessment Department, and shall:

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

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

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

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

(5) Prepare, install, and maintain a system of tax mapping, showing graphically all properties subject to assessment and gather all data concerning the same;

(6) Conduct frequent physical surveys to verify and determine whether all real properties within the city are properly listed in the assessment rolls;

(7) Exercise the functions of appraisal and assessment primarily for taxation purposes of all real properties in the City;

(8) Prepare a schedule of the fair market value of the different classes of real properties in accordance with the provisions of the Local Government Code of 1991, as amended;

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

(10) Submit every semester a report of all assessments, as well as cancellations and modifications of assessments, to the City Mayor and the Sangguniang Panlungsod;

1100 (11) Attend personally or through an authorized representative all
1101 sessions of the Local Board of Assessment Appeals whenever an
1102 assessment is the subject of an appeal, and present or submit any
1103 information or record in the possession of the City Property Valuation
1104 and Assessment Department as may be required by the Board; and
1105 (12) Perform such other duties and functions and exercise such other
1106 powers as provided under the Local Government Code of 1991, as
1107 amended, and those that are prescribed by law or ordinance.

1108 **Section 32. The Assistant City Assessor.** – (a) The Assistant City Assessor must be a
1109 citizen of the Philippines, a resident of the City of Malay Boracay, of good moral
1110 character, a holder of a college degree preferably in Civil Engineering, Commerce, or
1111 any related course from a recognized college or university, and a licensed Real Estate
1112 Appraiser. He must have acquired experience in assessment work or in any related
1113 field for at least three (3) years immediately preceding the date of his appointment.

1114 (b) The Assistant City Assessor shall assist the City Assessor and perform such
1115 other duties as the latter may assign to him.

1116 (c) The Assistant City Assessor shall have the authority to administer oaths on
1117 all declarations of real property for purposes of assessment.

1118 (d) The Assistant City Assessor shall receive such compensation, emoluments,
1119 and allowances as may be determined by law.

1120 **Section 33. The City Accountant.** – (a) The City Accountant must be a citizen of the
1121 Philippines, a resident of the City of Malay Boracay, of good moral character, and a
1122 Certified Public Accountant. He must have acquired experience in the Treasury or
1123 Accounting service for at least five (5) years immediately preceding the date of his
1124 appointment.

1125 (b) The City Accountant shall receive such compensation, emoluments, and
1126 allowances as may be determined by law.

- 1127 (c) The City Accountant shall take charge of the accounting and internal audit
1128 services of the city, and shall:
- 1129 (1) Install and maintain an internal audit system in the city.
- 1130 (2) Prepare and submit financial statements to the City Mayor and to the
1131 Sangguniang Panlungsod;
- 1132 (3) Apprise the Sangguniang Panlungsod and other officials on the financial
1133 condition and operations of the City;
- 1134 (4) Certify to the availability of budgetary allotment, of which expenditures
1135 and obligations may be properly charged;
- 1136 (5) Review supporting documents before preparation of vouchers to
1137 determine completeness of requirements;
- 1138 (6) Prepare statements of cash advances, liquidation, salaries, allowances,
1139 reimbursements, and remittances pertaining to the city;
- 1140 (7) Prepare statements of journal vouchers and liquidation of the same and
1141 other adjustments related thereto;
- 1142 (8) Post individual disbursement to the subsidiary ledgers and other
1143 appropriate record-keeping instruments;
- 1144 (9) Maintain individual ledgers for officials and employees of the city
1145 pertaining to payroll and deductions;
- 1146 (10) Record and post details of purchased furniture, fixtures, and
1147 equipment, including disposal thereof, if any;
- 1148 (11) Account for all issued requests for obligations and maintain and keep
1149 all records and reports related thereto;
- 1150 (12) Prepare journals and the analysis of obligations and maintain and keep
1151 all records and reports related thereto; 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 34. The City Budget Officer. – (a) The City Budget Officer must be a citizen of the Philippines, a resident of the City of Malay Boracay, of good moral character, a holder of a college degree preferably in Accounting, Economics, Public Administration, or any related course from a recognized college or university, and a second-level civil service eligible or its equivalent. He must have acquired experience in government budgeting or in any related field for at least five (5) years immediately preceding the date of his appointment.

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

(c) The City Budget Officer shall take charge of the City Budget Department, and shall:

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

(2) Review and consolidate the budget proposals of different departments and offices of the city;

(3) Assist the City Mayor in the preparation of the annual budget and in presenting the same during the budget hearings;

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

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

- 1177 (6) Coordinate with the City Treasurer, the City Accountant, and the
1178 City Planning and Development Officer for the purpose of budgeting;
- 1179 (7) Assist the Sangguniang Panlungsod in reviewing the approved
1180 budgets of the component barangays;
- 1181 (8) Coordinate with the City Planning and Development Officer in the
1182 formulation of the development plan of the city; and
- 1183 (9) Perform such other duties and functions and exercise such other
1184 powers as provided under the Local Government Code of 1991, as
1185 amended, and those that are prescribed by law or ordinance.

1186 **Section 35. The City Planning and Development Officer.** – (a) The City Planning and
1187 Development Officer must be a citizen of the Philippines, a resident of the City of
1188 Malay Boracay, of good moral character, a holder of a college degree preferably in
1189 Urban Planning, Development Studies, Economics, Public Administration, or any
1190 related courses from a recognized college or university, and a licensed Environmental
1191 Planner. He must have acquired experience in development planning or in any related
1192 field for at least five (5) years immediately preceding the date of his appointment.

1193 (b) The City Planning and Development Officer shall receive such
1194 compensation, emoluments, and allowances as may be determined by law.

1195 (c) The City Planning and Development Officer shall take charge of the City
1196 Planning and Development Department, and shall:

1197 (1) Formulate integrated economic, social, physical, and other
1198 development plans and policies for consideration of the city;

1199 (2) Conduct continuing studies, research, and training programs
1200 necessary to evolve plans and programs for implementation;

1201 (3) Integrate and coordinate all sectoral plans and studies undertaken by
1202 the different functional groups or agencies;

1203 (4) Monitor and evaluate the implementation of the different
1204 development programs, projects, and activities in the city in accordance
1205 with the approved development plan;

1206 (5) Prepare comprehensive plans and other development planning
1207 documents for the consideration of the local development council;

1208 (6) Analyze the income and expenditure patterns, and formulate and
1209 recommend fiscal plans and policies for consideration of the Finance
1210 Committee of the Sangguniang Panlungsod as provided under the Local
1211 Government Code of 1991, as amended.

1212 (7) Promote people's participation in development planning within the
1213 City;

1214 (8) Exercise supervision and control over the secretariat of the Local
1215 Development Council; and

1216 (9) Perform such other duties and functions and exercise such other
1217 powers as provided under the Local Government Code of 1991, as
1218 amended, and those that are prescribed by law or ordinance.

1219 **Section 36. The City Engineer.** – (a) The City Engineer must be a citizen of the
1220 Philippines, a resident of the City of Malay Boracay, of good moral character, and a
1221 licensed Civil Engineer. He must have acquired experience in the practice of his
1222 profession for at least five (5) years immediately preceding the date of his
1223 appointment.

1224 (b) The City Engineer shall receive such compensation, emoluments, and
1225 allowances as may be determined by law.

1226 (c) The City Engineer shall take charge of the City Engineering Public Works
1227 Department, and shall:

1228 (1) Initiate, review, and recommend changes in policies and objectives,
1229 plans and programs, techniques, procedures, and practices in
1230 infrastructure development and public works in general of the city;

1231 (2) Advise the City Mayor on infrastructure, public works, and other
1232 engineering matters;

1233 (3) Administer, coordinate, supervise, and control the construction,
1234 maintenance, improvement, and repair of roads, bridges, and other
1235 engineering and public works projects of the city;

1236 (4) Provide engineering services to the city, including investigation and
1237 survey, engineering designs, feasibility studies, and project
1238 management; and

1239 (5) Perform such other duties and functions and exercise such other
1240 powers as provided under the Local Government Code of 1991, as
1241 amended, and those that are prescribed by law or ordinance.

1242 **Section 37. The City Health Officer.** – (a) The City Health Officer must be a citizen
1243 of the Philippines, a resident of the City of Malay Boracay, of good moral character,
1244 and a licensed medical practitioner. He must have acquired experience in the practice
1245 of his profession for at least five (5) years immediately preceding the date of his
1246 appointment.

1247 (b) The City Health Officer shall receive such compensation, emoluments, and
1248 allowances as may be determined by law.

1249 (c) The City Health Officer shall take charge of the City Health and Sanitation
1250 Department, and shall:

1251 (1) Supervise the personnel and staff of said office, formulate program
1252 implementation guidelines and rules and regulations for the operation
1253 of the said office for the approval of the City Mayor in order to assist
1254 him in the efficient, effective, and economical implementation of a health

1255 services program geared to the implementation of health-related
1256 projects and activities;

1257 (2) Formulate measures for the consideration of the Sangguniang
1258 Panlungsod and provide technical assistance and support to the City
1259 Mayor in carrying out activities to ensure the delivery of basic services
1260 and provision of adequate facilities relative to health services provided
1261 under Section 17 of the Local Government Code of 1991, as amended;

1262 (3) Develop plans and strategies and, upon approval thereof by the City
1263 Mayor, implement the same, particularly those which have to do with
1264 health programs and projects which the City Mayor is empowered to
1265 implement and which the Sangguniang Panlungsod is empowered to
1266 provide under the Local Government Code of 1991, as amended;

1267 (4) Coordinate with national, regional, and provincial health officials
1268 and with other agencies of the government in the implementation of
1269 mitigation policies and other measures during public health
1270 emergencies;

1271 (5) Supervise the delivery of basic health service, all city health centers,
1272 hospitals, and clinics in accordance with city and national health policies
1273 and programs such as those on dental health, maternal health, family
1274 planning, nutrition, immunization, and environmental safety and
1275 sanitation;

1276 (6) In addition to the foregoing duties and functions, the City Health
1277 Officer shall:

1278 (i) Formulate and implement policies, plans, and projects to
1279 promote the health of the people in the City;

1280 (ii) Advise the City Mayor and the Sangguniang Panlungsod on
1281 matters pertaining to health;

- 1282 (iii) Execute and enforce all laws, ordinances, and regulations
1283 relating to public health;
- 1284 (iv) Recommend to the Sangguniang Panlungsod, through the
1285 Local Health Board, the passage of such ordinances necessary for
1286 the preservation of public health;
- 1287 (v) Recommend the prosecution of any violation of sanitary laws,
1288 ordinances, or regulations;
- 1289 (vi) Direct the sanitary inspection of all business establishments
1290 selling food items or providing lodging accommodations such as
1291 hotels, motels, lodging houses, and pension houses, in
1292 accordance with the Sanitation Code;
- 1293 (vii) Conduct health information campaigns and render health
1294 intelligence services; and
- 1295 (viii) Coordinate with other government agencies and
1296 nongovernmental organizations involved in the promotion and
1297 delivery of health services;
- 1298 (7) Be in the frontline of the delivery of health services, particularly
1299 during and in the aftermath of man-made and natural disasters and
1300 calamities; and
- 1301 (8) Perform such other duties and functions and exercise such other
1302 powers as provided under the Local Government Code of 1991, as
1303 amended, and those that are prescribed by law or ordinance.

