

AN ACT ENACTING A LOCAL GOVERNMENT CODE

BATAS PAMBANSA BLG. 337, February 10, 1983

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Be it enacted by the Batasang Pambansa in session assembled:

BOOK I.—GENERAL PROVISIONS

Title One.—Basic Principles

Chapter 1.—The Code: Policy and Application

SECTION 1. Title of Act.—This Act shall be known and referred to as the "Local Government Code."

SEC. 2. Declaration of Policy.—The State shall guarantee and promote the autonomy of local government units to ensure their fullest development as self-reliant communities and make them more effective partners in the pursuit of national development and social progress. To this end, the State shall constantly find and effectuate ways of enhancing their capabilities in discharging these responsibilities through a responsive and accountable local government structure instituted through a system of decentralization whereby local governments shall be given more powers, responsibilities and resources.

SEC. 3. Scope of Application of Code.—This Code shall apply to all local governments and, to the extent herein proved, to officials, offices or agencies of the national government.

SEC. 4. Rules of Interpretation.—(1) Any power of a barangay, municipality, city or province shall be liberally construed in its favor. Any fair and reasonable doubt as to the existence of the power shall be interpreted in favor of the local government unit concerned.

(2) The general welfare provisions in this Code shall be liberally interpreted so as to give more power to local governments in promoting the economic uplift, social welfare and material progress of the people in the community.

(3) Vested rights existing on the date of the effectivity of this Code arising out of contracts or any other source of obligation between a province, city, municipality or barangay and another party, shall be governed by the original terms and provisions of said contract or the law in force at the time such rights became vested and in no case shall this Code infringe on them.

(4) When in the resolution of controversies arising under this Code no legal provision or jurisprudence can be found to apply, resort may be had to the customs and traditions in the place where the controversy arose.

CHAPTER 2.—General Powers and Attributes of Local Government Units

SEC. 5. Creation and Conversion; Political and Corporate Nature.— (1) As a general rule, the creation of a local government unit or its conversion from one level into another level of local government shall be based on factors relative to viability and projected capacity to provide services which can be clearly shown by verifiable indicators.

(2) Every local government unit created or recognized under this Code is a body politic and corporate endowed with powers to be exercised by and through its government in conformity with law. As such, it shall exercise powers as a subdivision of the government and as a corporate entity representing the inhabitants of its territory.

SEC. 6. Beginning of Corporate Existence.—When a new local government unit is created, its corporate existence shall commence upon the qualification of its chief executive and a majority of the members of its legislative body or sanggunian unless some other time is fixed therefor by law.

SEC. 7. Governmental Powers in General.—Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary and proper for governance such as to promote health and safety, enhance prosperity, improve morals, and maintain peace and order in the local government unit, and preserve the comfort and convenience of the inhabitants therein.

SEC. 8. Authority to Create Sources of Revenue.—(1) Each local government unit shall have the power to create its own sources of revenue and to levy taxes, subject to such limitations as may be provided by law.

(2) For purposes of taxation by local government units, the appraisal and assessment of real property, as well as the levy, collection and administration of real property taxes, shall be governed by the provisions of existing laws insofar as they are not inconsistent with this Code.

SEC. 9. Eminent Domain.—A local government unit may, through its head and acting pursuant to a resolution of its sanggunian, exercise the right of eminent domain and institute condemnation proceedings for public use or purpose.

SEC. 10. Closure of Roads.—A local government unit may likewise, through its head acting pursuant to a resolution of its sangguniang and in accordance with existing law and the provisions of this Code, close any barangay, municipal, city or provincial road, street, alley, park or square. No such way or place or any part thereof shall be closed without indemnifying any person prejudiced thereby. A property thus withdrawn from public use may be used or conveyed for any purpose for which other real property belonging to the local unit concerned might be lawfully used or conveyed.

SEC. 11. Effectivity of Ordinances; Publication — (1) No ordinance enacted by a local government shall take effect until after the lapse of ten (10) days from the date a copy of it is posted in a bulletin board located in a conspicuous place at the provincial, city, municipal or barangay hall, at the public market, and/or at the church or chapel.

(2) In highly urbanized cities, the main features of the ordinance must, in addition thereto, be published in a newspaper of general circulation in the city.

SEC. 12. Corporate Powers.— Every local government unit shall, as a corporation, have the following powers:

- (1) To have continuous succession in its corporate name;
- (2) To sue and be sued;
- (3) To have and use a corporate seal;
- (4) To acquire and convey real or personal property;
- (5) To enter into contracts; and
- (6) To exercise such other powers as are granted to corporations, subject to limitations provided in this Code and other laws.

SEC. 13. Non-Liability for Damages.—Unless otherwise provided by law, no province, city, municipality or

barangay shall be liable for injuries or damages to persons or property arising from the act or omission of any of its officers or employees while in the performance of their official functions.

Chapter 3.—Intergovernmental Relations

Article One.—National Government and Local Governments

SEC. 14. National Supervision over Local Governments. — (1) The President of the Philippines shall exercise general supervision over local governments to ensure that local affairs are administered according to law. General supervision includes the power to order an investigation of the conduct of local government officials whenever necessary. Such general supervision shall be exercised primarily through the Ministry of Local Government.

(2) All ministries and national offices having to do with local government administration shall be confined to the setting of uniform standards and guidelines to obviate the need for requiring prior approval or pre-clearance on regular and recurring transactions and other activities normal to local governments. In this regard, the Ministry of Local Government shall establish and maintain appropriate coordinative and consultative arrangements with other ministries and national offices concerned with respect to the monitoring and securing of proper compliance with such standards and guidelines specially on matters which are highly technical in nature. Moreover, as a matter of general policy and whenever appropriate, the Ministry of Local Government shall exercise its supervisory authority over municipalities through the provinces, and barangays through municipalities and cities.

(3) Where appropriate, ministries and national agencies with project implementation functions other than the Ministry of Local Government, shall coordinate with and secure the desired integration with allied national government functions.

(4) Unless the contrary is provided, the regional offices or appropriate field units of the various ministries and national agencies in the region shall be the major points of contact and liaison between local governments and the national government. For this purpose, the national government shall, as a general policy and as much as practicable, effect the substantial delegation of authority and powers to the regional offices.

Article Two.—Province and City

SEC. 15. Provincial-City Relations.—The province, through the provincial governor, shall see to it that every component city within its territorial jurisdiction acts within the scope of its assigned powers and functions. Highly urbanized cities shall be independent of the province.

SEC. 16. Loans, Grants or Subsidies between Province and Component Cities.— (1) The sangguniang panlalawigan may, out of the provincial funds, extend loans, grants or subsidies to component cities geographically located within the province under such terms and conditions as it may impose.

(2) The sangguniang panlungsod of a component city may, out of city funds, likewise extend loans, grants or subsidies to the province to which it belongs, subject to such terms and conditions as it may impose.

Article Three.—Province and Municipality

SEC. 17. Provincial Supervision over Municipal Affairs. —The province, through the provincial governor, shall have primary responsibility for general supervision over the government of every municipality within its territorial jurisdiction to ensure that it acts within the scope of its assigned powers and functions.

SEC. 18. Submission of Questions to the Provincial Attorney or Fiscal.—In the absence of a municipal attorney, the municipal government may secure the opinion of the provincial attorney, if any, or the provincial fiscal on any legal question affecting the municipality.

SEC. 19. Certain Acts of the Sangguniang Bayan Requiring Approval of the Sangguniang Panlalawigan.—The following acts of the sangguniang bayan shall be subject to the approval of the sangguniang panlalawigan:

- (1) Permanent closure of a public road, street, alley, park or square; and
- (2) Donation of municipal funds or property.

SEC. 20. Provincial Loans, Grants and Subsidies.—The sangguniang panlalawigan may, out of the provincial funds, extend loans, grants and subsidies to municipalities of the province under such terms and conditions as it may impose.

Article Four.—City and Barangay

SEC. 21. City Supervision over Barangay Affairs.— The city, through the city mayor, shall have primary responsibility for general supervision over the government of every barangay within its territorial jurisdiction to ensure that it acts within the scope of its assigned powers and functions.

SEC. 22. Review of Barangay Ordinances and Resolutions.—The Sangguniang panlungsod shall review all ordinances and resolutions duly approved by the sangguniang barangay to ensure that they are within the powers granted by law and in conformity with city ordinances.

SEC. 23. Barangay Improvement; Recommendations.— The sangguniang barangay may submit to the sangguniang panlungsod such suggestions or recommendations as it may see fit for the improvement of the barangay and for the welfare of its inhabitants.

Article Five.—Municipality and Barangay

SEC. 24. Municipal Supervision over Barangay Affairs. — The municipality, through the municipal mayor, shall have primary responsibility for general supervision over the government of every barangay within its territorial jurisdiction to ensure that it acts within the scope of its assigned powers and functions.

SEC. 25. Review of Barangay Ordinances and Resolutions.—The sangguniang bayan shall review all ordinances and resolutions duly approved by the sangguniang barangay to ensure that they are within the powers granted by law and in conformity with municipal ordinances.

SEC. 26. Recommendations to the Sangguniang Bayan. —The sangguniang barangay may submit to the sangguniang bayan such suggestions or recommendations as it may see fit for the improvement of the barangay and for the welfare of its inhabitants.

Chapter 4.—Relation with Other Offices

SEC. 27. The Ministry of Health.— (1) The present participation of local government units as well as their fund assistance for the delivery of health services within their respective areas shall continue until such time as the national integration of said services shall have been fully implemented by the Ministry of Health.

(2) Notwithstanding this integration, a local government unit may assist or augment the integrated national health services with local funds.

SEC. 28. The Ministry of Justice.—Whenever the exigencies of the service warrant the creation of positions of additional lawyers to assist provincial and city fiscals in the discharge of their duties, positions of special counsel may be created by any province or city with salaries chargeable against provincial or city funds. Special counsels shall be appointed by the Minister of Justice upon recommendation of the provincial governor or city mayor

concerned, either on permanent or temporary basis.

SEC. 29. The Commission on Audit.—The Commission on Audit shall review and audit all accounts of each local government unit in accordance with the provisions of law relating to government accounts and accounting.

SEC. 30. The Ministry of Education, Culture and Sports.— The Ministry of Education, Culture and Sports shall exercise the same jurisdiction and powers over all educational institutions established or supported by any local government unit that it exercises over all other public schools.

SEC. 31. Participation of Local Governments in the Implementation of National Programs and Projects.—(1) Each ministry, office, agency or instrumentality of the national government shall involve local governments and secure their participation in the various substantive aspects of programs and projects, and the other corollary operational activities that should be carried out through local governments.

(2) As a general policy and as much as practicable, the national government shall encourage and provide the necessary authority for local governments in the supervision of appropriate national government operations and activities undertaken at the various levels of local government.