1304 **Section 38. The Assistant City Health Officers.** - (a) The two (2) Assistant City Health
1305 Officers, one (1) assigned to the District of Mainland Malay and one (1) assigned to
1306 the District of Boracay Island, must be citizens of the Philippines, residents of the City
1307 of Malay Boracay, of good moral character, duly licensed medical practitioners, and
1308 must have engaged in the practice of medicine for at least three (3) years.

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

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

Section 39. The City Civil Registrar. – (a) The City Civil Registrar must be a citizen of the Philippines, a resident of the City of Malay Boracay, of good moral character, a holder of a college degree from a recognized college or university, a first-grade civil service eligible or its equivalent, and must have acquired at least five (5) years of experience in civil registry work.

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

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

(d) The City Civil Registrar shall take charge of the City Civil Registry Department, and shall:

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

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

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

- 1336 (ii) File, keep, and preserve in a secure place the books required
1337 by law;
- 1338 (iii) Transcribe and enter immediately upon receipt all registrable
1339 documents and judicial decrees affecting the civil status of
1340 persons in the appropriate civil registry books;
- 1341 (iv) Transmit to the Office of the Civil Registrar-General within
1342 the prescribed period, duplicate copies of registered documents
1343 required by law;
- 1344 (v) Issue certified transcripts or copies of any certificate or
1345 registered documents upon payment of the required fees to the
1346 city treasurer;
- 1347 (vi) Receive applications for the issuance of a marriage license
1348 and, after determining that the requirements and supporting
1349 certificates and publication thereof for the prescribed period have
1350 been complied with, issue the license upon payment of the
1351 authorized fee to the City Treasurer; and
- 1352 (vii) Coordinate with the Philippine Statistics Authority (PSA) in
1353 conducting educational campaigns for vital registration and
1354 assist in the preparation of demographic data and other statistics
1355 for the City of Malay Boracay; and
- 1356 (3) Perform such other duties and functions and exercise such other
1357 powers as provided under the Local Government Code of 1991, as
1358 amended, and those that are prescribed by law or ordinance.

1359 **Section 40. The Assistant City Civil Registrar.** - (a) The Assistant City Civil Registrar
1360 must be a citizen of the Philippines, a resident of the City of Malay Boracay, of good
1361 moral character, a holder of bachelor's degree from a recognized college or university,

a first grade civil service eligible, and must have acquired at least three (3) years experience in civil registry work or any related field.

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

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

Section 41. The City Legal Officer. – (a) The City Legal Officer must be a citizen of the Philippines, a resident of the City of Malay Boracay, of good moral character, and a member of the Philippine Bar. He must have practiced his profession for at least five (5) years immediately preceding the date of his appointment.

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

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

(d) The City Legal Officer, as chief legal counsel of the City, shall take charge of the City Legal Department, and shall:

(1) Formulate measures and ordinances for the consideration of the Sangguniang Panlungsod and provide legal assistance and support to the City Mayor in carrying out the delivery of basic services and provisions 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 programs and projects related to legal services which the city mayor is empowered to implement and which the Sangguniang Panlungsod is empowered to provide;

- 1387 (3) Represent the City in all civil actions and special proceedings
1388 wherein the City or any official thereof, in his official capacity, is a party:
1389 Provided, That, in actions or proceedings where a component city or
1390 municipality is a party adverse to the provincial government or to
1391 another component city or municipality, a special legal officer may be
1392 employed to represent the adverse party;
- 1393 (4) When required by the City Mayor or Sangguniang Panlungsod, draft
1394 ordinances, contracts, bonds, leases, and other instruments involving
1395 any interest of the City, and provide comments and recommendations
1396 on any instrument already drawn;
- 1397 (5) Render his opinion in writing on any question of law when requested
1398 to do so by the City Mayor or Sangguniang Panlungsod;
- 1399 (6) Investigate or cause to be investigated any local official or employee
1400 for administrative neglect or misconduct in office, and recommend
1401 appropriate action to the City Mayor or Sangguniang Panlungsod, as the
1402 case may be;
- 1403 (7) Investigate or cause to be investigated any person, firm, or
1404 corporation holding any franchise or exercising any public privilege for
1405 failure to comply with any term or condition in the grant of such
1406 franchise or privilege, and recommend appropriate action to the City
1407 Mayor or Sangguniang Panlungsod, as the case may be;
- 1408 (8) When directed by the City Mayor or Sangguniang Panlungsod,
1409 initiate and prosecute, in the interest of the City concerned, any civil
1410 action on any bond, lease, or other contract upon any breach or violation
1411 thereof; and
- 1412 (9) Review and submit recommendations on ordinances approved and
1413 execute orders issued by component units;

1414 (10) Recommend measures to the Sangguniang Panlungsod and advise
1415 the City Mayor on all matters related to upholding the rule of law;

1416 (11) Be in the frontline of protecting human rights and prosecuting any
1417 violation thereof, particularly those which occur during and in the
1418 aftermath of man-made or natural disasters and calamities; and

1419 (12) Perform such other duties and functions and exercise such other
1420 powers as provided under the Local Government Code of 1991, as
1421 amended, and those that are prescribed by law or ordinance.

1422 **Section 42. The City Veterinarian.** – (a) The City Veterinarian must be a citizen of the
1423 Philippines, a resident of the City of Malay Boracay, of good moral character, and a
1424 licensed doctor of veterinary medicine. He must have practiced his profession for at
1425 least five (5) years immediately preceding the date of his appointment.

1426 (b) The City Veterinarian shall receive such compensation, emoluments, and
1427 allowances as may be determined by law.

1428 (c) The City Veterinarian shall take charge of the City Veterinary Services
1429 Department, and shall:

1430 (1) Formulate measures for the consideration of the Sangguniang
1431 Panlungsod and provide technical assistance and support to the City
1432 Mayor in carrying out measures to ensure the delivery of basic services
1433 and provision of adequate facilities relative to veterinary services;

1434 (2) Develop plans and strategies and, upon approval thereof by the City
1435 Mayor, implement the same, particularly those which have to do with
1436 veterinary-related activities which the City Mayor is empowered to
1437 implement and which the Sangguniang Panlungsod is empowered to
1438 provide;

1439 (3) Advise the City Mayor on all matters pertaining to the slaughter of
1440 animals for human consumption and the regulation of slaughterhouses;

- 1441 (4) Regulate the keeping of domestic animals;
- 1442 (5) Regulate and inspect poultry, milk, and dairy products for public
1443 consumption;
- 1444 (6) Enforce all laws and regulations for the prevention of cruelty to
1445 animals;
- 1446 (7) Take the necessary measures to eradicate, prevent, or cure all forms
1447 of animal disease;
- 1448 (8) Be in the frontline of veterinary-related activities, such as in the
1449 outbreak of highly contagious and deadly diseases, and in situations
1450 resulting in the depletion of animals for work and human consumption,
1451 particularly those arising from and in the aftermath of man-made and
1452 natural disasters and calamities;
- 1453 (9) Recommend to the Sangguniang Panlungsod and advise the City
1454 Mayor on all other matters relative to veterinary services which will
1455 increase the number and improve the quality of livestock, poultry, and
1456 other domestic animals used for work or human consumption; and
- 1457 (10) Perform such other duties and functions and exercise such other
1458 powers as provided under the Local Government Code of 1991, as
1459 amended, and those that are prescribed by law or ordinance.

1460 **Section 43. The City Social Welfare and Development Officer.** – (a) The City Social
1461 Welfare and Development Officer must be a citizen of the Philippines, a resident of
1462 the City of Malay Boracay, of good moral character, a duly licensed Social Worker or
1463 a holder of a college degree preferably in Sociology or any other related course from
1464 a recognized college or university, and a second level civil service eligible or its
1465 equivalent. He must have acquired experience in the practice of social work for at least
1466 five (5) years immediately preceding the date of his appointment.

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

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

(1) Formulate measures for the approval 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 social welfare and development services;

(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 the impoverished and develop and implement appropriate measures to alleviate their problems and improve their living conditions;

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

(iii) Assist the 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 addiction, 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;

1493 (v) Initiate and support a youth welfare program that will
1494 enhance the role of youth in nation-building;

1495 (vi) Coordinate with government agencies and nongovernmental
1496 organizations whose purpose is the promotion and the protection
1497 of all the needy, disadvantaged, underprivileged, or
1498 impoverished groups or individuals, particularly those identified
1499 to be vulnerable and high risk to exploitation, abuse, and neglect;

1500 (3) Be in the frontline of service delivery, particularly those with
1501 immediate relief and assistance during and in the aftermath of man-
1502 made and natural disasters and calamities;

1503 (4) Recommend to the Sangguniang Panlungsod and advise the City
1504 Mayor on all other matters related to social welfare and development
1505 services which will improve the livelihood and living conditions of the
1506 City's inhabitants; and

1507 (5) Perform such other duties and functions and exercise such other
1508 powers as provided under the Local Government Code of 1991, and
1509 those that are prescribed by law or ordinance.

1510 **Section 44. The City General Services Officer.** – (a) The City General Services Officer
1511 must be a citizen of the Philippines, a resident of the City of Malay Boracay, of good
1512 moral character, a holder of a college degree preferably in Industrial Engineering,
1513 Industrial Management, Public Administration, Business Administration or
1514 Management, and/or any related courses from a recognized college or university,
1515 and a second level civil service eligible or its equivalent. He must have acquired
1516 experience in general services, including management of supply, property, solid
1517 waste disposal, and general sanitation for at least five (5) years immediately preceding
1518 the date of his appointment.

1519 (b) The City General Services Officer shall receive such compensation,
1520 emoluments, and allowances as may be determined by law.

(c) The City General Services Officer shall take charge of the City General Services Department, 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 public services and provision of adequate facilities, which require general services expertise and technical support services;

(2) Develop plans and strategies and, upon approval thereof by the City Mayor, implement the same, particularly those which have to do with general services 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 be accountable for all properties, real or personal, owned by the city, and those granted 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;

- 1547 (8) Collate and disseminate information regarding prices, shipping, and
1548 other costs of supplies and other items commonly used by the City;
- 1549 (9) Perform archival and record management with respect to records of
1550 offices and departments of the City;
- 1551 (10) Perform all other functions pertaining to supply and property
1552 management and enforce policies on records creation, maintenance, and
1553 disposal;
- 1554 (11) Be in the frontline of general services-related activities, such as the
1555 possible or imminent destruction or damage to records, supplies,
1556 properties, and structural materials or debris, particularly during and in
1557 the aftermath of man-made and natural disasters and calamities;
- 1558 (12) Recommend to the Sangguniang Panlungsod and advise the City
1559 Mayor on all other matters relative to general services; and
- 1560 (13) Perform such other duties and functions and exercise such other
1561 powers as provided under the Local Government Code of 1991, as
1562 amended, and those that are prescribed by law or ordinance.

1563 **Section 45. The City Disaster Risks Reduction and Management Officer.** – (a) The
1564 City Disaster Risks Reduction Management Officer must be a citizen of the
1565 Philippines, a resident of the City of Malay Boracay, of good moral character, a holder
1566 of a college degree preferably in Disaster Risk Management, Engineering, Healthcare,
1567 and/or any related courses from a recognized college or university, and a second level
1568 civil service eligible or its equivalent. He must have acquired experience in disaster
1569 risk reduction management for at least five (5) years immediately preceding the date
1570 of his appointment.

1571 (b) The City Disaster Risks Reduction Management Officer shall receive such
1572 compensation, emoluments, and allowances as may be determined by law or
1573 ordinance.

(c) The City Disaster Risks Reduction Management Officer shall take charge of the City Disaster Risks Reduction Management Department, and shall:

(1) Develop plans and strategies and, upon approval thereof by the City Mayor, implement the same, which the City Mayor is empowered to implement and which the Sangguniang Panlungsod is empowered to provide;

(2) Set the direction, development, implementation, and coordination of disaster risk management programs within their territorial jurisdiction;

(3) Design, program, and coordinate disaster risk reduction and management activities consistent with the standards and guidelines of the National Disaster Risk Reduction and Management Council (NDRRMC);

(4) Facilitate and support risk assessments and contingency planning activities at the local level;

(5) Consolidate local disaster risk information, which includes natural hazards, vulnerabilities, and climate change risk, and maintain a local risk map;

(6) Organize and conduct training, orientation, and knowledge management activities on disaster risk reduction and management at the local level;

(7) Operate a multi-hazard early warning system, link to disaster risk reduction to provide accurate and timely advice to national or local emergency response organizations and to the general public, through diverse mass media, particularly radio, landline communication, and technologies for communication within rural communities;

(8) Formulate and implement a comprehensive and integral City Disaster Risk Reduction and Management Plan (CDRRMP) and City

1601 Climate Change Action Plan (CCCAP) in accordance with the national,
1602 regional, and provincial frameworks and policies on disaster risk
1603 reduction, in close coordination with the Local Development Council
1604 (LDC);

1605 (9) Prepare and submit to the Sangguniang Panlungsod through the City
1606 Disaster Risk Reduction and Management Council (CDRRMC) and the
1607 Local LDC the Annual City Disaster Risk Reduction and Management
1608 Office (CDRRMO) Plan and Budget, the proposed programming of the
1609 City Disaster Risk Reduction and Management Fund (CDRRMF), other
1610 dedicated disaster risk reduction and management resources, and other
1611 regular funding sources and budgetary support of the CDRRMO and
1612 the Barangay Disaster Risk Reduction and Management Committees
1613 (BDRRMC);

1614 (10) Conduct continuous disaster monitoring and mobilize
1615 instrumentalities and entities of the LGUs, civil society organizations
1616 (CSOs), private groups, and organized volunteers, to utilize their
1617 facilities and resources for the protection and preservation of life and
1618 properties during emergencies in accordance with existing policies and
1619 procedures;

1620 (11) Identify, assess, and manage the hazards, vulnerabilities, and risks
1621 that may occur in their locality;

1622 (12) Disseminate information and raise public awareness about those
1623 hazards, vulnerabilities, and risks, their nature, effects, early warning
1624 signs, and countermeasures;

1625 Identify and implement cost-effective risk reduction measures and
1626 strategies;

- 1627 (13) Maintain a database of human resources, equipment, directories,
1628 and the location of critical infrastructures and their capacities, such as
1629 hospitals and evacuation centers;
- 1630 (14) Develop, strengthen, and operationalize mechanisms for
1631 partnership or networking with the private sector, CSOs, and volunteer
1632 groups;
- 1633 (15) Take all necessary steps on a continuing basis to maintain, provide
1634 or arrange the provision of or to otherwise make available, suitably-
1635 trained and competent personnel for effective civil defense and disaster
1636 risk reduction and management in its area;
- 1637 (16) Organize, train, equip, and supervise the local emergency response
1638 teams and the Accredited Community Disaster Volunteers (ACDVs),
1639 ensuring that humanitarian aid workers are equipped with basic skills
1640 to assist mothers to breastfeed.
- 1641 (17) Respond to and manage the adverse effects of emergencies and
1642 carry out recover activities in the affected area, ensuring that there is an
1643 efficient mechanism for immediate delivery of food, shelter and medical
1644 supplies for women and children, endeavor to create a special place
1645 where internally-displaced mothers and children can find help with
1646 breastfeeding, feed and care for their babies and give support to each
1647 other;
- 1648 (18) Within its area, promote and raise public awareness and compliance
1649 with Republic Act No. 10121, otherwise known as the Philippine
1650 Disaster Risk Reduction and Management Act of 2010, and other
1651 relevant legislative provisions;
- 1652 (19) Serve as the secretariat and executive arm of the CDRRMC;
- 1653 (20) Coordinate other disaster risk reduction and management activities;

- 1654 (21) Establish linkage/network with other LGUs for disaster risk
1655 reduction and emergency response purposes;
- 1656 (22) Recommend through the CDRRMC the enactment of local
1657 ordinances consistent with the requirements of this Act;
- 1658 (23) Implement policies, approved plans, and programs of the CDRRMC
1659 consistent with the policies and guidelines laid down in the Philippine
1660 Disaster Risk Reduction and Management Act of 2010;
- 1661 (24) Establish a City Disaster Risk Reduction and Management
1662 Operations Center;
- 1663 (25) Prepare and submit, through the CDRRMC and the LDC, the report
1664 on the utilization of the CDRRMF and other dedicated disaster risk
1665 reduction and management resources to the local Commission on Audit
1666 (COA) for city-level and internal audit for municipal and component
1667 city-level, copy Operations Officer of the Department of the Interior and
1668 Local Government (DILG);
- 1669 (26) Act on the other matters that may be authorized by the CDRRMC;
1670 and
- 1671 (27) Perform such other duties and functions and exercise such other
1672 powers as may be prescribed by the Philippine Disaster Risk Reduction
1673 and Management Act of 2010 and those that are prescribed by law or
1674 ordinance.

1675 **Section 46. The City Public Employment Service Officer.** – (a) The City Public
1676 Employment Service Officer must be a citizen of the Philippines, a resident of the City
1677 of Malay Boracay, of good moral character, a holder of a college degree preferably in
1678 Business Administration major in Human Resource Management, Operations
1679 Management (OM), Human Resource Management (HRM), Human Resource
1680 Development (HRD) and/or allied fields from a recognized college or university, and

a second level civil service eligible or its equivalent. He must have acquired experience in human resource management for at least five (5) years immediately preceding the date of his appointment.

(b) The City Public Employment Service Officer shall receive such compensation, emoluments, and allowances as may be determined by law or ordinance.

(c) The City Public Employment Service Officer shall take charge of the City Public Employment Service Office, and shall:

(1) Promote employment programs for city residents in need of jobs;

(2) Provide employment counselling, career guidance, and other such services to the city's students and out-of-school youth;

(3) Promote industrial peace by mediating in labor management disputes upon the request of a contending party;

(4) Develop plans and strategies and, upon approval thereof by the City Mayor, implement the same, particularly those relating to public employment services which the City Mayor is empowered to implement and which the Sangguniang Panlungsod is empowered to provide; and

(5) Perform such other duties and functions and exercise such other powers as may be prescribed by the Public Employment Service Office Act of 1999, as amended, and those that are prescribed by law or ordinance.

Section 47. The City Tourism Officer. – (a) The City Tourism Officer must be a citizen of the Philippines, a resident of the City of Malay Boracay, of good moral character, a holder of a college degree preferably in Tourism, Tourism Management, Hospitality Management, and/or any related courses from a recognized college or university, and a second level civil service eligible or its equivalent. He must have acquired experience

1707 in cultural and tourism services for at least five (5) years immediately preceding the
1708 date of his appointment.

1709 (b) The City Tourism Officer shall receive such compensation, emoluments,
1710 and allowances as may be determined by law.

1711 (c) The City Tourism Officer shall take charge of the City Tourism Office, and
1712 shall:

1713 (1) Develop plans and strategies and, upon approval thereof by the city
1714 mayor, implement the same, which the city mayor is empowered to
1715 implement and which the Sangguniang Panlungsod is empowered to
1716 provide;

1717 (2) Initiate and implement the city government's activities related to
1718 culture and tourism;

1719 (3) Acts on referrals and instructions of the City Mayor on activities
1720 pertaining to culture, tourism, and historical matters; handles projects
1721 related to tourism;

1722 (4) Takes charge of the preservation and promotion of the cultural
1723 heritage of the city and of the nation in general by implementing projects
1724 related to culture;

1725 (5) Encourages the organization of cultural groups in the City of Malay
1726 Boracay through periodic competitions, exhibitions, and performances,
1727 both for public benefit and for the discovery, development, and
1728 presentation of individual and group talents;

1729 (6) Formulates plans, programs, and projects related to the
1730 commemoration of historical events in the City of Malay Boracay and
1731 other commemorative activities celebrated in the country;

- 1732 (7) Formulate programs related to cultural projects and the
1733 commemoration of historical events;
- 1734 (8) Handle projects related to the promotion of tourism in the city;
- 1735 (9) Serve as a channel in the establishment and sustenance of sister-city
1736 relations; and
- 1737 (10) Supervise the registration of tourism-oriented and tourism-related
1738 establishments.
- 1739 (11) Encourage the LGU to enact local legislation adopting the
1740 Department of Tourism (DOT) accreditation standards for tourism
1741 facilities and services;
- 1742 (12) Ensure a pleasant experience and stay of tourists while at the same
1743 time protecting the interests, welfare, and rights of the City;
- 1744 (13) Develop tourist products and destinations that will benefit the City
1745 and its local community;
- 1746 (14) Pursue the implementation of the national tourism master plans, the
1747 national ecotourism strategy, and the area-specific plans of the national
1748 and LGUs;
- 1749 (15) Support the LGU in promoting festivals, fiestas, and other tourism-
1750 related activities; and
- 1751 (16) Perform such other duties and functions and exercise such other
1752 powers as provided under the Local Government Code of 1991, as
1753 amended, and those that are prescribed by law or ordinance.

1754 **Section 48. The City Youth Development Officer.** – (a) The Youth Development
1755 Officer shall be not more than 30 years old at the time of his or her appointment; of
1756 good moral character; must have acquired experience in youth development affairs or
1757 involvement in youth or youth serving organizations for at least 3 years and he or she

shall be appointed by the City Mayor, but in no case is he or she be within the fourth civil degree of consanguinity or affinity of the appointing authority.