SEC. 32. Technical and Financial Assistance; Technical Supervision.— (1) Every ministry, office, agency or instrumentality of the national government shall render technical and provide financial assistance to local governments necessary to carry out national policies, plans, programs, projects and activities.

(2) Ministries may exercise technical supervision over local governments on technical aspects over which they are responsible on the national level.

SEC. 33. Transfer of Responsibility.—As a general policy and where appropriate, the national government shall encourage and take the necessary measures for the transfer of responsibility and the corresponding authority over service delivery functions from the national to the local governments or from a higher to a lower level of local government: Provided, however, That such transfer need not be effected at the same time and for all the units in any tier of local government, but may be done on the basis of the capability of the local unit or units concerned to assume and discharge the transferred responsibility.

Chapter 5.—Fiscal Matters

SEC. 34. Principles to be Observed.—The following principles shall be observed by all concerned relative to the financial affairs, transactions and operations of every local government:

(1) As a general rule, local governments shall be allowed as much authority and flexibility over the financial aspects of their operations which are consistent with such standards and guidelines as may be prescribed by competent authorities.

(2) No money shall be paid out of the treasury except in pursuance of a lawful appropriation or other specific statutory authority. No funds shall be disbursed, and no checks shall be issued without the approval or signature of the local chief executive.

(3) Public funds and monies shall be spent solely for public purposes.

(4) Revenue shall be obtainable from all sources, including the power to levy taxes, subject to such limitations as may be provided by law.

(5) All monies officially received by a public officer shall be accounted for as government funds, except as may otherwise be specifically provided by law.

(6) Trust funds shall not be paid out of the treasury except in fulfillment of the purpose for which the trust was created or the funds received.

(7) Fiscal responsibility shall be shared by all those exercising authority over the financial affairs, transactions and operations of the local government unit concerned.

SEC. 35. Preparation, Approval and Review of Budget.— Budgets of local government units shall be prepared, approved and reviewed in conformity with the provisions of law, rules and regulations, taking into account such limitations as are imposed on appropriations for salaries and rates of compensation, personnel movement and administration, and appropriations for discretionary purposes of local executives.

SEC. 36. Accounting and Accountability.—(1) Every local government officer whose duties require the possession or custody of local government funds shall be accountable therefor and responsible for their safekeeping in conformity with the provisions of law. Local treasurers and other accountable officers shall render their accounts within such time, in such form, style and contents and under such regulations as the Commission on Audit may prescribe pursuant to law.

(2) The heads of local government units shall be responsible for the proper operation and maintenance of the accounting offices in their respective units. They shall see to it that all accounting records and books conform to the applicable provisions of this Code, and the pertinent laws, rules, regulations and reporting requirements of the Office of Budget and Management. Non-compliance with such laws, rules, regulations and reporting requirements shall be sufficient ground for administrative action against the officials responsible therefor, including dismissal from the service.

Sec- 37. Auditorial Inspection.—The books of accounts, papers and cash of any local treasurer or other accountable local official shall at all times be open to the inspection of the Commission on Audit or its duly authorized representative.

SEC. 38. Credit Financing for Local Governments.—The conduct and management of the credit transactions and borrowings of local governments shall be governed by existing laws.

SEC. 39. Intergovernmental Fiscal Relations.—Inter-governmental sharing of funds between the national and local governments shall be governed by existing laws.

Chapter 6.—Requirements and Prohibitions Applicable to all Local Officials and Employees

SEC. 40. Statement of Assets.—Before assuming office, an official or employee of a local government unit shall file in the-office of its chief official a sworn statement of assets, liabilities and property holdings.

SEC. 41. Officials not to Engage in Business Transactions or Possess Pecuniary Interest.—It shall be unlawful for any local government official, directly or indirectly, individually or as a member of a firm:

(1) To engage in any business transaction with the local government unit of which he is an official or over which he has the power of supervision, or with any of its authorized officials, boards, agents, or attorneys, whereby money is to be paid, or property or any other thing of value is to be transferred, directly or indirectly, out of the resources of the local government unit to such person or firm;

(2) To purchase any real estate or other property forfeited in favor of such unit which shall be sold for unpaid taxes or assessment, or by virtue of legal process at the suit of said unit;

(3) To be surety for any person having contract or doing business with the local government unit for the performance of which surety may be required.

Title Two.—Elective Officials

Chapter 1.—Qualifications and Election

SEC. 42. Qualifications.— (1) An elective local official must be a citizen of the Philippines, at least twenty-three years of age on election day, a qualified voter registered as such in the barangay, municipality, city or province where he proposes to be elected, a resident therein for at least one year at the time of the filing of his certificate of candidacy, and able to read and write English, Pilipino, or any other local language or dialect.

(2) Candidates for the position of punong barangay or member of the sangguniang barangay must be actual residents in the barangay where they propose to be elected.

(3) A candidate for chairmanship of the kabataang barangay need not be of the minimum age required in this section.

SEC. 43. Manner of Election.— (1) Unless otherwise provided by law, the governor, vice-governor, city mayor, city vice-mayor, municipal mayor, municipal vice-mayor, and barangay officials shall be elected at large in their respective units by the qualified voters therein. However, the kabataang barangay chairman for each barangay shall be elected by the registered voters of the kabataang barangay assembly as hereinafter provided.

(2) The members of the sangguniang panlalawigan, sangguniang panlungsod, and the sangguniang bayan shall be elected at large in their respective units, but the representatives of the katipunan ng mga barangay and the kabataang barangay federation in said sanggunians shall be elected by their own respective organizations, subject to the supervision of the Commission on Elections.

(3) Unless otherwise provided by law, the present manner of election/appointment of representatives of the agricultural and industrial labor sectors to the sangguniang panlungsod or sangguniang bayan, as the case may be, shall be maintained.

SEC. 44. Term of Office.—The term of office of all local elective officials shall be six (6) years, starting from the date provided by law.

SEC. 45. Change of Territory Affecting Tenure of Office.—When a part of a province, city, municipality, or barangay is detached from its mother unit to form a new local government unit, or is merged to an existing local government unit, any elective official of the mother unit residing in the detached or merged territory shall be entitled to continue to hold office in the mother province, city, municipality or barangay, as the case may be, and exercise the functions thereof for the remainder of his term.

SEC. 46. Supervision over Local Elections by the Commission on Elections.—The Commission on Elections shall,

in addition to the powers and functions conferred upon it by the Constitution and other laws, have supervision over local elections and plebiscites with powers to promulgate the necessary rules and regulations consistent with the provisions of this Code.

SEC. 47. Commutation of Leave Credits.—All elective local government officials shall be entitled to whatever leave credits are granted to appointive officials under existing laws, and the commutation of the money, value thereof.

Chapter 2.—Vacancies and Succession

SEC. 48. Permanent Vacancy in the Office of the Governor, City or Municipal Mayor.— (1) In case a permanent vacancy arises when a governor, city or municipal mayor refuses to assume office, fails to qualify, dies or is removed from office, voluntarily resigns, or is otherwise permanently incapacitated to discharge the functions of his office, the vice-governor, city or municipal vice-mayor, as the case may be, shall assume the office for the unexpired term of the former.

(2) If the vice-governor, city or municipal vice-mayor, as the case may be, likewise refuses to assume office or fails to qualify, dies or is removed from office, voluntarily resigns, or is otherwise permanently incapacitated to discharge the functions of the office, the member of the sangguniang panlalawigan, sangguniang panlungsod or sangguniang bayan, as the case may be, who obtained the highest number of votes in the election immediately preceding shall assume the office for the unexpired term of the governor, city or municipal mayor concerned.

(3) If the sanggunian member concerned likewise refuses to assume office or fails to qualify, dies or is removed from office, voluntarily resigns, or is otherwise permanently incapacitated to discharge the functions of the office, the vacancy shall be filled by appointment of the President of the Philippines, upon recommendation of the Minister of Local Government, for the unexpired term of the vacant office.

SEC. 49. Permanent Vacancy in the Office of the Vice-Governor, City or Municipal Vice-Mayor.— (1) In case a permanent vacancy arises when a vice-governor, city or municipal vice-mayor assumes the office of governor, city or municipal mayor, as the case may be, or refuses to assume office, fails to qualify, dies, is removed from office, voluntarily resigns or is otherwise permanently incapacitated to discharge the functions of his office, the sangguniang panlalawigan, sangguniang panlungsod or sangguniang bayan member who obtained the highest number of votes in the election immediately preceding, as the case may be, shall assume the office for the unexpired term of the vice-governor, city or municipal vice-mayor concerned.

(2) If the sanggunian member concerned likewise assumes the office of governor, city or municipal mayor, as the case may be, or refuses to assume office, fails to qualify, dies or is removed from office, voluntarily resigns or is otherwise permanently incapacitated to discharge the functions of the office, the vacancy shall be filled by appointment of the President of the Philippines, upon recommendation of the Minister of Local Government, for the unexpired term of the vacant office.

SEC. 50. Permanent Vacancies in Local Sanggunians.— In case of permanent vacancy in the sangguniang panlalawigan, sangguniang panlungsod, sangguniang bayan, or sangguniang barangay, the President of the Philippines, upon recommendation of the Minister of Local Government, shall appoint a qualified person to fill the vacancy in the sangguniang panlalawigan and the sangguniang panlungsod; the governor, in the case of sangguniang bayan members; or the city or municipal mayor, in the case of sangguniang barangay members. Except for the sangguniang barangay, the appointee shall come from the political party of the sanggunian member who caused the vacancy, and shall serve the unexpired term of the vacant office.

SEC. 51. Permanent Vacancy in the Office of Punong Barangay.— (1) In the event the punong barangay refuses to

assume office, fails to qualify, dies or is removed from office, voluntarily resigns, or is otherwise permanently incapacitated to discharge the functions of his office, the member of the sangguniang barangay who obtained the highest number of votes in the election immediately preceding shall assume the office for the unexpired term of the punong barangay.

(2) If the sangguniang barangay member concerned likewise refuses to assume office, fails to qualify, dies or is removed from office, voluntarily resigns, or is otherwise permanently incapacitated to discharge the functions of his office, the vacancy shall be filled by the member of the sangguniang barangay who obtained the next highest number of votes in the election immediately preceding. The successor shall assume the office of punong barangay for the unexpired term of the vacant office.

SEC. 52. Temporary Vacancy in the Office of Governor, City or Municipal Mayor, or Punong Barangay.— (1) In case of temporary incapacity of the governor, city or municipal mayor, or punong barangay to perform his duties on account of physical or legal causes, or when he is on official leave of absence or on travel outside the territorial jurisdiction of the Republic of the Philippines, the vice-governor, city or municipal vice-mayor, or the sangguniang barangay member who obtained the highest number of votes in the election immediately preceding, as the case may be, shall exercise the powers, duties and functions of the governor, city or municipal mayor, or punong barangay, as the case may be, except the power to appoint, suspend or dismiss employees for a period corresponding to the temporary incapacity of the incumbent, or corresponding to the incumbent's official leave of absence or travel abroad, or for a period of not more than three months.