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

(c) The City Youth Development Officer is responsible for promoting and protecting the physical, moral, spiritual, intellectual, and social well-being of Filipino youth, inculcating in them patriotism and nationalism, and encouraging their involvement in public and civic affairs.

(d) The City Youth Development Officer shall perform the following duties and responsibilities:

(1) Register and verify youth had youth-serving organizations;

(2) Provide technical assistance to the City Youth Development Council (CYDC) in the formulation of the Youth Development Plan;

(3) Facilitate the election of the CYDC representatives;

(4) Serve as Secretariat to the CYDC and, as such, shall provide the necessary administrative, operational, staff, and technical support to the CYDC;

(5) Conduct the mandatory and continuing training of Sangguniang Kabataan (SK) officials and CYDC members, pursuant to the programs jointly designed and implemented by the National Youth Commission (NYC) and the DILG;

(6) Provide technical, logistical, and other support in the conduct of the mandatory and continuing training programs, and to such other programs of the NYC and DILG; and

(7) The City Youth Development Officer shall coordinate with the NYC with regard to the youth programs within their jurisdiction and perform

1784 other functions as may be prescribed by the Sangguniang Kabataan
1785 Reform Act of 2015, as amended, and those that are prescribed by law
1786 or ordinance.

1787 **Section 49. The City Cooperatives Development Officer.** – (a) The City Cooperatives
1788 Officer must be a citizen of the Philippines, a resident of the City of Malay Boracay, of
1789 good moral character, a holder of a college degree preferably in Business
1790 Administration, and/or any related courses with special training on cooperatives or
1791 any related fields from a recognized college or university, and a second level civil
1792 service eligible or its equivalent. He must have experience for at least five (5) years
1793 immediately preceding the date of his appointment.

1794 (b) The City Cooperatives Officer shall receive such compensation,
1795 emoluments, and allowances as may be determined by law or ordinance.

1796 (c) The City Cooperatives Officer shall take charge of the Cooperatives
1797 Department, and shall:

1798 (1) Formulate measures for consideration of the Sangguniang
1799 Panlungsod and provide technical assistance and support to the City
1800 Mayor in carrying out measures to ensure the delivery of basic services
1801 and provision of facilities through the development of cooperatives, and
1802 in providing access to such services and facilities;

1803 (2) Develop plans and strategies and, upon approval thereof by the City
1804 Mayor, implement the same, particularly those which have to do with
1805 the integration of cooperative principles and methods in programs and
1806 projects which the City Mayor is empowered to implement and which
1807 the Sangguniang Panlungsod is empowered to provide;

1808 (3) Assist in the organization of cooperatives;

1809 (4) Provide technical and other forms of assistance to existing
1810 cooperatives to enhance their viability as an economic enterprise and
1811 social organization;

1812 (5) Assist cooperatives in establishing linkages with government
1813 agencies and nongovernment organizations involved in the promotion
1814 and integration of the concept of cooperatives in the livelihood of the
1815 people and other community activities;

1816 (6) Be in the frontline of cooperative organizations, rehabilitation, or
1817 viability enhancement, particularly during and in the aftermath of man-
1818 made and natural disasters and calamities, to aid in their survival and,
1819 if necessary, subsequent rehabilitation;

1820 (7) Recommend to the Sangguniang Panlungsod and advise the City
1821 Mayor on all other matters relative to cooperatives development and
1822 viability enhancement, which will improve the livelihood and quality of
1823 life of the inhabitants; and

1824 (8) Perform such other duties and functions and exercise such other
1825 powers as provided under the Local Government Code of 1991, as
1826 amended, and those that are prescribed by law or ordinance.

1827 **Section 50. The City Persons with Disability Affairs Officer.** – (a) The City Persons
1828 with Disability Officer must be a citizen of the Philippines, a resident of the City of
1829 Malay Boracay, of good moral character, a holder of a college degree from a
1830 recognized college or university, and a first-grade civil service eligible or its
1831 equivalent. He must be a duly accredited PWD organization with a track record of at
1832 least three (3) years. He must have acquired 5 experience in position/s involving
1833 management and supervision, 1 year of which is relevant to disability affairs.

1834 (b) The City Persons with Disability Affairs Officer shall receive such
1835 compensation, emoluments, and allowances as may be determined by law.

(c) The City Persons with Disability Affairs Officer shall take charge of the City Persons with Disability Office, and shall:

(1) Formulate and implement policies, plans, and programs for the promotion of the welfare of persons with disabilities in coordination with concerned national and local government agencies;

(2) Coordinate and implement the provision of Republic Act No. 10070, otherwise known as an Act Establishing Institutional Mechanism to Ensure the Implementation of Programs and Services for Persons with Disabilities in Every Province, City, and Municipality, Batas Pambansa Blg. 344, otherwise known as the Accessibility Law, and other relevant laws at the local level;

(3) Represent persons with disabilities in meetings of local development councils and other special bodies;

(4) Recommend and encourage the participation of Non-Government Organizations (NGOs) and People's Organizations (POs) in the implementation of all disability-related laws and policies;

(5) Gather and compile relevant data on persons with disabilities in the City of Malay Boracay;

(6) Disseminate information, including, but not limited to, programs and activities for persons with disabilities, statistics on persons with disabilities, including children with disability, and training and employment opportunities for persons with disabilities;

(7) Submit reports to the City Mayor on the implementation of programs and services for the promotion of the welfare of persons with disabilities in the City of Malay Boracay;

- 1861 (8) Ensure that policies, plans, and programs for the promotion of the
1862 welfare of persons with disabilities are funded by both the national and
1863 local governments.
- 1864 (9) Monitor fundraising activities being conducted for the benefit of persons
1865 with disabilities;
- 1866 (10) Seek donations in cash or in kind from local or foreign donors to
1867 implement an approved work plan for persons with disabilities, in
1868 accordance with existing laws and regulations;
- 1869 (11) Perform such other functions as may be necessary for the promotion
1870 and protection of the welfare of persons with disabilities;
- 1871 (12) Manage and oversee the efficient operations of the Persons with
1872 Disabilities Affairs Office and provide general supervision of its personnel;
- 1873 (13) Develop, promote, and monitor the implementation of policies, plans,
1874 programs, and services for the development of persons with disabilities in
1875 coordination with national and local government agencies;
- 1876 (14) Ensure representation of persons with disabilities in the local
1877 development councils and other special bodies;
- 1878 (15) Build the capacity of non-government organizations and people's
1879 organizations to participate in the implementation of all disability related
1880 laws and policies;
- 1881 (16) Establish coordination with the province, city, or municipality, as the
1882 case may be, and ensure the inclusion of disability concerns in all local
1883 government programs and services;
- 1884 (17) Network with local, national, and international organizations and
1885 establish partnerships on disability programs and resource mobilizations;

- 1886 (18) Develop and submit to the concerned City Mayor an Annual Work and
1887 Financial Plan;
- 1888 (19) Design and implement yearly work programs and projects in
1889 accordance with Republic Act No. 7277, otherwise known as the Magna
1890 Carta for Disabled Persons, the Accessibility Law, and the United Nations
1891 Convention on the Rights of Persons with Disabilities;
- 1892 (20) Advocate for equal opportunity and accessibility of persons with
1893 disabilities (PWDs) in the programs for education, employment, health,
1894 socio-cultural, and sports development;
- 1895 (21) Propose measures for the welfare of the PWDs as approved by the
1896 Sangguniang Panlungsod;
- 1897 (22) Maintain and regularly update the list of PWDs and issue individual
1898 PWD identification cards;
- 1899 (23) Organize the identified PWDs in every barangay and federate them in
1900 the City;
- 1901 (24) Serve as a consultative and advisory body in the issuance of building
1902 and occupancy permits relative to the effective implementation of the
1903 Accessibility Law; and
- 1904 (25) Monitor and report to the Department of Justice all incidents that
1905 violate the Magna Carta for Disabled Persons, the Accessibility Law, the Act
1906 Establishing Institutional Mechanism to Ensure the Implementation of
1907 Programs and Services for Persons with Disabilities in Every Province, City,
1908 and Municipality, and Republic Act No. 10754, otherwise known as an Act
1909 Expanding the Benefits and Privileges of Persons with Disabilities, and
1910 other laws relating to the rights and welfare of persons with disabilities.

1911 (26) Perform such other duties and functions and exercise such other
1912 powers as may be prescribed by the Magna Carta for Disabled Persons, as
1913 amended, and those that are prescribed by law or ordinance.

1914 **Section 51. The City Office of the Senior Citizen Affairs (OSCA) Head.** – (a) The
1915 City OSCA Head must be a citizen of the Philippines, a resident of the City of Malay
1916 Boracay, of good moral character, able to read and write, and at least a high school
1917 graduate. He must be physically and mentally capable of performing the tasks of
1918 OSCA Head, a bona fide member of a duly registered senior citizen’s organization
1919 that has a track record of at least three consecutive years.

1920 (b) The City OSCA Head shall receive such compensation, emoluments, and
1921 allowances as may be determined by law.

1922 (c) The City OSCA Head shall take charge of the Office of the Senior Citizens
1923 Affairs, and shall:

1924 (1) In consultation with the City Social Work and Development Officer and
1925 duly registered senior citizen organizations, to plan, develop, implement,
1926 consolidate, and monitor yearly work programs in pursuance of the
1927 objectives of the Senior Citizens Act of 1992, as amended, and its Rules;

1928 (2) To draw up a list of available and required services which can be
1929 provided by the registered federations and associations of senior citizens;

1930 (3) To maintain and regularly update on a quarterly basis the list of senior
1931 citizens and to issue national uniform individual identification cards and
1932 purchase booklets, free of charge, which shall be valid anywhere in the
1933 country;

1934 (4) To serve as a general information and liaison center for the needs of the
1935 senior citizens;

- 1936 (5) To monitor compliance with the provisions of the Senior Citizens Act of
1937 1992, as amended, and its Rules, particularly the grant of special discounts
1938 and privileges to senior citizens;
- 1939 (6) To report to the Mayor, any person, natural or judicial; establishments,
1940 business, entity, institution, or agency found violating any provision of the
1941 Senior Citizens Act of 1992, as amended, and its Rules;
- 1942 (7) To facilitate the creation of a city or municipality coordinating and
1943 monitoring board consisting of the City OSCA Head, the City Social Work
1944 and Development Officer, and the presidents of concerned, duly registered
1945 senior citizens organizations, to deliberate and act on the complaints;
- 1946 (8) To assist senior citizens in filling complaints or charges against any
1947 person, natural or judicial; establishment, institution, or agency refusing to
1948 comply with the privileges under the Senior Citizens Act of 1992, as
1949 amended, before the Department of Justice (DOJ), the Provincial
1950 Prosecutor's Office, the regional or the municipal trial court, the municipal
1951 trial court in cities, or the municipal circuit trial court;
- 1952 (9) To assist and coordinate with the concerned person, natural or judicial,
1953 establishment, institution, or agency in investigating fraudulent practices
1954 and abuses of the discounts and privileges exclusively granted to senior
1955 citizens; and
- 1956 (10) To establish linkages and work together with the accredited NGOs,
1957 people's organizations, and the barangays in their respective areas.
- 1958 (11) Perform such other duties and functions and exercise such other
1959 powers as may be prescribed by the Senior Citizens Act of 1992, as
1960 amended, and those that are prescribed by law or ordinance.