(2) Upon the expiration of three months, should the temporary incapacity, official leave of absence, or travel abroad subsist, the vice-governor, city or municipal vice-mayor, or sangguniang barangay member concerned as the case may be, may exercise the power to appoint, suspend or dismiss employees for a period corresponding to the temporary incapacity, official leave of absence, or travel abroad of the incumbent.

(3) Nothing in this section shall be construed to mean automatic assumption of powers, duties and functions on the part of the vice-governor, city or municipal vice-mayor, or sangguniang barangay member concerned, as the case may be, when the incumbent local executive is on official travel in connection with the discharge of the duties and functions of his office.

SEC. 53. Approval of Leave Privileges.—The leave privileges of local elective officials shall be approved as follows:

(1) The leave privileges of the vice-governor, city or municipal vice-mayor and members of the sanggunian in all levels, shall be approved by the local chief executive concerned;

(2) Leave privileges of the municipal mayor shall be approved by the provincial governor; and

(3) Leave privileges of the city mayor and the provincial governor shall be approved by the Minister of Local Government or his duly authorized representative.

Chapter 3.—Recall

SEC. 54. By Whom Exercised; Requisites.— (1) The power of recall shall be exercised by the registered voters of the unit to which the local elective official subject to such recall belongs.

(2) Recall shall be validly initiated only upon petition of at least twenty-five percent of the total number of registered voters in the local government unit concerned based on the election in which the local official sought to be recalled was elected.

SEC. 55. Who May be Recalled; Ground for Recall: When Recall May not be Held.—(1) Any elective official may be recalled only once during his term of office for loss of confidence.

(2) No recall shall take place within two years from the date of the official's assumption of office or one year immediately preceding a regular local election.

SEC. 56. Form, Venue and Procedure for Recall.— (1) A written petition for recall duly signed before the election registrar or his representative, and in the presence of a representative of the petitioner and a representative of the official sought to be recalled, and in a public place in the province, city, municipality or barangay, as the case may be, shall be filed with the Commission on Elections through its office in the local unit concerned. The Commission on Elections or its duly authorized representative shall cause the publication of the petition in a public and conspicuous place for a period of not less than ten days nor more than twenty days, for the purpose of verifying the authenticity and genuineness of the petition and the required percentage of voters.

(2) Upon the lapse of the aforesaid period, the Commission on Elections or its duly authorized representative shall announce the acceptance of candidates to the position and thereafter prepare the list of candidates which shall include the name of the official sought to be recalled.

(3) The Commission on Elections shall then set the date for the election which shall not be later than thirty days after the announcement of the acceptance of candidates for the election on recall in the case of the city, municipal or barangay officials, and forty-five days in the case of provincial officials. The election shall then be held on the date set, after which the winner shall be certified and proclaimed by the Commission on Elections.

SEC. 57. Effectivity of Recall.—The recall of a local elective official shall be effective only upon the election and proclamation of a successor in the person of the candidate receiving the highest number of votes cast during the election. Should the official sought to be recalled receive the highest number of votes, confidence in him is thereby affirmed and he shall continue in office.

SEC. 58. Acts of the Commission on Elections.—All acts of the Commission on Elections on all matters pertaining to the recall of local elective officials shall be governed by the Constitution and the election laws.

SEC. 59. Supervision by the Commission on Elections.— The Commission on Elections shall conduct and supervise the process of and election on recall in the manner and time herein provided and, in pursuance thereof, promulgate the necessary rules and regulations.

Chapter 4.—Suspension and Removal

SEC. 60. Suspension and Removal; Grounds.—An elective local official may be suspended or removed from office on any of the following grounds committed while in office:

(1) Disloyalty to the Republic of the Philippines;

(2) Culpable violation of the Constitution;

(3) Dishonesty, oppression, misconduct in office and neglect of duty;

(4) Commission of any offense involving moral turpitude;

(5) Abuse of authority;

(6) Unauthorized absence for three consecutive months.

SEC. 61. Form and Filing of Complaints.—Verified complaints against local elective officials shall be preferred as follows:

(1) Against any elective provincial or city official, before the Minister of Local Government;

(2) Against any elective municipal official, before the sangguniang panlalawigan;

(3) Against any elective barangay official of a city or municipality, before the sangguniang panlungsod or the sangguniang bayan, as the case may be.

SEC. 62. Notice of Hearing.—Within seven days after the complaint is filed, the Minister of Local Government, or the sanggunian concerned, as the case may be, shall require the respondent to submit his verified answer within seven days from receipt of said complaint, and commence the hearing and investigation of the case within ten days after receipt of such answer of the respondent. No investigation shall be held within ninety days immediately prior to an election, and no preventive suspension shall be imposed within the said period. If preventive suspension has been imposed prior to the aforesaid period, the preventive suspension shall be lifted.

SEC. 63. Preventive Suspension.— (1) Preventive suspension may be imposed by the Minister of Local Government if the respondent is a provincial or city official, by the provincial governor if the respondent is an elective municipal official, or by the city or municipal mayor if the respondent is an elective barangay official.

(2) Preventive suspension may be imposed at any time after the issues are joined, when there is reasonable ground to believe that the respondent has committed the act or acts complained of, when the evidence of culpability is strong, when the gravity of the offense so warrants, or when the continuance in office of the respondent could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence. In all cases, preventive suspension shall not extend beyond sixty days after the start of said suspension.

(3) At the expiration of sixty days, the suspended official shall be deemed reinstated in office without prejudice to the continuation of the proceedings against him until its termination. However, if the delay in the proceedings of the case is due to his fault, neglect or request, the time of the delay shall not be counted in computing the time of suspension.

SEC. 64. Rights of the Respondent.—The respondent shall be accorded full opportunity to appear and defend himself in person or by counsel, to confront and cross-examine the witnesses against him, and to require the attendance of witnesses and the production of documentary evidence in his favor through the compulsory process

of subpoena or subpoena duces tecum.

SEC. 65. Form and Notice of Decision.— (1) Within thirty days after the end of the investigation, the Minister of Local Government, or the provincial, city or municipal sanggunian, as the case may be, shall render a decision in writing stating clearly and distinctly the facts and the reasons for such decision, copies of which shall immediately be furnished the respondent and all interested parties.

(2) The penalty of suspension shall not exceed the un-expired term of the respondent, nor shall the penalty of suspension or removal be a bar to the candidacy of the respondent so suspended or removed from an elective public office as long as he meets the qualifications so required for the office.

SEC. 66. Administrative Appeals.— (1) Administrative appeals from the decision of suspension or removal shall be made within thirty days from the date on which the same was received, to the following authorities whose decision shall be final:

(a) The decision of the Minister of Local Government shall be appealable to the President.

(b) The decision of the provincial, city or municipal sanggunian shall be appealable to the Minister of Local Government.

(2) The provisions of this section shall be without prejudice to appropriate judicial remedies.

SEC. 67. Salary of Respondent Pending Suspension.— The respondent official suspended from office pending an investigation of charges against him shall receive no salary or compensation during such suspension; but, upon subsequent exoneration and reinstatement, he shall be paid full salary or compensation including such emoluments accruing during such suspension.

Title Three.—Local School Boards

SEC. 68. Creation and Composition.— (1) In every province, city or municipality, there shall be established, respectively, a provincial school board, city school board, or municipal school board, which shall be composed as follows:

(a) In the case of the provincial school board, the governor as chairman, the division superintendent of schools as vice chairman, and the provincial treasurer, a representative of the sangguniang panlalawigan chosen by it from among its members, and the president or duly elected representative of the federation of parent-teachers associations, as members.

(b) In the case of the city school board, the city mayor as chairman, the city superintendent of schools as vice chairman, and the city treasurer, the representative of the sangguniang panlungsod chosen by it from among its members, and the president or duly elected representative of the federation of parent-teachers associations, as members.

(c) In the case of the municipal school board, the municipal mayor as chairman, the district supervisor as vice chairman, and the municipal treasurer, the representative of the sangguniang bayan chosen by it from among

its members, and the president or duly elected representative of the federation of parent-teachers associations, as members.

(2) In the event that a province or city has two or more school superintendents, and in the event that a municipality has two or more district supervisors, the vice-chairman of the local school board shall be determined as follows:

(a) The regional director of the Ministry of Education, Culture and Sports shall designate the vice-chairman for the provincial and city school boards; and

(b) The division superintendent of schools shall designate the district supervisor who will serve as vice-chairman of the municipal school board.

(3) The performance of the duties and responsibilities of the above-mentioned officials in their respective school boards shall not be delegated.

SEC. 69- Functions.—The provincial, city or municipal school board, shall:

(1) Determine, in accordance with the criteria set by the Ministry of Education, Culture and Sports, the annual supplementary budgetary needs for the operation and maintenance of local public schools within the province, city or municipality and the supplementary local cost of adequately meeting- such needs which shall be reflected in the form of an annual school board budget corresponding to the board's share of the proceeds of the additional real property tax. The approval by the Ministry of Education, Culture and Sports of said budget shall be ministerial.

(2) Apply for a share in the stabilization portion of the fund established under existing laws creating the Special Education Fund, which share shall, upon approval of the application therefor, be remitted to the provincial, city or municipal treasurer concerned.

(3) Authorize the provincial, city or municipal treasurer, as the case may be, to disburse funds from the provincial, city or municipal share in the Special Education Fund pursuant to the budget prepared and in accordance with existing rules and regulations.

SEC. 70. Meetings and Quorum.— (1) The board shall meet at least once a month or as often as the chairman or majority of the members find it necessary.

(2) Three members shall constitute a quorum, but the chairman and vice-chairman must always be present when the school budget is being prepared and considered. The affirmative vote of three members shall be necessary to approve the budget.

SEC. 71. Compensation and Remuneration.—The chairman and members of the provincial, city or municipal school boards shall perform their duties as such without compensation or remuneration. Members thereof who are not government officials shall be entitled to necessary travelling expenses chargeable against the funds of the school board concerned.

Title Four.—Personnel Administration

SEC. 72. Responsibility for Personnel Administration.— Each head of a local government unit shall be responsible for personnel administration in his unit and shall take all personnel actions in accordance with the constitutional provisions relative to the civil service and all laws and rules thereon, including such policies, guidelines and standards as the Civil Service Commission may establish.

SEC. 73. Appointment of Personnel of Local Governments.—All officials and employees paid wholly out of provincial, city or municipal funds shall be appointed by the governor, city or municipal mayor, as the case may be, except as otherwise provided in this Code.

SEC. 74. Promotion.—Promotions in local governments shall be in accordance with existing laws and rules on the matter. The head of a local government shall evolve his own screening process for determining employees deserving promotion which may include tests of merit and fitness under standards and guidelines established by the Civil Service Commission.