1961 **Section 52. The City Agricultural and Biosystems Engineer.** – (a) The City
1962 Agricultural and Biosystems Engineer must be a citizen of the Philippines, a resident

1963 of the City of Malay Boracay, of good moral character, and a duly licensed
1964 Agricultural and Biosystems Engineer. He must have acquired experience preferably
1965 in Agricultural and Biosystems Engineering and in any related field, and practiced his
1966 profession for at least five (5) years immediately preceding the date of his
1967 appointment.

1968 (b) The City Agricultural and Biosystems Engineer shall receive such
1969 compensation, emoluments, and allowances as may be determined by law.

1970 (c) The City Agricultural and Biosystems Engineer shall take charge of the City
1971 Office of Agricultural and Biosystems Engineer, and shall exercise the
1972 following:

1973 (1) Preparation of engineering designs, plans, specifications, project
1974 studies, feasibility studies and estimates of irrigation and drainage, soil
1975 and water conservation and management systems and facilities,
1976 agrometeorological systems, agricultural and biosystems power, and
1977 machinery, agricultural and biosystems buildings and structures,
1978 renewable/bio-energy systems and farm electrification, agricultural and
1979 bio-processing and post harvest facilities and system, agricultural and
1980 biological waste utilization and management, agricultural and bio-
1981 information system, agricultural and biosystems resource conservation
1982 and management, and agricultural and bio-automation and
1983 instrumentation system;

1984 (2) Supervision or management on the construction, operation, and
1985 maintenance of irrigation and drainage, soil and water conservation and
1986 management systems and facilities, agrometeorological systems,
1987 agricultural and biosystems power and machinery, agricultural and
1988 biosystems buildings and structures, renewable/bio-energy systems
1989 and farm electrification, agricultural and bio-processing and post
1990 harvest facilities and system, agricultural and biological waste
1991 utilization and management, agricultural and bio-information system,

1992	agricultural and biosystems resource conservation and management,
1993	and agricultural and bio-automation and instrumentation system;
1994	(3) Valuation, appraisal, investigation, inspection, monitoring, and
1995	technical audit on agricultural and biosystems machinery and
1996	equipment, structures and facilities, and agricultural and biosystems
1997	engineering projects;
1998	(4) Program/Project development and management, planning,
1999	evaluation, and consultancy services on agricultural and biosystems
2000	engineering undertakings;
2001	(5) Conduct of research and development, training, and extension on
2002	agricultural and biosystems engineering;
2003	(6) Testing, evaluation, and inspection of agricultural and biosystems
2004	machinery, and other related agricultural and biosystems engineering
2005	facilities, equipment, and projects;
2006	(7) Teaching and/or conducting of lectures on agricultural and
2007	biosystems engineering subjects in institutions of learning in the
2008	Philippines;
2009	(8) Preparation and evaluation of farm development plans, farm
2010	suitability maps, and land use maps/reports for agricultural, livestock
2011	and poultry, fishery, aquaculture, and forest production and processing;
2012	(9) Training and supervision of agri-fishery machinery technicians and
2013	operators of agri-fishery machinery service centers/pools, and
2014	agricultural and biosystems engineering technicians and operators in
2015	agricultural and biosystems plants, establishments, facilities, and
2016	projects;
2017	(10) Participation in the preparation of environmental studies for
2018	agricultural, fisheries, agro-industrial, and biosystems projects and their

2019 monitoring under the Environmental Impact Assessment (EIA) system;
2020 and

2021 (11) Perform such other duties and functions and exercise such other
2022 powers as provided for under Republic Act No. 10601, otherwise known
2023 as the Agricultural and Fisheries Mechanization Law of 2013, and those
2024 that are prescribed by law or ordinance.

2025 **Section 53. The City Agriculturist.** – (a) The City Agriculturist must be a citizen of
2026 the Philippines, a resident of the City of Malay Boracay, of good moral character, a
2027 holder of a college degree preferably in Agriculture or any related courses from a
2028 recognized college or university, and a licensed agriculturist. He must have practiced
2029 his profession in agriculture or acquired experience in a related field for at least five
2030 (5) years immediately preceding the date of his appointment.

2031 (b) The City Agriculturist shall receive such compensation, emoluments, and
2032 allowances as may be determined by law.

2033 (c) The City Agriculturist shall take charge of the agricultural services
2034 department, and shall:

2035 (1) Formulate measures for the approval of the Sangguniang
2036 Panlungsod and provide technical assistance and support to the city
2037 mayor in carrying out said measures to ensure the delivery of basic
2038 services and provision of adequate facilities relative to agricultural
2039 services;

2040 (2) Develop plans and strategies and, upon approval thereof by the City
2041 Mayor, implement the same, particularly those which have to do with
2042 agricultural programs and projects which the City Mayor is empowered
2043 to implement and which the Sangguniang Panlungsod is empowered to
2044 provide;

2045 (3) In addition to the foregoing duties and functions, the City
2046 Agriculturist shall:

2047 (i) Ensure that maximum assistance and access to resources in the
2048 production, processing, and marketing of agricultural and
2049 aquacultural, and marine products are extended to farmers,
2050 fishermen, and local entrepreneurs;

2051 (ii) Conduct or cause to be conducted location-specific
2052 agricultural research and assist in making available the
2053 appropriate technology arising out of and disseminating
2054 information on basic research on crops, prevention and control of
2055 plant diseases and pests, and other agricultural matters which
2056 will maximize productivity;

2057 (iii) Assist the City Mayor in the establishment and extension of
2058 demonstration farms on aquaculture and marine products;

2059 (iv) Enforce rules and regulations relating to agriculture and
2060 aquaculture; and

2061 (v) Coordinate with government agencies and nongovernmental
2062 organizations that promote agricultural productivity through
2063 applied technology compatible with environmental integrity.

2064 (4) Be in the frontline of the delivery of basic agricultural services and
2065 provide technical advice to farmers and fisherfolk in the adoption of
2066 critical climate adaptation and disaster mitigation practices and
2067 techniques, and ensure the availability of staple food such as rice, corn,
2068 and produce especially in preparation for an impending natural
2069 calamity, and in the aftermath of man-made or natural disasters;

2070 (5) Recommend to the Sangguniang Panlungsod and advise the City
2071 Mayor on all other matters related to agriculture and aquaculture which
2072 will improve the livelihood and living conditions of the inhabitants; and

2073 (6) Perform such other duties and functions and exercise such other
2074 powers as provided under the Local Government Code of 1991, as
2075 amended, and those that are prescribed by law or ordinance.

2076 **Section 54. The City Population Officer.** – (a) The City Population Officer must be a
2077 citizen of the Philippines, a resident of the City of Malay Boracay, of good moral
2078 character, a holder of a college degree preferably in Population Management, Public
2079 Administration and/or any related courses with specialized training in Population
2080 Development from a recognized college or university, and a second level civil service
2081 eligible or its equivalent. He must have experience in the implementation of programs
2082 on population development or responsible parenthood for at least five (5) years
2083 immediately preceding the date of his appointment.

2084 (b) The City Population Officer shall receive such compensation, emoluments,
2085 and allowances as may be determined by law or ordinance.

2086 (c) The City Population Officer shall take charge of the City Population and
2087 Gender Office, and shall:

2088 (1) Formulate measures for the consideration of the Sangguniang
2089 Panlungsod and provide technical assistance and support to the City
2090 Mayor in carrying out measures to ensure the delivery of basic services
2091 and provision of adequate facilities relative to the integration of
2092 population development principles and in providing access to said
2093 services and facilities;

2094 (2) Develop plans and strategies and, upon approval thereof by the City
2095 Mayor, implement the same, particularly those which have to do with
2096 the integration of population development principles and methods in
2097 programs and projects which the City Mayor is empowered to

2098 implement and which the Sangguniang Panlungsod is empowered to
2099 provide;

2100 (3) Assist the City Mayor in the implementation of the constitutional
2101 provisions relative to population development and the promotion of
2102 responsible parenthood;

2103 (4) Establish and maintain an updated data bank for program
2104 operations, development planning, and an educational program to
2105 ensure the people's participation in and understanding of population
2106 development;

2107 (5) Implement appropriate training programs that are consistent with
2108 the traditions and cultural heritage of the City's inhabitants; and

2109 (6) Perform such other duties and functions and exercise such other
2110 powers as provided under the Local Government Code of 1991, as
2111 amended, and those that are prescribed by law or ordinance.

2112 **Section 55. The City Environment and Natural Resources Officer.** – (a) The City
2113 Environment and Natural Resources Officer must be a citizen of the Philippines, a
2114 resident of the City of Malay Boracay, of good moral character, a holder of a college
2115 degree preferably in Environmental Science, Environmental Management,
2116 Environmental Planning, Forestry, Agriculture and/or any related courses from a
2117 recognized college or university, and a second level civil service eligible or its
2118 equivalent. He must have acquired experience in environment and natural resources
2119 management, conservation, and utilization work for at least five (5) years immediately
2120 preceding the date of his appointment.

2121 (b) The City Environment and Natural Resources Officer shall receive such
2122 compensation, emoluments, and allowances as may be determined by law.

2123 (c) The City Environment and Natural Resources Officer shall take charge of
2124 the City Environment and Natural Resources Office, and shall:

- 2125 (1) Formulate measures for the consideration of the Sangguniang
2126 Panlungsod and provide assistance and support to the City Mayor in
2127 carrying out measures to ensure the delivery of basic services and
2128 provision of adequate facilities relative to environment and natural
2129 resources services;
- 2130 (2) Develop plans and strategies and, upon approval thereof by the City
2131 Mayor, implement the same, particularly those which have to do with
2132 environment and natural resources programs and projects which the
2133 City Mayor is empowered to implement and which the Sangguniang
2134 Panlungsod is empowered to provide;
- 2135 (3) Manage and maintain seed banks and produce seedlings for forests
2136 and tree parks;
- 2137 (4) Provide extension services to beneficiaries of forest development
2138 projects and render assistance for natural resources-related conservation
2139 and utilization activities consistent with ecological balance;
- 2140 (5) Coordinate with government agencies and non- governmental
2141 organizations in the implementation of measures to prevent and control
2142 land, air and water pollution with the assistance of the Department of
2143 Environment and Natural Resources (DENR);
- 2144 (6) Be in the frontline of the delivery of services concerning the
2145 environment and natural resources, particularly in the renewal and
2146 rehabilitation of the environment during and in the aftermath of man-
2147 made and natural disasters and calamities;
- 2148 (7) Enforce all laws, regulations and policies pertinent to environmental
2149 management and pollution control;
- 2150 (8) Design and maintain a waste collection and disposal system
2151 conforming to the requirements of Local Government Code of 1991;

2152 Republic Act No. 8749, otherwise known as the Philippine Clean Air Act
2153 of 1999; and Republic Act No. 9003, otherwise known as the Ecological
2154 Solid Waste Management Act of 2000;

2155 (9) Implement a civic consciousness program in support of its
2156 environmental and waste management programs;

2157 (10) Initiate the formulation and implementation of a comprehensive
2158 and integrated Solid and Liquid Waste Management and Monitoring
2159 Plan (SLWMMP) for the City in accordance with the parameters of
2160 sustainable urban development and management set for the City and all
2161 related national and local environmental laws, standards, and issuances;

2162 (11) Develop and recommend specific policies, guidelines, plans and
2163 programs, practices, techniques, and measures to implement
2164 components or details of the solid and liquid waste management plan;

2165 (12) Institutionalize generation of renewable energy from waste through
2166 waste-to-energy and other technologies as may be consistent with the
2167 Ecological Solid Waste Management Act of 2000; Republic Act No. 9513,
2168 otherwise known as the Renewable Energy Act of 2008, and other
2169 applicable laws;

2170 (13) Enforce regulatory measures to manage solid and liquid wastes
2171 properly as provided in national and local legal issuances;

2172 (14) Source out assistance in all forms from international, national, and
2173 local partners to ensure the excellent management of the SLWMMP and
2174 its components, subject to the approval and guidelines set by the city
2175 government;

2176 (15) Operate and maintain facilities and equipment related to the
2177 components of the SLWMMP;

- 2178 (16) Review sewerage plans, if any, for the issuance of building permits
2179 and endorse the application if the result of the review is favorable;
- 2180 (17) Establish operational linkages with other local and national agencies
2181 concerned with environmental protection and waste management;
- 2182 (18) Recommend to the Sangguniang Panlungsod and advise the City
2183 Mayor on all matters relative to the protection, conservation, and
2184 maximum utilization, application of appropriate technology, and other
2185 matters related to the environment and natural resources
- 2186 (19) Partnership with community organizations and private
2187 organizations to strengthen all means of support for a sustainable forest
2188 management of watershed reserve areas, including those areas located
2189 in protected areas and critical watersheds in coordination with DENR;
- 2190 (20) Ensure the protection and regulation of easements in major rivers
2191 and bodies of water that are required by law in coordination with the
2192 Zoning Administrator;
- 2193 (21) Prevention of forest fire, illegal cutting, and kaingin practices;
- 2194 (22) Apprehension of violators of forest laws, rules, and regulations; and
- 2195 (23) Perform such other duties and functions and exercise such other
2196 powers as provided under the Local Government Code of 1991, as
2197 amended, and those that are prescribed by law or ordinance.

2198 **Section 56. The City Human Resource Management Officer.** – (a) The City Human
2199 Resource Officer must be a citizen of the Philippines, a resident of the City of Malay
2200 Boracay, of good moral character, a holder of a college degree preferably in Business
2201 Administration major in Human Resource Management, Human Resource
2202 Development, and/or any related courses from a recognized college or university,
2203 and a second level civil service eligible or its equivalent. He must have acquired

2204 experience in Human Resource Management for at least five (5) years immediately
2205 preceding the date of his appointment.

2206 (b) The City Human Resource Management Officer shall receive compensation,
2207 emoluments, and allowances as may be determined by law.

2208 (c) The City Human Resource Officer shall take charge of the City Human
2209 Resource Management Office, and shall:

2210 (1) Develop a human resource management plan aimed at improving
2211 the productivity and professional growth of the City Government's
2212 employees, and recommend the same to the City Mayor, and if
2213 warranted, to the Sangguniang Panlungsod for approval and
2214 implementation;

2215 (2) Ensure that the recruitment, selection, and placement are based on
2216 merit and fitness;

2217 (3) Design, develop, coordinate, implement, deliver, and evaluate
2218 training programs that support organization objectives that are aligned
2219 with the organization's strategic plans;

2220 (4) Develop and implement heads and staff development programs that
2221 support the organization's succession plans;

2222 (5) Ensure the implementation of a Strategic Performance Management
2223 System that includes individual Performance Contracts, ensures results-
2224 based performance, and the provision of rewards and recognition for
2225 outstanding performance and loyalty in the service; and

2226 (6) Exercise such other powers and perform such other duties and
2227 functions as may be prescribed by law or ordinance.

2228 **Section 57. The City Zoning Administrator.** – (a) The City Zoning Administrator
2229 must be a citizen of the Philippines, a resident of the City of Malay Boracay, of good

2230 moral character, a holder of a college degree preferably in Civil Engineering,
2231 Environmental Planning, Urban Planning, Law, and/or any related courses in a
2232 recognized college or university, and a licensed Environmental Planner. He must have
2233 acquired experience in zoning administration for at least five (5) years and in-depth
2234 knowledge of Philippine laws immediately preceding the date of his appointment.

2235 (b) The City Zoning Administrator shall receive compensation, emoluments,
2236 and allowances as may be determined by law.

2237 (c) The City Zoning Administrator shall take charge of the Zoning Regulation
2238 and Administration Office, and shall:

2239 (1) Act on all applications for all zoning-related certifications and
2240 clearances;

2241 (2) Issue Locational Clearances or Certificates of Zoning Compliance for
2242 projects conforming to the zoning regulations and complying with the
2243 required documents;

2244 (3) Issue Denial Decisions for Locational Clearances or Certificates of
2245 Zoning Compliance applications that are non-compliant to any
2246 provision of the Zoning Ordinance or other existing city ordinances;

2247 (4) Issue Certificates of Land Classification for requesting land owners
2248 and concerned stakeholders;

2249 (5) Issue the needed Order of Payment for the zoning fees that the
2250 applicant should be paying;

2251 (6) Monitor ongoing/existing projects and act on violations and non-
2252 compliance with the zoning ordinance;

2253 (7) Conduct site inspections and monitoring visits to on-going/existing
2254 projects within the municipality and when warranted, issue Notices of
2255 Violation and show cause order to owners, developers, or managers of

2256 projects that are violating the zoning ordinance, pursuant to Section 3 of
2257 Executive Order No. 72, Series of 1993, otherwise known as the Local
2258 Government Code Implementation Guidelines on the Preparation of
2259 Comprehensive Land Use Plans, and Section 2 of Executive Order No.
2260 71, Series of 1993, otherwise known as the Devolution of Powers to Cities
2261 and Municipalities in the Approval of Subdivision Plans, and, when
2262 necessary, refer subsequent actions thereon to the Department of
2263 Human Settlements and Urban Development (DHSUD).

2264 (8) Call and coordinate with the Philippine National Police (PNP) for the
2265 enforcement of orders and processes pertinent to the implementation of
2266 this ordinance, if necessary;

2267 (9) Coordinate with the City Legal Officer for other legal
2268 actions/remedies relative to the foregoing;

2269 (10) Impose the appropriate fines/penalties for violation of the
2270 provisions of the Zoning Ordinance;

2271 (11) Develop plans and strategies and, upon approval thereof by the City
2272 Mayor, implement the same, which the City Mayor is empowered to
2273 implement and which the Sangguniang Panlungsod is empowered to
2274 provide; and

2275 (12) Perform such other duties and functions and exercise such other
2276 powers as may be prescribed by law or ordinance.

2277 **Section 58. The City Business Permit and Licensing Officer.** – (a) The City Business
2278 Processing and Licensing Officer must be a citizen of the Philippines, a resident of the
2279 City of Malay Boracay, of good moral character, a holder of a college degree preferably
2280 in Business Administration, Business Management, Accounting, and/or any related
2281 courses from a recognized college or university, and a second level civil service
2282 eligible or its equivalent. He must have acquired experience in business processing

2283 and licensing for at least five (5) years immediately preceding the date of his
2284 appointment.

2285 (b) The City Business Processing and Licensing Officer shall receive
2286 compensation, emoluments, and allowances as may be determined by law.

2287 (c) The City Business Processing and Licensing Officer shall take charge of the
2288 City Business Processing and Licensing Department, and shall:

2289 (1) Provide effective systems, procedures, and practices in the issuance
2290 and renewal of business permits. It regulates the nature and/or
2291 operations of various business activities within the City of Malay
2292 Boracay;

2293 (2) Issued Mayor's permits to businesses located in the City of Malay,
2294 Boracay;

2295 (3) Provide an effective system of conducting inspections and
2296 verifications of all business establishments;

2297 (4) Monitor and enforce existing laws, ordinances, policies, rules, and
2298 regulations in the operation of businesses and occupations in the city;

2299 (5) Undertake an intensive campaign against illegal business operations;

2300 (6) Provide data and facts to the business sector and the public in
2301 general;

2302 (7) File cases with the City Prosecutor's Office and/or appropriate courts
2303 for violation of tax laws and ordinances;

2304 (8) Develop plans and strategies and, upon approval thereof by the city
2305 mayor, implement the same, which the city mayor is empowered to
2306 implement and which the Sangguniang Panlungsod is empowered to
2307 provide; and

2308 (9) Perform such other duties and functions and exercise such other
2309 powers as may be prescribed by law or ordinance.

2310 **Section 59. The City Economic Enterprise and Development Officer.** – (a) The City
2311 Economic Enterprise Development Officer must be a citizen of the Philippines, a
2312 resident of the City of Malay Boracay, of good moral character, a holder of a college
2313 degree preferably in Economics, Business Administration, and/or any related courses
2314 from a recognized college or university, and a second-level civil service eligible or its
2315 equivalent. He must have acquired experience in economic enterprise development
2316 services for at least five (5) years immediately preceding the date of his appointment.

2317 (b) The City Economic Enterprise Development Officer shall receive
2318 compensation, emoluments, and allowances as may be determined by law.

2319 (c) The City Economic Enterprise Development Officer shall take charge of the
2320 City Economic Enterprise and Development Department, and shall exercise the
2321 following powers and functions:

2322 (1) Exercise coordinate managerial control over the operations of various
2323 economic enterprise units as well as their support services units;

2324 (2) Advise the City Mayor, the City Market Committee, and other special
2325 bodies that may thereafter be legally constituted, on all matters
2326 involving economic enterprises and development;

2327 (3) Develop policies and formulate rules and regulations, standards, and
2328 procedures to improve and enhance revenue generation based on sound
2329 financial concepts and principles for adequate delivery of services,
2330 subject to the approval of the Sangguniang Panlungsod;

2331 (4) Prepare the annual budget of each Economic Enterprise and the
2332 Department as a whole;

2333 (5) Exercise management and supervision over all units and personnel
2334 under the City Economic Enterprise Office; and

2335 (6) Exercise such other powers and perform such other duties and
2336 functions as may be prescribed by law or ordinance, incidental and
2337 necessary to this position.