SEC. 75. Salaries of Officials and Personnel.—The salaries of officials and employees of local government shall be provided by law or ordinance: Provided, That the salaries or compensation of the vice-governor, vice-mayor, and members of the sanggunian in all levels and such other positions as are not included under existing laws shall be determined by the Joint Commission on Local Government Personnel Administration established under Presidential Decree Numbered One thousand one hundred thirty-six.

SEC. 76. Abolition of Position.—When the position of an official or employee under the civil service is abolished by law or ordinance, the official or employee so affected shall be reinstated in another vacant position without diminution of salary. Should such position not be available, the official or employee affected shall be granted a separation pay equivalent to one month salary for every year of service over and above the monetary privileges granted to officials and employees under existing laws.

SEC. 77. Administrative Discipline.—Investigation and adjudication of administrative complaints against appointive local officials and employees of local governments as well as their suspension and removal shall be in accordance with the civil service law and rules and other laws affecting the civil service. The results of such administrative complaints and investigation shall be reported to the Civil Service Commission.

SEC. 78. Disciplinary Jurisdiction.— (1) Except as otherwise provided by law, the head of a local government unit shall have authority to remove, separate, suspend and otherwise discipline officials and employees under his jurisdiction. If the penalty imposed is suspension without pay for not more than thirty days, his decision shall be final. If the penalty imposed is heavier, the decision shall be appealable to the Civil Service Commission which has final authority upon all matters relating to the conduct, discipline and efficiency of local government officials and employees. If the respondent is in the career executive service, appeal shall be made to the Career Service Board.

(2) An appeal shall not prevent a decision from becoming executory, and in case the penalty is suspension of removal, the respondent shall be considered as having been under preventive suspension during the pendency of an appeal in the event he wins such appeal. However, the respondent shall be paid his salary corresponding to the period during which the appeal is pending in the event he is completely exonerated.

Title Five.—Settlement of Municipal and Barangay Boundary Disputes

SEC. 79. Municipal Boundary Disputes.—Disputes as to the jurisdiction of municipal governments over areas or barangays shall be heard and decided by the sangguniang panlalawigan of the province where the municipalities

concerned are situated. Where the areas or barangays in dispute are claimed by municipalities situated in different provinces, the sangguniang panlalawigan of the provinces involved shall jointly hear and decide the dispute. In case no settlement is reached within sixty days from the date the dispute was referred to the sangguniang panlalawigan concerned, said dispute shall be elevated to the Regional Trial Court of the province which first took cognizance of the dispute. The case shall be decided by the said court within one year from the start of proceedings and appeal may be taken from the decision within the time and in the manner prescribed by the Rules of Court.

SEC. 80. Barangay Boundary Disputes.—Boundary disputes between barangays within the same city or municipality shall be heard and decided by the sangguniang panlungsod or sangguniang bayan concerned for the purpose of affording the parties an opportunity to reach an amicable settlement. In case no amicable settlement is reached within sixty days from the date the dispute was referred to the sangguniang panlungsod or the sangguniang bayan, as the case may be, the case shall be heard and decided by the Regional Trial Court of the province or city where the barangays concerned are located within one year from the start of court proceedings. Appeal may be taken within the time and in the manner prescribed by the Rules of Court.

BOOK II.—LOCAL GOVERNMENT UNITS

Title One.—The Barangay

Chapter 1.—Role and Creation of Barangays

SEC. 81. Role of Barangays.—As the basic political unit, the barangay serves as the primary planning and implementing unit of government programs, projects and activities, and as a forum in which the collective views of the people in the community may be crystalized and considered.

SEC. 82. Manner of Creation.—A. barangay may be created, named, and its boundaries denned, altered or modified, by an ordinance of the sangguniang panlalawigan or sangguniang panlungsod, as the case may be, subject to the approval by a majority of the votes cast in a plebiscite called for the purpose by the Commission on Elections to be held in the unit or units affected within such period of time as may be determined by the ordinance creating said barangay.

Existing barangays, and those which have been organized pursuant to existing laws, operating with their own set of officers, shall be considered as such, and shall be governed by the provisions of this Code.

SEC. 83. Requisites for Creation.—(1) A barangay may, be created out of a contiguous territory which has a population of at least one thousand inhabitants, provided the creation thereof shall not reduce the population of the mother barangay or barangays to less than one thousand inhabitants. The territory need not be contiguous if it comprises two or more islands.

(2) The territorial jurisdiction of the new barangay shall be properly identified by metes and bounds or by natural boundaries.

SEC. 84. Naming of Barangays.—The name of an existing barangay may not be changed unless for a justifiable reason and not oftener than once every ten years. In no case shall a new barangay be named after a living person.

SEC. 85. Boundaries of Barangays.—In determining the boundaries of a barangay, the sangguniang panlungsod, or sangguniang bayan, as the case may be, shall be assisted by the provincial, city or municipal assessor and the Director of Lands or his deputies. In the absence of any documentary or technical basis for fixing the boundaries, the sangguniang panlungsod or sangguniang bayan, as the case may be, shall be guided initially by commonly accepted boundaries. After sixty days from such determination, these boundary limits shall be deemed final,

unless new barangays are created or formal proceedings for the relocation of boundaries have been instituted in the meantime.

Chapter 2.—Barangay Officials and Offices in General

SEC. 86. Chief Officials and Offices.—(1) There shall be in each barangay a punong barangay, six (6) elective sangguniang barangay members, the kabataang barangay chairman, a barangay secretary and a barangay treasurer.

(2) Executive officers of barangay brigades and such other positions or offices as may be deemed necessary to carry out the purpose of the barangay government may be created by the sangguniang barangay, subject to availability of funds and the needs of public service.

(3) The Ministry of Local Government shall prescribe minimum standards and guidelines with respect to the organizational structure, staffing pattern and other relevant operational aspects of barangays according to needs.

SEC. 87. Persons in Authority.—For purposes of the Revised Penal Code, the punong barangay shall be deemed a person in authority, while sangguniang barangay members, barangay pook or district leaders, officers and members of the barangay community brigades, and such other barangay members who may be designated by law and charged with the maintenance of public order, protection and security of life and property, or the maintenance of a desirable and balanced environment, and any barangay member who comes to the aid of persons in authority, shall be deemed agents of persons in authority.

Chapter 3.—The Punong Barangay

SEC. 88. Powers and Duties.— (1) The punong barangay shall be the head of the barangay government and shall exercise such powers, duties and functions as are provided in this Code and other laws.

(2) He shall:

(a) Enforce all laws and ordinances which are operative within the barangay;

(b) Negotiate, enter into, and sign contracts for and in behalf of the barangay, upon authorization of the sangguniang barangay;

(c) Maintain public order in the barangay and assist the municipal or city mayor and the sangguniang bayan or sangguniang panlungsod members, who are assigned to take charge of their district, in the performance of their duties in such barangay;

(d) Call and preside over the meetings of the sangguniang barangay and the barangay assembly, and vote to break a tie;

(e) Appoint or replace the barangay secretary and other officers of the barangay;

(f) Upon approval by a majority of all the members of the sangguniang barangay, appoint or replace the

barangay treasurer;

(g) Organize and lead an emergency group whenever the same may be necessary for the maintenance of peace and order within the barangay;

(h) Prepare the annual and supplemental budgets of the barangay;

(i) Approve vouchers relating to the disbursement of barangay funds;

(j) Enforce laws and regulations relating to pollution and environmental control and effect arrests of violators

thereof;

(k) Exercise general supervision over the affairs of the kabataang barangay for purposes of coordination with the sangguniang barangay;

(l) Look after the general welfare of the barangay;

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

(3) In the performance of his peace and order functions, the punong barangay shall be entitled to possess and carry the necessary firearms within his territorial jurisdiction, subject to existing rules and regulations on the possession and carrying of firearms.

SEC. 89. Compensation.—The punong barangay shall receive such compensation, allowances and other emoluments as may be authorized by the sangguniang barangay in accordance with the provisions of this Code.

Chapter 4.—The sangguniang Barangay

SEC. 90. Composition.—The sangguniang barangay shall be the legislative body of the barangay and shall be composed of the punong barangay as presiding officer, and the six sangguniang barangay members elected at large and the chairman of the kabataang barangay, as members.

SEC. 91. Powers and Duties.— (1) The sangguniang barangay shall:

(a) Enact such ordinance as may be necessary to carry into effect and discharge the responsibilities conferred upon it by law, and such as shall be necessary and proper to promote health and safety, enhance the prosperity and general welfare, improve the morals, and maintain peace and order in the barangay and preserve the comfort and convenience of the inhabitants therein;

(b) Provide for the construction and maintenance of barangay roads, bridges, viaducts, sidewalks, playgrounds and parks, school buildings, water supply system, drainage, irrigation, sewerage, public toilet facilities and other public works projects and facilities within the barangay and for this purpose, exercise the power of eminent domain with the approval of the sangguniang bayan or the sangguniang panlungsod;

(c) Assist in the establishment, organization and promotion of cooperative enterprises that will improve the economic condition and well-being of the barangay residents. Such enterprises may include credit unions, stocks for the sale or purchase of commodities and produce, warehouses, activities relating to agricultural and livestock production and marketing, fishing, home arts, barangay industries, and other activities which may promote the welfare of the barangay inhabitants;

(d) Solicit or accept, in any or all the foregoing public works and cooperative enterprises, such cooperation as is made available by municipal, provincial, city, and national government agencies established by law to render financial, technical and advisory assistance to barangays and to barangay residents: Provided, however, That in soliciting or accepting such cooperation, the sangguniang barangay may not pledge any sum of money for expenditure in excess of amounts currently in the barangay treasury or encumbered for other purposes;

(e) Provide compensation or reasonable per diems as well as travel expenses for sangguniang barangay members and other officials in the barangay, subject to the availability of funds: Provided, That the total expenditures for these purposes shall not exceed sixty percent of the total annual income of the barangay, nor should such compensation, per diems, and travel expenses exceed those granted to sangguniang bayan or sangguniang panlungsod members of the municipality or city to which such barangay belongs, or the compensation, per diems, and travel expenses granted to the city or municipal mayor of the same city or municipality;

(f) Submit to the sangguniang bayan or sangguniang panlungsod such suggestions or recommendations as it may see fit for the improvement of the barangay or for the welfare of the inhabitants thereof;

(g) Hold fund-raising activities for barangay purposes without securing permits from the Ministry of Social Services and Development or from the municipal or city mayor, except when said activities are undertaken outside the barangay, in which event, a permit therefor shall be secured from the city or municipal mayor, as the case may be, who shall fix the period for such activities, and the proceeds from which shall be tax-exempt and shall accrue to the general fund of the barangay: Provided, That in the appropriation thereof, the specific purpose for which such activity has been held shall be first satisfied: Provided, further, That no benefits shall be held in the barangay within a period of sixty days immediately preceding any national or local election;

(h) Regulate the use of cement pavements, grain or copra driers or patios, communal irrigation, barangay waterworks, barangay markets or similar projects constructed with government funds for public service within the jurisdiction of the barangay and charge reasonable fees for such use;