2338 **Section 60. The City Transportation Regulation Officer.** – (a) The City Chief
2339 Transportation Regulation Officer must be a citizen of the Philippines, a resident of
2340 the City of Malay Boracay, of good moral character, a holder of a college degree
2341 preferably in Urban Planning, Transport Planning, Engineering, and/or any related
2342 courses from a recognized college or university, and a second level civil service
2343 eligible or its equivalent. He must have acquired experience in transportation
2344 planning and regulation for at least five (5) years immediately preceding the date of
2345 his appointment.

2346 (b) The City Transportation Regulation Officer shall receive compensation,
2347 emoluments, and allowances as may be determined by law.

2348 (c) The City Transportation Regulation Officer shall take charge of the City
2349 Transportation Regulation Department, and shall:

2350 (1) Develop plans and strategies and, upon approval thereof by the City
2351 Mayor, implement the same, which the City Mayor is empowered to
2352 implement and which the Sangguniang Panlungsod is empowered to
2353 provide;

2354 (2) Implement the provision of the City Traffic Code;

2355 (3) Monitors and manages transportation activities and operations;

2356 (4) Handle and direct the deployment of transportation units while
2357 adhering to legal requirements and safety regulations;

2358 (5) Arranging schedules, overseeing vehicle movements, and setting
2359 routes;

2360 (6) Perform such other duties and functions and exercise such other
2361 powers as may be prescribed by law or ordinance.

2362 **Section 61. The City College Administrator.** – (a) The City College Administrator
2363 must be a citizen of the Philippines, a resident of the City of Malay Boracay, of good
2364 moral character, a holder of a doctorate degree preferably in Educational
2365 Management, and a second-level civil service eligible or its equivalent. He must have
2366 acquired experience in administering any accredited tertiary educational institution
2367 in the Philippines for at least five (5) years immediately preceding the date of his
2368 appointment.

2369 (b) The City College Administrator shall receive compensation, emoluments,
2370 and allowances as may be determined by law.

2371 (c) The City College Administrator shall take charge of the Malay City College,
2372 and shall:

2373 (1) He/ She shall, on behalf of the Board of Trustees, have general
2374 supervision over all academic, administrative, and financial operations
2375 of the college;

2376 (2) Promulgate and enforce general policies affecting the college and
2377 shall take action which, in his judgment, is necessary for the protection
2378 of life, right, property, and general welfare of the college;

2379 (3) Recommend to the Board the appointment of a qualified person to
2380 fill all vacancies and new positions; may designate officials to perform
2381 functions in a concurrent capacity without additional compensation,
2382 and may request job orders;

2383 (4) Institute disciplinary actions against any personnel, or faculty for
2384 culpable violation of Civil Service Laws and School Policies, and against
2385 any student of the college whose action adversely affects the general

2386 interest and good name of the college, subject to the due process and
2387 approval of the Board of Trustees;

2388 (5) Decide appeals in controversies involving ranking officials, faculty,
2389 and personnel of the college when the penalty imposed exceeds thirty
2390 (30) days;

2391 (6) Grant or deny sabbatical leaves and leaves of absence without pay
2392 and/ or extension of such leaves, as well as extension of fellowship or
2393 any form of scholarship for a period not exceeding one academic
2394 semester, if the budget permits and for a reason that may be deemed
2395 satisfactory, subject to appeal to the Board of Trustees;

2396 (7) Grant permission for use of the building and premises of the college
2397 for academe, professional, scientific, and technology conventions, and
2398 other related non-academic activities with a fee fixed by the board;

2399 (8) Sign and execute all contracts, deeds, and instruments for the college,
2400 subject to the approval of the Board;

2401 (9) Cause the preparation of the annual budget of the college and submit
2402 the same for review, consideration, and approval of the Board of
2403 Trustees;

2404 (10) Cause the preparation of the annual year-end report for the current
2405 year;

2406 (11) Perform such other powers as elsewhere provided in this charter as
2407 may be specifically authorized by the Board of Trustees and such other
2408 powers usually pertaining to the office of the College Administrator.
2409 He/she may delegate in writing any of his specific functions to any
2410 office;

2411 (12) Develop plans and strategies and, upon approval thereof by the City
2412 Mayor, implement the same, which the City Mayor is empowered to

2413 implement and which the Sangguniang Panlungsod is empowered to
2414 provide; and

2415 (13) Perform such other duties and functions and exercise such other
2416 powers as may be prescribed by law or ordinance.

2417 **Section 62. The City Building and Architecture Officer.** - (a) The City Building and
2418 Architecture Officer shall be appointed by the Secretary of the Department of Public
2419 Works and Highways (DPWH) from a list of at least three (3) ranking eligible
2420 recommendees of the City Mayor, subject to civil service law, rules, and regulations.

2421 (b) The City Building and Architecture Officer shall be under the
2422 administrative supervision of the City Mayor, to whom the City Building and
2423 Architecture Officer shall report regularly;

2424 (c) The City Building and Architecture Officer must be a citizen of the
2425 Philippines, a resident of the City of Malay Boracay, of good moral character, a
2426 licensed architect or civil engineer, a member of good standing of a duly
2427 accredited organization of his profession and have practiced his profession for
2428 at least five (5) years with diversified and professional experience in building
2429 design and construction, and attended and successfully completed a seminar
2430 workshop on Presidential Decree No. 1096, otherwise known as the National
2431 Building Code, conducted by the DPWH.

2432 (d) The City Building and Architecture Officer shall receive compensation,
2433 emoluments, and allowances as may be determined by law.

2434 (e) The City Building and Architecture Officer shall take charge of the City
2435 Building and Architecture Office, independent of the City Engineering Office,
2436 and shall:

2437 (1) Be primarily responsible for the enforcement of the provisions of the
2438 National Building Code and its implementing rules and regulations, as
2439 well as circulars, memoranda, opinions, and decisions/orders issued

2440 pursuant thereto. His actions shall always be guided by appropriate
2441 orders/directives from the Secretary of the DPWH;

2442 (2) Have overall administrative control and/or supervision over all
2443 works pertinent to buildings/structures in his area of responsibility and
2444 shall be charged with the processing of all permit applications and
2445 certificates, as well as the issuance of the same;

2446 (3) Ensure that all changes, modifications, and alterations in the design
2447 plans during the construction phase shall not start until the modified
2448 design plan has been evaluated and the necessary amendatory permit
2449 issued.

2450 (4) Undertake annual inspections of all buildings/structures and keep
2451 an up-to-date record of their status;

2452 (5) Keep a permanent record and accurate account of all fees and other
2453 charges fixed and authorized to be collected and received under
2454 Presidential Decree No. 1096, otherwise known as the National Building
2455 Code; and

2456 (6) Perform other duties and functions, and exercise such other powers
2457 as provided under the National Building Code, as amended, and those
2458 that are prescribed by law or ordinance, or as may thereafter be
2459 delegated to him from time to time.

2460 **Section 63. The City Sports Development Officer.** – (a) The City Sports Development
2461 Officer must be a citizen of the Philippines, a resident of the City of Malay Boracay, of
2462 good moral character, a holder of a college degree preferably in Physical Education,
2463 Sports Sciences, Sports Development, and/or any related courses from a recognized
2464 college or university, and a second level civil service eligible or its equivalent. He must
2465 have acquired experience in Sports Development or in any related field for at least five
2466 (5) years immediately preceding the date of his appointment.

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

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

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

(2) Plan and formulate a blueprint of a well-synchronized, year-round calendar of sports and games activities, competitions, and events, as well as physical fitness activities;

(3) Organize sports and games-related projects and programs, including coaching and training, thereby assisting in the identification, recruitment, and training of gifted, promising, and talented athletes in the City, discovering talents at the grassroots level;

(4) Oversee and ensure implementation of the physical fitness and sports program and activities of the City;

(5) Formulate rules and regulations governing all sports of competitions;

(6) Formulate safety and security plans prior to the conduct of competitions/events in coordination with the PNP, Coast Guard, CDRRMO, and other concerned offices;

(7) Require all sports coordinators to undergo training in First Aid and safety precautions;

(8) Conduct debriefing meetings after every event or activity.

2492 (9) Allocate funds for the implementation of all related sports and games
2493 events and activities;

2494 (10) Perform other duties as may be directed by the City Mayor or the
2495 Sangguniang Panlungsod; and

2496 (11) Perform such other duties and functions and exercise such other
2497 powers as may be prescribed by law or ordinance.

2498 **Section 64. The City Information Officer.** - (a) The City Information Officer must be
2499 a citizen of the Philippines, a resident of the City of Malay Boracay, of good moral
2500 character, a holder of bachelor's degree preferably in journalism, mass
2501 communications, or any related course from a recognized college or university, a first
2502 grade civil service eligible or its equivalent and must have acquired at least three (3)
2503 years experience in writing articles and research papers, or writing for print,
2504 television, or broadcast media,

2505 (b) The City Information Officer shall receive such compensation, emoluments,
2506 and allowances as may be determined by law.

2507 (c) The term of the City Information Officer shall be coterminous with that of
2508 the appointing authority;

2509 (d) The City Information Officer shall take charge of the Office of the City
2510 Information and Community Relations Department, and shall:

2511 (1) Formulate measures for the consideration of the Sangguniang
2512 Panlungsod and provide technical assistance and support to the City
2513 Mayor in providing the appropriate information and research data
2514 required for the delivery of basic services and provision of adequate
2515 facilities so that the public becomes aware of said services and may fully
2516 avail of the same;

2517 (2) Develop plans and strategies, and upon approval thereof by the City
2518 Mayor, implement the same, particularly those which have to do with

2519 public information and research data to support programs and projects
2520 which the City Mayor is empowered to implement and which the
2521 Sangguniang Panlungsod is empowered to provide;

2522 (3) Provide relevant, adequate, and timely information to the City and
2523 its residents;

2524 (4) Furnish information and data on the local government agencies or
2525 offices as may be required by law or ordinance, and nongovernmental
2526 organizations to be furnished to said agencies and organizations;

2527 (5) Maintain effective liaison with the various sectors of the community
2528 on matters and issues that affect the livelihood and the quality of life of
2529 the City's inhabitants and encourage support for programs of the local
2530 and National Government;

2531 (6) Be in the frontline in providing information during and in the
2532 aftermath of man-made and natural calamities and disasters or
2533 calamities, with special attention to the victims thereof, to help minimize
2534 injuries and casualties during and after the emergency, and to accelerate
2535 relief and rehabilitation;

2536 (7) Recommend to the Sangguniang Panlungsod and advise the City
2537 Mayor on all matters relative to public information and research data as
2538 it relates to the total socioeconomic development of the City; and

2539 (8) Perform such other duties and functions, and exercise such other
2540 powers as provided under the Local Government Code of 1991, as
2541 amended, and those that are prescribed by law or ordinance.