(i) Organize regular lectures, programs, and community assemblies to enlighten the people on the physical,

socio-cultural, moral, civic, political, educational and other matters of public interest;

(j) Provide for the organization of such community brigades as may be authorized by law;

(k) Enact the annual and supplemental budgets of the barangay in accordance with law;

(l) Authorize the punong barangay to enter into contracts in behalf of the barangay;

(m) Authorize the barangay treasurer to make direct purchases amounting to not more than three hundred pesos at any one time for the ordinary and essential administrative needs of the barangay;

(n) Act on the resignation of sangguniang barangay members and other officers of the barangay;

(o) Recommend from time to time to the city or municipal assessor, through the sangguniang panlungsod or sangguniang bayan, the reassessment of real properties located in the barangay;

(p) Whenever feasible, initiate the organization of a barangay high school in accordance with law;

(q) Prescribe fines of not more than five hundred pesos for violation of barangay ordinances;

(r) Provide for the proper development and welfare of the children in the barangay and deal with the problem of juvenile delinquency in consonance with existing laws and, for this purpose, encourage the organization within the barangay of a local council in which the kabataang barangay shall be represented;

(s) In coordination with the Ministry of Education, Culture and Sports, establish a non-formal education center in the barangay which shall provide education and training to adults and out-of-school youth to enable them to acquire skills for industry and agriculture; improve the literacy of those who cannot avail of the facilities of formal education; prepare them for productive activities by developing their self-reliance, proper attitude and behavior towards work and implement the non-formal educational policies and programs of the Ministry of Education, Culture and Sports and other agencies of the government;

(t) Accept or solicit monies, materials and voluntary labor for specific public works and cooperative enterprises of the barangay from residents, landholders, producers and merchants in the barangay; monies from grants-in-aid, subsidies, contributions, and revenues made available to the barangays from municipal, city, provincial or national funds; and monies from private agencies and individuals: Provided, That monies or properties donated by private agencies and individuals for specific purposes shall accrue to the barangay as a

special trust fund for that purpose.; and

(u) Exercise such powers as are necessary to carry out the foregoing provisions or which may be provided by law or ordinance.

(2) The expenses for the construction and maintenance of public works projects referred to in subparagraph (b) of this section shall be chargeable to the barangay development fund or other funds actually available for the purpose.

(3) Any contract authorized under subparagraph (1) of this section conveying real property or interest therein or creating a lien upon the same, shall be approved by the mayor.

(4) No contract involving the expenditure of two thousand pesos or more shall be entered into or authorized until the barangay treasurer shall have certified to the sangguniang barangay that funds have been duly appropriated for such purpose and the amount necessary to cover the proposed contract is available for expenditure on account thereof. Such certificate shall be attached to the contract as part thereof and the sum so certified shall not thereafter be made available for expenditure for any other purpose until the said contract is lawfully abrogated or executed at no cost to the barangay.

SEC. 92. Review of Barangay Ordinances.— (1) Within ten days after its enactment, the sangguniang barangay shall furnish copies of the ordinance to the sangguniang panlungsod or sangguniang bayan, as the case may be, which shall have the power to review said ordinance to determine whether it is consistent with law or city or municipal ordinances.

(2) If the sangguniang panlungsod or sangguniang bayan, as the case may be, does not take action on the ordinance within thirty days after its submission, it shall be presumed consistent with law, and city or municipal ordinances.

(3) If within thirty days the sangguniang panlungsod or sangguniang bayan, as the case may be, finds the ordinance inconsistent with law or city or municipal ordinances, the sanggunian concerned shall return it to the sangguniang barangay for adjustment, amendment, or modification, in which case the effectivity of the ordinance is suspended.

(4) In case the sangguniang barangay disagrees with the decision of the sangguniang panlungsod or the sangguniang bayan, as the case may be, the dispute shall be referred, in the case of municipalities, to the provincial fiscal, and in the case of cities, to the city fiscal for final action.

(5) The Minister of Finance shall have authority to suspend the effectivity of any tax ordinance within one hundred twenty days after its passage, if in his opinion the tax or fee therein levied or imposed is unjust, excessive, oppressive, confiscatory or contrary to law. In such event, the sangguniang barangay may contest the decision of the Minister in the appropriate court. Until the decision of the Minister of Finance is set aside by final judgment, the effectivity of the tax ordinance shall remain suspended.

(6) The Minister of Natural Resources shall have authority to suspend the effectivity of ordinances pertaining to fishing or fisheries promulgated by the sangguniang barangay within one hundred twenty days after its passage, upon due notice to the sanggunian concerned. In such event, the sangguniang barangay may contest the decision of the Minister of Natural Resources in the appropriate court. Until the decision of the Minister of Natural Resources is set aside by final judgment, the effectivity of the ordinance shall remain suspended.

SEC. 93. Duties of sangguniang Barangay Members. — In addition to their duties as members of the sangguniang barangay, they shall:

- (1) Assist the punong barangay in the discharge of his duties;
- (2) Act as peace officers in the maintenance of public order or as agent of persons in authority in their barangay; and
- (3) Perform such other duties as the Punong Barangay may delegate or as may be provided by law or ordinance.

SEC. 94. Privileges of Sangguniang Barangay Officials. — (1) In addition to their rights and privileges granted by law, the punong barangay, the sangguniang barangay members, the kabataang barangay chairman, the barangay treasurer and the barangay secretary shall:

- (a) Be entitled to per diems in such amount as may be determined by the sangguniang barangay, in accordance with the rates provided by law, subject to availability of barangay funds after deducting statutory and mandatory budgetary expenditures;
 - (b) Be entitled, during their incumbency, to insurance coverage, the premiums for which shall be shouldered by the national government;
 - (c) Be entitled to reimbursement of actual traveling expenses and allowances as may be provided for by law, subject to auditing rules and regulations;
 - (d) Be entitled to appropriate civil service eligibility on the basis of the number of years of service to the barangay, and for this purpose the Civil Service Commission is hereby empowered to issue rules and regulations to implement this provision;
 - (e) Be entitled to free medical care in any government hospital or institution; and
 - (f) Be exempted during their incumbency from paying tuition and matriculation fees for a maximum of four of their legitimate dependent children attending public high schools and for a maximum of two of their legitimate dependent children attending state colleges and universities.
- (2) Elective barangay officials shall have preference in appointments to any government position or in any government-owned or controlled corporation after their tenure.
 - (3) The surviving spouse or legal heirs of every barangay official who dies during his incumbency shall be

entitled to burial benefits chargeable against the general fund of the barangay in an amount not less than five hundred pesos. In the event the barangay funds are insufficient for this purpose, the same shall be chargeable against the funds of the city or municipality to which the barangay belongs.

Chapter 5.—Appointive Barangay Officials

SEC. 95. The Barangay Secretary.— (1) The punong barangay shall appoint the barangay secretary who shall hold office at his pleasure and be entitled to a reasonable allowance to be determined by the sangguniang barangay.

(2) No person shall be appointed barangay secretary if he is a sangguniang barangay member or a relative of the punong barangay within the second civil degree of consanguinity or affinity.

(3) He shall:

- (a) Keep custody of all records of the sangguniang barangay and the barangay assembly meetings;
- (b) Prepare and keep the minutes of all meetings of the sangguniang barangay and the barangay assembly;
- (c) Prepare separate lists of the members of the barangay and the registered voters of the barangay assembly, and have the same posted in conspicuous places within the barangay;
- (d) Register all new members of the barangay;
- (e) Assist in the preparation of all necessary election forms and other forms necessary for the conduct of barangay elections, referenda or plebiscites, in coordination with the Commission on Elections;
- (f) Assist the municipal civil registrar in the registration of births, deaths and marriages;
- (g) Keep a record of all inhabitants of the barangay containing the following items of information: name, address, place and date of birth, sex, citizenship, occupation, and such other items of information as may be deemed necessary; and
- (h) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

SEC. 96. The Barangay Treasurer.— (1) The punong barangay shall appoint the barangay treasurer with the concurrence of the sangguniang barangay. He shall be entitled to a reasonable allowance to be determined by said sanggunian.

(2) He shall be bonded in accordance with existing laws in an amount to be determined by the sangguniang barangay, but not exceeding ten thousand pesos, premiums for which shall be defrayed by the city or municipality

where the barangay belongs.

(3) No person shall be appointed barangay treasurer if he is a sangguniang barangay member or a relative of the punong barangay within the second civil degree of consanguinity or affinity.

(4) He shall:

(a) Keep custody of barangay property and funds not deposited with the city or municipal treasurer;

(b) Collect and receive taxes, fees, contributions, monies, materials, and all other resources accruing to the barangay treasury and issue official receipts therefor;

(c) Disburse funds in accordance with the financial procedures provided in this Code;

(d) Submit to the punong barangay certified and detailed statements of actual receipts for the calendar year immediately preceding for the preparation of the barangay budget within such period as may be provided by existing laws;

(e) Render a written accounting report after the end of each calendar year of all barangay funds and property under his custody, which report shall be made available to the public or to the members of the barangay assembly and other government agencies concerned;

(f) Certify to the availability of funds whenever necessary;

(g) Plan and attend to the rural postal circuit within his own jurisdiction; and

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

SEC. 97. Other Appointive Officials.—The qualifications, duties and functions of all other barangay officials appointed by the punong barangay shall be governed by the provisions of this Code and other laws or by ordinance.

Chapter 6.—The Barangay Assembly

SEC. 98. Composition; Meetings.— (1) The barangay assembly shall be composed of all persons who have been actual residents of the barangay for at least six months, fifteen years of age or over, citizens of the Philippines and duly registered in the list of barangay assembly members kept by the barangay secretary.

(2) The barangay assembly shall meet at least twice a year to hear and discuss the semestral report of the sangguniang barangay concerning its activities and finances. Its meeting shall be held upon call of the punong barangay or at least four members of the sangguniang barangay or upon written petition of at least one-tenth of its

members.

(3) No meeting of the barangay assembly shall take place unless notice is given one week prior to the meeting except on matters involving public safety or security, in which case notice within a reasonable time shall be sufficient. The punong barangay, or, in his absence, the sangguniang barangay member acting as punong barangay, or any assembly member selected during the meeting, shall act as presiding officer at all meetings of the assembly. The barangay secretary, or, in his absence, any member designated by the presiding officer to act as secretary, shall discharge the duties of secretary of the barangay assembly.

(4) For the purpose of conducting business and taking any official action in the barangay assembly, it is necessary that at least one-tenth of its members be present to constitute a quorum. All actions shall require a majority of those present and voting at a meeting, there being a quorum.

SEC. 99. Powers of the Barangay Assembly.—The barangay assembly shall:

(a) Initiate legislative process by recommending to the sangguniang barangay the adoption of measures for the welfare of the barangay;

(b) Decide on the holding of a plebiscite or a referendum in accordance with the next two sections, as well as on questions and issues presented therein; and

(c) Hear and pass upon the semestral report of the sangguniang barangay concerning its activities and finances.