2542 **ARTICLE VIII**

2543 **THE CITY FIRE STATION SERVICE, THE CITY JAIL**

2544 **SERVICE, THE CITY SCHOOLS DIVISION, AND THE CITY**

2545 **PROSECUTION SERVICE**

Section 65. The City Fire Station Service. - (a) There shall be established in the City 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 the necessary land or site for the station.

(b) The city fire station shall be headed by a city fire marshal whose qualifications shall be as those provided for under Republic Act No. 9263, as amended, otherwise known as the Bureau of Fire Protection and Bureau of Jail Management and Penology Professionalization Act of 2004.

(c) The city fire station shall be responsible for providing emergency services such as the rescue and evacuation of injured people related to incidents and, in general, all fire prevention and suppression measures to secure the safety of life and property of the citizenry.

Section 66. The City Jail Service. - (a) There shall be established and maintained in the city a secured, clean, adequately equipped and sanitary jail facility for the custody and safekeeping of prisoners, any fugitive from justice, or person detained awaiting investigation or trial and/or violent mentally ill person who endangers himself or the safety of others, duly certified as such by the proper Medical Health Officer, pending the transfer to a mental institution.

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

Section 67. The City Schools Division. - (a) There shall be established and maintained by the DepED a city school division of the City of Malay Boracay, headed by a City Schools Division Superintendent.

(b) The City Schools Division shall be headed by a City Schools Division Superintendent who must possess the necessary qualifications required by the DepED.

Section 68. The City Prosecution Service. - (a) There shall be established in the city a City Prosecution Service to be headed by a City Prosecutor and such number of Assistant City Prosecutors, as may be necessary, who shall be organizationally part of the Department of Justice (DOJ), and under the supervision and control of the Secretary of Justice and whose qualifications, manner of appointment, rank, salary and benefits shall be governed by existing laws covering prosecutors in the DOJ.

(b) The City Prosecutor shall handle the criminal prosecution in the Municipal Trial Courts in the city as well as in the Regional Trial Courts for criminal cases originating in the territory of the city, and shall render to or for the city such services as are required by law, ordinance, or regulation of the DOJ.

(c) The Secretary of Justice shall always ensure the adequacy and the quality of prosecution service in the city and for this purpose, shall, in the absence or lack or insufficiency in number of Assistant City Prosecutors as provided hereinabove, designate from among the Assistant Provincial Prosecutors a sufficient number to perform and discharge the functions of the city prosecution service as provided hereinabove.

ARTICLE IX

THE CITY REGISTRY OF DEEDS

Section 69. The City Registry of Deeds Office. - There shall be established in the City a Registry of Deeds Office, subject to the standards, rules, and regulations as may be promulgated by the DOJ, which shall discharge its duties under the general

supervision of the Administrator of the Land Registration Authority and the Secretary of the DOJ.

Section 70. The City Register of Deeds. - (a) The City Register of Deeds shall be the head of the City Registry of Deeds Office. He must be a citizen of the Philippines, of good moral character, a member of the Integrated Bar, and must have practiced his profession for at least five (5) years immediately preceding the date of his appointment.

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

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

ARTICLE X

RECLAMATION OF FORESHORE LANDS AND OWNERSHIP OF WATERWORK SYSTEM, WATER SPRINGS, OR WATER SOURCES

Section 71. Reclamation of Foreshore Lands. The City alone shall have the authority to reclaim foreshore lands, including submerged lands within its jurisdiction in accordance with the provisions of Republic Act No. 1899: Provided, however, that should the city desire to reclaim the said foreshore lands and submerged lands through third parties, the contracts relating thereto shall become effective only when the said contracts shall have been approved by the Sangguniang Panlungsod and the City Mayor.

Section 72. Ownership of Waterworks System, Water Springs or Water Sources, Roads, Streets, etc. Notwithstanding the provision of Republic Act No. 1383 and other existing laws, all existing waterworks belonging to the national government, water springs, and water sources shall be owned by the City of Malay Boracay, and all revenues therefrom shall accrue to the general fund of the city. All existing municipal, provincial and national roads, streets, bridges, docks, piers, wharves, machineries,

equipment and other public works improvements shall be owned by the City of Malay Boracay *except those that are pre-owned by the Provincial Government, Philippine Ports Authority, Tourism Infrastructure and Enterprise Zone Authority and other National Government Agencies unless turned-over to the City Government of Malay.*"

ARTICLE XI

TRANSITORY AND FINAL PROVISIONS

Section 73. Municipal Ordinances Existing Ordinances at the Time of the Approval of this Act. All municipal ordinances of the Municipality of Malay existing at the time of the approval of this Act shall continue to be in force within the City of Malay Boracay until the Sangguniang Panlungsod shall, by ordinance, provide otherwise.

Section 74. Fiscal Management. The City of Malay Boracay, after the effectivity of this Act, shall implement the prescribed share in the General Funds every fiscal year and the succeeding years in this manner:

(a) The Personal Services shall adhere to the prescribed limit specified in Section 325 (a) of the Local Government Code of 1991, as amended.

(b) The Local Development Projects shall adhere to the prescribed share stated in Section 287 of the Local Government Code of 1991, as amended.

(c) The Disaster Risk Reduction and Management Fund shall adhere to the prescribed share stated in Section 324 (d) of the Local Government Code of 1991, as amended, and the Philippine Disaster Risk Reduction and Management Act of 2010.

(d) The Gender and Development programs and projects shall adhere to the prescribed share stated in Republic Act No. 9710, otherwise known as the Magna Carta of Women.

(d) The programs and projects for Solid and Liquid Waste Management (SLWM) and Environmental Management and Protection allocation shall not exceed 15% of the total budget of each year;

(e) The City Government of Malay Boracay shall allocate at least 1% of the total budget of each year for Research and Development programs and projects;

(f) The Other Statutory Appropriations shall be at least 1.5% of the total budget; and

(g) The Other Maintenance and Operating Expenses allocation other than that of GAD, DRRM, SLWM, and Environmental Management Protection, Statutory Obligations, and Other Capital Outlays shall not exceed 24% of the total budget.

(h) The entire operation of the Health Services, including their personal services, shall not be below 5% of the total budget of each fiscal year.

(i) The entire operation of the Social Services, including their personal services, shall not be below 3% of the total budget of each fiscal year.

(j) The City of Malay Boracay shall share at least 1% of the City Income realized in the next preceding year of the proposed budget year to the component barangays to be known as City Income Allotment (CIA). The CIA will be automatically downloaded to the respective component barangays. In the first two (2) years after the effectivity of this Act, the CIA shall be based on the income realized in the next preceding year where the LGU was a municipality. The CIA will be utilized by the component barangays in the following manner: a) 50% of the CIA shall be allocated to development projects in the barangay concerned; b) the other 50% shall form part of their respective general funds. A menu of development projects will be provided by the City Planning and Development Office to ensure the projects are aligned with the City's Development Plan.

Section 75. Land Banking Program. The City of Malay Boracay, after the effectivity of this Act, shall implement a land banking program within the City limits to be fulfilled for a period of 50 years until it reaches 500 hectares. This land will be a multipurpose spaces to house all the City Government facilities to serve the public such as but not limited to health, social, educational, public dwelling, recreational spaces, green spaces, public spaces, pedestrian spaces, public easement, cemetery, the city's economic enterprises, business districts, information technology parks, road right of way and other spaces deem necessary for city's growth while sustaining the community livable for generations. To achieve the goal of this program, the City Government shall allocate not less than 5% of the total budget in the current and succeeding years. If the 500 hectares are not attained within 50 years, the prescribed allocation shall continue to be appropriated until the required land is realized. However, if the required land is fulfilled sooner than 50 years, the prescribed allocation will no longer be imposed, except when the city government necessitates further land acquisition projects. The prescribed allocation is attributable to other funding sources of the general fund.

Section 76. Tax Moratorium. Upon the effectivity of this Act, the City of Malay Boracay shall maintain a tax moratorium for five (5) years, wherein no increase in the rates of taxes shall be imposed. Furthermore, it shall abide by the provisions of the Local Government Code of 1991, as amended, which limit the authority of local government units in adjusting tax rates, which shall not be oftener than once every five (5) years, but in no case shall such adjustment exceed ten percent (10%) of the rates fixed under the Code.

Section 77. Plebiscite. The City of Malay Boracay shall acquire corporate existence upon the ratification of its creation by a majority of the votes cast by the qualified voters in a plebiscite to be conducted in the present Municipality of Malay within sixty (60) days from the approval of this Act.

The Commission on Elections shall conduct and supervise such plebiscite. The expenses for such a plebiscite shall be borne by the Municipality of Malay.

2708 **Section 78. Holdover Authority of the Officials of the Municipality of Malay.** The
2709 present elective officials of the Municipality of Malay shall continue to exercise their
2710 powers and functions until such time that a new election is held and the duly-elected
2711 officials shall have already qualified and assumed their offices. The appointive
2712 officials and employees of the city shall likewise continue exercising their functions
2713 and duties, and they shall be automatically absorbed by the City Government of
2714 Malay Boracay.

2715 **Section 79. Succession Clause.** The City of Malay Boracay shall succeed to all the
2716 assets, properties, liabilities, and obligations of the Municipality of Malay.

2717 **Section 80. Election of Provincial Governor and Sangguniang Panlalawigan**
2718 **Members of the Province of Aklan.** - The qualified voters of the City of Malay
2719 Boracay shall be qualified to vote and run for any elective position in the elections for
2720 Provincial Governor, Provincial Vice Governor, Sangguniang Panlalawigan members,
2721 and other elective offices of the Province of Aklan.

2722 **Section 81. Jurisdiction of the Province of Aklan.** - The City of Malay Boracay shall,
2723 unless otherwise provided by law, continue to be under the jurisdiction of the
2724 Province of Aklan.

2725 **Section 82. Legislative District.** Until otherwise provided by law, the City of Malay
2726 Boracay shall continue to be a part of the Second Congressional District of the Province
2727 of Aklan.

2728 **Section 83. Applicability of Laws.** The Local Government Code of 1991, as amended,
2729 other laws pertaining to the Province of Aklan, and such laws as are applicable to
2730 cities shall govern the City of Malay Boracay insofar as they are not inconsistent with
2731 the provisions of this Act. Provided, however, that the land requirement prescribed
2732 under Republic Act No. 11683 shall not apply to the City of Malay Boracay.

2733 **Section 84. Separability Clause.** If, for any reason or reasons, any part or provisions
2734 of this Charter shall be held unconstitutional, invalid or inconsistent with the Local

2735 Government Code of 1991, as amended, the other parts or provisions hereof which are
2736 not affected thereby shall continue to be in full force and effect.

2737 **Section 85. Effectivity Clause.** This Act shall take effect fifteen (15) days after its
2738 publication in the Official Gazette or in a newspaper of general circulation.

Approved,