SEC. 100. Plebiscite.— (1) A plebiscite may be held in the barangay when authorized by a majority vote of the members present in a barangay assembly meeting, there being a quorum, or when called by at least four members of the sangguniang barangay. No plebiscite shall be held until after thirty days from its approval by either body, and such has been given the widest publicity in the barangay, stating the date, time and place thereof, the questions or issues to be decided, action to be taken by the voters, and such other information relevant to the holding of the plebiscite.

(2) All duly registered barangay assembly members qualified to vote may vote in the plebiscite. Voting procedures may be made either in writing as in a regular election, or by declaration by the voters to the board of election tellers duly organized for the purpose by the sangguniang barangay.

SEC. 101. Referenda.—(1) A referendum may be held on local issues affecting the barangay upon request of at least one-tenth of the members of the barangay assembly.

(2) No referendum shall be held until it has been given the widest publicity in the barangay stating the date, time, and place thereof, the questions or issues to be decided, action to be taken by the voters and such other information relevant to the referendum.

(3) All duly registered barangay assembly members qualified to vote may vote in the referendum, either in writing or by declaration by the voters to the board of election tellers duly organized for the purpose by the sangguniang barangay.

(4) The Ministry of Local Government shall supervise the calling of referenda on local issues in the barangay.

Chapter 7.—Acquisition and Disposition of Barangay Funds

SEC. 102. Taxing and Regulatory Powers of Barangays. —The power of the barangay to levy taxes, impose fees and charges, and raise revenues shall be exercised through the sangguniang barangay subject to limitations prescribed by law.

SEC. 103. Barangay Funds.— (1) Unless otherwise provided in this Code, all the income of the barangay from whatever source shall accrue to its general fund and shall be kept as trust fund in the custody of the city or municipal treasurer to be disbursed in accordance with the provisions of this Code. Ten percent of the total general fund of the barangay shall be set aside for the kabataang barangay.

(2) After deducting statutory and contractual obligations, forty percent of the remainder of the general fund of the barangay shall be set aside solely for development projects, the plan and corresponding program of work of which have been reviewed and approved by the city or municipal development council. Action thereon by the said council shall be made in not more than thirty working days from submission, otherwise the barangay development plan and corresponding program of work thus submitted shall be considered approved.

(3) Each province, city and municipality shall give an annual contribution in an amount not less than one hundred pesos to every barangay within their respective jurisdiction. A local government unit may grant additional contributions to barangays within its jurisdiction through the sangguniang barangay.

(4) Ten percent of all taxes collected on real property located within the barangay shall be allocated in accordance with existing provisions of law. The city or municipal treasurer may designate the barangay treasurer as his deputy to collect said taxes. In case bond is required for the purpose, the city or municipal government shall pay the premiums thereon in addition to the premiums of bonds that may be required by Section 96, paragraph (2), of this Code.

SEC. 104. Barangay Budget.— (1) The annual budget of the barangay shall consist of two parts:

(a) The existing balances and estimate of income certified collectible by the city or municipal treasurer from local and national sources; and

(b) The total appropriation covering current operating expenditures and capital outlays, if any.

(2) For the purpose of subparagraph (a) hereof, the city or municipal treasurer shall issue the required certifications on existing balances and estimates of income within such period as may be prescribed by existing laws.

SEC. 105. Budgetary Appropriations.— (1) Upon receipt of the foregoing statements from the city or municipal treasurer, the punong barangay shall prepare the barangay budget in the manner and within the period prescribed under existing laws. Thereafter, the punong barangay shall submit the annual barangay budget to the sangguniang barangay for legislative authorization and/or enactment of the corresponding appropriation ordinance.

(2) The annual budgetary appropriations shall not exceed the estimated tax receipts and/or income for the ensuing calendar year certified as collectible by the city or municipal treasurer concerned. Provisions shall be made for the statutory and current contractual obligations of the barangay, and no barangay official or employee shall receive per diems, wages or salaries and other compensation in excess of those provided for under existing laws and executive orders.

(3) If the sangguniang barangay shall fail to enact the annual barangay budget within the prescribed period before

the beginning of the ensuing calendar year, the annual barangay budget for the preceding calendar year shall be deemed reenacted. Changes in the annual barangay budget may be effected by supplemental budgets prepared and adopted in the same manner as the former.

(4) Copies of the barangay budget shall be furnished the city or municipal budget officer within ten days from its approval, who shall have the power to review such budget in order to ensure that the above provisions are complied with. If within sixty days after the receipt of the barangay budget the city or municipal budget officer takes no action thereon, the same shall be deemed to have been passed in accordance with law and shall continue to be in full force and effect. If within the same period the city or municipal budget officer concerned shall have ascertained that the barangay budget contains appropriations in excess of the estimates of the income duly certified collectible or that the same has not fully provided for statutory or contractual obligations of the barangay, the budget shall be declared inoperative in its entirety. Items of appropriation in excess of those provided in laws and executive orders shall be disallowed or reduced accordingly.

(5) The city or municipal budget officer, within the period hereinabove fixed, shall return the barangay budget forthwith to the punong barangay through the barangay treasurer, with the advice of action thereon for proper adjustments, in which event the barangay shall operate on the previous year's budget until such time that a new budget shall have met the objections presented. Upon receipt of such advice, it shall be unlawful for the barangay treasurer or the city or municipal treasurer who has custody of the funds to make further disbursements from any other items of appropriation declared inoperative, disallowed or reduced.

SEC. 106. Effectivity of the Barangay Budget.—The barangay budget approved by the sangguniang barangay shall be operative and in full force and effect at the beginning of the calendar year. A barangay supplemental budget shall take effect upon its approval or on the date fixed in the appropriation ordinance for its effectivity.

SEC. 107. Financial Procedures.— (1) The barangay treasurer shall collect all taxes due or unpaid including real property taxes, fees and other charges and contributions accruing to the barangay treasury for which he shall issue official receipts and shall deposit all collections with the city or municipal treasury within a period of one week after receipt thereof: Provided, That he collects the real property tax due in his own barangay after being deputized by the treasurer concerned for the purpose. He shall disburse the same in accordance with the budget and upon resolution of the sangguniang barangay, upon vouchers signed by the payee and approved by the punong barangay, and subject to the availability of funds in the barangay treasury and to all existing and applicable auditing rules and regulations.

All other funds collected for a specific purpose shall be considered as special trust fund and may be deposited in the name of the barangay with the nearest depository bank in the area.

(2) The barangay treasurer may be authorized by the sangguniang barangay to make direct purchases amounting to not more than three hundred pesos at any time for the ordinary and essential needs of the barangay. The petty cash that the barangay treasurer may be authorized to hold for the purpose shall not exceed twenty percent of the funds available and to the credit of the barangay treasury.

(3) The financial records of the barangay shall be kept in the office of the city or municipal treasurer in simplified manner as prescribed by the Commission on Audit. Representatives of the Commission on Audit shall annually audit such accounts or as often as may be necessary and make a report of the audit to the sangguniang barangay and to the sangguniang bayan or sangguniang panlungsod, as the case may be. The Commission on Audit shall prescribe and put into effect simplified procedures for barangay finances within a reasonable time following the effectivity of this Code.

Chapter 8.—Katipunan ng mga Barangay

SEC. 108. The Katipunan ng mga Barangay.—There shall be an organization of all sangguniang barangays to be known as follows: in municipalities, katipunang bayan; in cities, katipunang panlungsod; in provinces, katipunang panlalawigan; in regions, katipunang pampook; and on the national level, katipunan ng mga barangay.

SEC. 109. Representation.—Every barangay shall be represented by the punong barangay, or in his absence or incapacity, by his duly designated sangguniang barangay member, in all meetings and/or deliberations called by the katipunang panlungsod or the katipunang bayan. Should the punong barangay fail to designate any representative to the katipunang panlungsod or the katipunang bayan, as the case may be, the sangguniang barangay member who obtained the highest number of votes in the election immediately preceding shall represent the barangay. In cases where the punong barangay, the designee, or the sangguniang barangay member concerned is incapacitated, the sangguniang barangay shall elect from among its members the representative of the barangay to the katipunan concerned.

Sec 110. Organization.— (1) The katipunan at all levels shall be organized in the following manner:

(a) The katipunan in each level shall elect a board of directors and a set of officers. The president of each level shall represent the katipunan concerned in the next higher level of organization.

(b) The katipunan ng mga barangay shall be composed of the presidents of the katipunang pampook, which shall in turn be composed of the presidents of the katipunang panlalawigan and the katipunang panlungsod. The presidents of the katipunang bayan in each province shall constitute the katipunang panlalawigan. The katipunang panlungsod and the katipunang bayan shall be composed of the punong barangays of cities and municipalities, respectively.

(2) A secretary general shall be chosen from among the members of the katipunan ng mga barangay, who shall be charged with the maintenance of the organization in the absence of the duly elected officials or upon the dissolution of the organization.

(3) The term of office of all officers of the katipunan in all levels shall be in accordance with the by-laws of the organization, without prejudice, however, to their term of office as member of the sanggunian to which they may be correspondingly appointed.

SEC. 111. Functions and Duties of Katipunan ng mga Barangay.—The katipunan ng mga barangay shall:

(a) Adopt measures for the promotion of the welfare of the barangay officials;

(b) Give priority to programs designed for the total development of the barangays, consistent with the policies, programs and projects of the national government;

(c) Assist in the education of barangay residents for the development of good citizenship, cooperation and unity, in order to promote a united and concerted action for the achievement of the country's development goals;

(d) Supplement the efforts of government in pointing out opportunities and creating an atmosphere conducive to gainful employment within the barangay;

(e) Serve as a forum of barangay officials in seeking the necessary assistance of government and private entities for the common welfare of all barangays; and

(f) Promote, assist and serve all the sangguniang barangays.

SEC. 112. Meetings.—The katipunan in each level shall meet on the dates and for as often as it may determine in its rules of procedure. The meetings shall not be in conflict with other meetings of the different katipunans in each level. Their meetings shall be held in a place accessible to the public and equipped with the proper appurtenances for the conduct of the meetings.

SEC. 113. Funding of the Katipunan.— (1) The katipunan in all levels shall derive all its funds from fund raising campaigns or programs in the pursuance of specific projects for the upliftment of the sangguniang barangays, without the necessity of securing permits therefor, subject, however, to the pertinent provisions of the Election Code.

(2) All funds of the katipunan in all levels of organization shall be deposited as trust funds with their respective municipal, city, provincial, regional or national katipunan treasurers, and be disbursed in accordance with approved resolutions by the katipunan concerned, subject to auditing rules and regulations.

Chapter 9.—Katarungang Pambarangay

SEC. 114. Amicable Settlement of Disputes on the Barangay Level.—There shall be a system of amicable settlement of disputes on the barangay level which shall be governed by law.

Chapter 10.—The Kabataang Barangay

SEC. 115. Creation.—There shall be in every barangay a youth organization to be known as the kabataang barangay.

SEC. 116. Composition and Membership.—(1) All Filipino citizens who are at least fifteen years but not more than twenty-one years of age shall be members of the kabataang barangay.

(2) A kabataang barangay official who during his term of office shall have passed the age of twenty-one shall retain his membership and continue to exercise his powers and perform his duties and enjoy all the rights and privileges appurtenant to his office during such term.

SEC. 117. The Kabataang Barangay Assembly.—The kabataang barangay assembly shall be composed of all Filipino citizens actually residing in the barangay for at least six months, who are fifteen but not more than twenty-one years of age, and who are duly registered in the list of the kabataang barangay assembly or in the official barangay list in the custody of the barangay secretary.

SEC. 118. Meetings of the Kabataang Barangay Assembly.—The kabataang barangay assembly shall meet at the call of the kabataang barangay chairman or upon written petition of at least one-tenth of its members to decide important issues affecting the youth of the barangay.

SEC. 119. The Kabataang Barangay Council.—There shall be in every barangay a kabataang barangay council to be composed of a chairman, six councilors elected by the registered voters of the kabataang barangay assembly in

accordance with law, a secretary and a treasurer.

SEC. 120. Powers, and Functions of the Council.—The kabataang barangay council shall have the following powers and functions:

- (a) Promulgate resolutions necessary to carry out the objectives of the kabataang barangay in accordance with applicable provisions of this Code;
- (b) Initiate programs designed to enhance the social, political, economic, cultural, intellectual, moral, spiritual and physical development of the kabataang barangay members;
- (c) Hold fund raising activities for kabataang barangay purposes, the proceeds of which shall be tax exempt and shall accrue to the general fund of the kabataang barangay: Provided, however, That in the appropriation thereof, the specific purpose for which such activity has been held shall be first satisfied;
- (d) Appropriate and administer its own funds, subject to existing and applicable auditing rules and regulations;
- (e) Create such bodies or committees as it may deem necessary to effectively carry out kabataang barangay programs and activities;
- (f) Perform such other functions and exercise such other powers as the sangguniang barangay may determine or delegate; and
- (g) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

SEC. 121. Meetings of the Council.—The kabataang barangay council shall meet regularly twice a month on the date, time and place to be fixed by the said council. Special meetings may be called by the kabataang barangay chairman or any three of its members by giving written notice to all members of the date, time, place and agenda of the meeting at least one day in advance. Notices of regular or special meetings shall be furnished the punong barangay and the sangguniang barangay.

A majority of the members of the kabataang barangay council shall constitute a quorum to do business.

SEC. 122. Qualifications.—An elective official of the kabataang barangay council must, on the day of election, be a Filipino citizen, a qualified voter of the kabataang barangay assembly, a resident of the barangay for at least six months immediately prior to election, be able to read and write Pilipino, English or the local dialect, must be at least fifteen years but not more than twenty-one years of age, and must not have been found guilty of any crime involving moral turpitude.

SEC. 123. Term of Office.—The kabataang barangay chairman and members of the kabataang barangay council shall hold office for a period of three years unless sooner removed for cause as provided by law, permanently

incapacitated, dies, or resigns from office.

SEC. 124. The Kabataang Barangay Chairman. — The registered voters of the kabataang barangay assembly shall elect a kabataang barangay chairman who shall automatically become an ex officio member of the sangguniang barangay upon his assumption of office. As such, he shall exercise the same powers, discharge the same duties and functions, and enjoy the same privileges as the regular sangguniang barangay members, and shall be the chairman of the committee on youth and sports development.

SEC. 125. Powers and Duties of the Kabataang Barangay Chairman.—Aside from the duties which may be assigned to him by the sangguniang barangay, the kabataang barangay chairman shall:

- (a) Call and preside over all meetings of the kabataang barangay assembly and the kabataang barangay council;
- (b) Implement kabataang barangay policies, programs and projects within his jurisdiction in coordination with the sangguniang barangay;
- (c) Exercise general supervision over the affairs and activities of the kabataang barangay and the official conduct of members of the kabataang barangay council and such other officers of the kabataang barangay within his jurisdiction;
- (d) Appoint from among the members of the kabataang barangay council, the secretary and treasurer, and such other officers as may be deemed necessary; and
- (e) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

SEC. 126. The Kabataang Barangay Secretary.— The kabataang barangay secretary shall:

- (a) Be the custodian of all records of the kabataang barangay assembly and council;
- (b) Prepare and keep the minutes of all meetings of the kabataang barangay assembly and council;
- (c) Prepare all forms necessary for the conduct of kabataang barangay registration, elections, referenda or plebiscites, in coordination with the barangay secretary and the Commission on Elections; and
- (d) Discharge such other duties as the kabataang barangay chairman and council may prescribe or direct.

SEC. 127. The Kabataang Barangay Treasurer.— The kabataang barangay treasurer shall:

- (a) Take custody of all kabataang barangay property and funds;
- (b) Collect and receive contributions, monies, materials and all other resources intended exclusively for the kabataang barangay;
- (c) Disburse funds in accordance with an approved budget of the kabataang barangay council;
- (d) Certify to the availability of funds whenever necessary;
- (e) Submit to the kabataang barangay council certified and detailed statements of actual receipts and expenditures every end of the month, and to the sangguniang barangay every six months;
- (f) Render an accounting of funds and property under his custody and trust to the kabataang barangay council and the sangguniang barangay within one month before the termination of his term, unless sooner removed, resigned or suspended, in which case the accounting shall be made immediately before such removal, resignation or suspension; and
- (g) Perform such other duties and discharge such other functions as the kabataang barangay chairman or council may direct.

SEC. 128. Privileges of Kabataang Barangay Council Officials.—The kabataang barangay chairman shall have the same privileges enjoyed by other sangguniang barangay officials under this Code subject to such requirements and limitations herein provided. Other kabataang barangay council officials shall enjoy exemption from tuition and matriculation fees for attending public secondary schools during their incumbency.

SEC. 129. Succession and Filling of Vacancies.— (1) In case a kabataang barangay chairman refuses to assume office, fails to qualify, is convicted of a felony, voluntarily resigns, dies, is permanently incapacitated, is removed from office, or has been absent without authorization for more than three consecutive months, the kabataang barangay council member who obtained the highest number of votes in the election immediately preceding shall assume the position of kabataang barangay chairman for the unexpired portion of the term, and shall discharge the powers and duties, and enjoy the rights and privileges appurtenant to the office.

In case the kabataang barangay council member concerned refuses to assume the position or fails to qualify, the council member obtaining the next highest number of votes shall assume the position of kabataang barangay chairman for the unexpired portion of the term.

(2) In case two or more councilors obtain identical highest number of votes, the kabataang barangay council, by a majority vote of all its member, shall elect the successor.

(3) After the vacancy shall have been filled, the kabataang barangay chairman shall, with the approval of the kabataang barangay council, appoint any member of the kabataang barangay assembly of good standing, or upon resolution of the kabataang barangay council, call a special election to complete the membership of the said council. Such appointed or elected kabataang barangay councilor shall hold office for the unexpired portion of the

term of the vacant seat.

(4) In case of suspension of the kabataang barangay chairman, the successor, as determined in paragraphs (1) and (2) of this section, shall assume the position during the period of such suspension.

Chapter 11.—The Kabataang Barangay Federation

SEC. 130. The Kabataang Barangay Federation.—(1) There shall be an organization of all the kabataang barangay organizations to be known as follows: in municipalities, kabataang barangay municipal federation; in cities, kabataang barangay city federation; in provinces, kabataang barangay provincial federation; in regions, kabataang barangay regional federation; and on the national level, kabataang barangay national council.

(2) The kabataang barangay federation shall at all levels be organized in the following manner:

(a) The kabataang barangay federation in municipalities and cities shall consist of the kabataang barangay chairmen, who shall elect from among themselves the kabataang barangay municipal or city federation president and such other officers as may be necessary.

(b) The kabataang barangay provincial federation shall be composed of the kabataang barangay municipal and city federation presidents who shall elect from among themselves a set of officers. The elected president shall represent the kabataang barangay provincial federation to the regional federation.

(c) The kabataang barangay regional federation shall elect from among themselves a set of officers.

(d) The kabataang barangay national council shall remain as presently constituted and shall elect its own set of officers, unless otherwise provided by law.

SEC. 131. Term, Election, Removal and Suspension in the Kabataang Barangay Federation.—The term of office, manner of election, removal and suspension of the officers of the kabataang barangay federation at all levels shall be governed by the by-laws of the organization as may be adopted and promulgated by the kabataang barangay national council.

SEC. 132. Membership in Sanggunians.— (1) Upon his appointment by the President of the Philippines and during his tenure of office, the kabataang barangay provincial, city or municipal federation president shall be a member of the provincial, city or municipal sanggunian, as the case may be.

(2) As member of the sanggunian, the kabataang barangay provincial, city or municipal federation president shall automatically become the chairman of the committee on youth and sports development in said sanggunian.

Title Two.—The Municipality

Chapter 1.—Role and Creation of Municipalities

SEC. 133. Role of Municipalities.—The municipality, consisting of a group of barangays, serves primarily as a general-purpose government for the coordination and delivery of basic, regular and direct services within its jurisdiction.

SEC. 134. Manner of Creation.—A municipality may be created, named and its boundaries defined, altered or

modified only by an Act of the Batasang Pambansa, subject to the approval by a majority of the votes cast in a plebiscite to be held in the unit or units affected. Except as may otherwise be provided in said Act, the plebiscite shall be conducted by the Commission on Elections within one hundred twenty days from the date of its effectivity.

SEC. 135. Requisites for Creation.—(1) A municipality may be created out of a contiguous territory which has a population of at least ten thousand, as certified by the National Census and Statistics Office, and has an average estimated annual income, as certified by the provincial treasurer, of at least two hundred thousand pesos for the last three consecutive years, and the creation thereof shall not reduce the population and income of the mother municipality or municipalities at the time of said creation to less than the minimum requirements under this section. The territory need not be contiguous if it comprises two or more islands.

(2) The average estimated annual income shall include the income allotted for both the general fund and the infrastructure funds, exclusive of trust funds, transfers and nonrecurring income.

(3) The territorial jurisdiction of a new municipality shall be properly identified by metes and bounds or by natural boundaries.

SEC. 136. Existing Municipal Districts.—The requirements of the immediately preceding section notwithstanding, all existing municipal districts are hereby converted into municipalities.

Chapter 2.—Municipal Officials in General

SEC. 137. Officials of the Municipal Government.—(1) There shall be in each municipality a mayor, a vice-mayor, sangguniang bayan members, a municipal secretary, a municipal treasurer, a municipal assessor, a municipal budget officer, and a municipal planning and development coordinator.

(2) Under the office of the municipal planning and development coordinator, a division, section or officer may be provided for civil registration and general services whenever appropriate.

(3) The sangguniang bayan may maintain existing offices not mentioned in paragraph (1) of this section w create such other offices as may be necessary to carry out the purposes of the municipal government, or may consolidate the functions of any one such offices with those of another in the interest of efficiency and economy.

(4) The Minister of Local Government shall prescribe minimum standards and guidelines with respect to the organizational structure, staffing pattern and other relevant operational aspects of the governance of municipalities.

SEC. 138. Qualifications of Appointive Municipal Officials.—An appointive municipal official must be a citizen of the Philippines, and must possess the minimum requirements and qualifications prescribed by this Code and other laws.

SEC. 139. Permission to Leave Official Station.—No municipal official engaged in the discharge of official duties shall leave the municipality without written permission from the mayor. National officials assigned in the municipality, when called upon by the heads of their respective ministries or when they are to leave their official stations on official business shall give prior written notice to the mayor.

SEC. 140. Custody of Oath of Office or Affirmation.—The oaths of office or affirmations of the municipal heads of offices, upon being subscribed by them, shall be filed and preserved in the office of the municipal mayor.

Chapter 3.—Officials and Offices Common to all Municipalities

Article One.—The Municipal Mayor

SEC. 141. Powers and Duties.— (1) The mayor shall be the chief executive of the municipal government and shall exercise such powers, duties and functions as provided in this Code and other laws.

(2) He shall:

- (a) Exercise control and supervision over all local administrative affairs in the municipality;
- (b) Subject to the provisions of the civil service law, rules and regulations, appoint all officers and employees of the municipal government, except those which are specifically provided in this Code;
- (c) Represent the municipality in its business transactions and sign in its behalf all contracts, obligations and official documents made in accordance with law or ordinance;
- (d) Coordinate the implementation of technical services rendered by national offices, including public works and road-and-bridge programs in the community;
- (e) Preside over the meetings of the sangguniang bayan with the right to vote only to break a tie;
- (f) Require all executive and administrative officers, agents and employees of the municipal, provincial and national offices stationed therein, to make officially available to him such books, records and other papers in their custody, not otherwise classified by law as confidential, to facilitate the exercise of his executive power;
- (g) Determine, according to law or ordinance, the time, manner and place of payment of the salaries and wages of the officers and employees of the municipality;
- (h) Call a meeting of any or all the municipal officials at such place and time as he may designate;
- (i) Direct the formulation of municipal development plans and programs, and once approved by the sangguniang bayan, supervise and direct the execution and implementation thereof;
- (j) Call upon any national official or employee stationed in the municipality to coordinate in the formulation and implementation of plans, programs and projects, and seek his advice and recommendation on matters affecting the municipality;
- (k) Grant licenses and permits in accordance with existing laws or municipal ordinances and revoke them for violation of the conditions upon which they have been granted;

(l) Maintain peace and order in the municipality, and in pursuance thereof, he shall be entitled to possess and carry the necessary firearms within his territorial jurisdiction, subject to existing rules and regulations on the possession and carrying of firearms;

(m) At least ten and one-half months before the beginning of each calendar year, require each head of office to prepare and submit to him through the municipal budget officer, an estimate of the appropriation for the operation of each office during the ensuing calendar year, which estimate shall be prepared on the basis of programs, projects, activities and workloads, and such estimates of appropriation, after evaluation, shall form part of the budget of the municipality;

(n) Submit to the sangguniang bayan the annual budget of the municipality for the ensuing calendar year on or before the time fixed in local budgeting regulations of the Office of Budget and Management;

(o) Enforce laws, municipal ordinances and resolutions and issue necessary orders for their faithful and proper enforcement and execution;

(p) Ensure that all taxes and other revenues of the municipality are collected, and that municipal funds are spent in accordance with law, ordinances and regulations;

(q) Adopt measures to safeguard all the lands, buildings, records, monies, credits, and other property rights of the municipality;

(r) Make known to the people of the municipality, by proclamation or communication delivered to the barangays, all general laws or governmental orders affecting them;

(s) Cause to be instituted administrative or judicial proceedings against any officer or employee of the municipality who may have committed any offense in the performance of his official duties;

(t) Cause to be instituted judicial proceedings in connection with the violation of ordinances, for the collection of taxes, fees and charges, and for the recovery of property and funds of the municipality, and otherwise to protect the interest of the municipality;

(u) When the public interest so requires, call upon the Philippine Constabulary in the province to suppress disorder, riot, lawless violence, rebellious or seditious conspiracy or to apprehend violators of law;

(v) Give such information and recommend such measures to the sangguniang bayan as he shall deem advantageous to the municipality;

(w) Allocate and assign rooms to municipal and other public officials who, by law or ordinance, are entitled to office space in the municipal building;

(x) Take appropriate action on vacation, sick and maternity leaves of officers and employees appointed by him and authorize the commutation of the money value thereof when proper;

(y) Authorize trips outside the municipality of officers and employees appointed by him;

(z) Approve the commutation of the transportation and representation allowances of chiefs of offices of the municipality as authorized by law;

(aa) Furnish copies of executive orders issued by him to the provincial governor within seventy-two hours after their issuance; and

(bb) Perform such other duties and exercise such other powers as may be prescribed by law or ordinance.

SEC. 142. Execution of Deeds and, Contracts.—When the government of a municipality is party to a deed or an instrument which conveys title to real property or any interest therein or which creates a lien upon it, the deed or instrument shall be executed on behalf of the municipal government by the mayor, upon resolution of the sangguniang bayan and subject to review by the sangguniang panlalawigan.

SEC. 143. Authority of the Mayor to Conduct Preliminary Examination.— (1) In case of temporary absence of the judge assigned to the municipality, the mayor may conduct the preliminary examination in criminal cases when, in his opinion the investigation cannot be delayed without prejudice to the interest of justice.

(2) No examination shall be conducted unless the parties are assisted by lawyers.

(3) In cases where he may conduct preliminary examination, the mayor shall, upon probable cause after examination of witnesses, have authority to order the arrest of the accused and to grant him bail in the manner and cases provided in the Revised Rules of Court and order his provisional release.

(4) The mayor shall make a report of any preliminary examination so made immediately after the return of the judge assigned in the area, or upon the designation of his replacement.

(5) The judge assigned in the area may review, revise, alter or revoke the action taken by the municipal mayor.

SEC. 144. Annual Report of the Municipal Government. —The mayor of each municipality shall prepare an annual report on the conditions prevailing in and of such matters concerning his municipality. The report shall be submitted to the sangguniang bayan and a copy shall be forwarded to the office of the provincial governor.

Article Two.—The Vice-Mayor

SEC. 145. Functions.— (1) The vice-mayor shall be an ex officio member of the sangguniang bayan with all the rights and duties of any other member.

(2) He shall:

- (a) Assume the office of the mayor in any of the cases provided for in Section 48, paragraph (1) of this Code;
- (b) Exercise the powers and perform the duties and functions of the mayor in the cases provided for in Section 52 of this Code;
- (c) Act as temporary presiding officer of the sangguniang bayan in the event of disability of the mayor to preside over a regular or special session on account of a trip on official business, absence on leave, sickness or any temporary incapacity; and
- (d) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

Article Three.—The sangguniang Bayan

SEC. 146. Composition.— (1) The sangguniang bayan shall be the legislative body of the municipality and shall be composed of the municipal mayor, who shall be the presiding officer, the vice-mayor, who shall be the presiding officer pro tempore, eight members elected at large, and the members appointed by the President consisting of the president of the katipunang bayan and the president of the kabataang barangay municipal federation.

(2) In addition thereto, there shall be one representative each from the agricultural and industrial labor sectors who shall be appointed by the President of the Philippines whenever, as determined by the sangguniang bayan, said sectors are of sufficient number in the municipality to warrant representation, after consultation with associations and persons belonging to the sector concerned.

SEC. 147. Sessions.— (1) The sangguniang bayan shall hold at least two regular sessions a month on the days which shall be fixed by resolution. Special sessions may be called by the mayor or a majority of the members of the sangguniang bayan as often as necessary. No two sessions shall be held in one day.

(2) In the event of inability of the vice-mayor to act as temporary presiding officer on account of a trip on official business, absence on leave, sickness, or any temporary incapacity, the members constituting a quorum shall choose from among themselves the temporary presiding officer.

(3) The temporary presiding officer shall not vote even in case of tie but he shall certify within ten days to all ordinances and resolutions enacted or adopted. If within said period the ordinances and resolutions were not signed by the temporary presiding officer, said ordinances and resolutions shall be deemed to have been signed and the municipal secretary shall forward them to the mayor for such action as may be authorized by law.

(4) The sangguniang bayan shall adopt its own rules of procedure, keep a record of its proceedings and for disorderly conduct during sessions, with the concurrence of two-thirds of all its members, reprimand, exclude from the session, or suspend for not more than sixty days an erring member.

(5) The sessions of the sangguniang bayan shall be open to the public unless otherwise ordered by an affirmative vote of a majority of the members present, there being a quorum.

SEC. 148. Quorum.—A majority of all the members of the sangguniang bayan shall constitute a quorum for the transaction of business. A smaller number may adjourn from day to day but may compel the immediate attendance of any member absent without good cause by issuing to the Integrated National Police assigned in the area an order for his arrest and production at the session, or impose a fine upon him in such amount as shall have

been previously prescribed by ordinance.

SEC. 149. Powers and Duties.— (1) The sangguniang bayan shall:

- (a) Enact such ordinances and issue such regulations as may be necessary to carry out and discharge the responsibilities conferred upon it by law, and such as shall be necessary and proper to provide for the health, safety, comfort and convenience, maintain peace and order, improve public morals, promote the prosperity and general welfare of the municipality and the inhabitants thereof, and insure the protection of property therein;
- (b) Prescribe reasonable limits and restraints on the use of property;
- (c) For violation of municipal ordinances, provide for the imposition of a fine not exceeding one thousand pesos or six months imprisonment, or both fine and imprisonment at the discretion of the court;
- (d) Levy taxes for general and specific purposes and fix the rates in accordance with the provisions of this Code and other laws;
- (e) Impose and fix reasonable fees and charges for all services rendered by the municipality to private parties;
- (f) Provide for the establishment and maintenance of public markets, ferries, wharves, abattoirs or slaughterhouses, pounds and cemeteries;
- (g) Upon the majority vote of all the members, authorize the municipal mayor to negotiate and contract loans and other forms of indebtedness subject to existing laws and regulations;
- (h) Grant the exclusive privilege of constructing fish corrals, or taking or catching fish or fry of any species for propagation within any definite portion or area of the municipal waters, in accordance with law;
- (i) Grant loans or aids to other local government units or to national, provincial and municipal institutions of a charitable, benevolent or educational character: Provided, That said funds for aids shall only be granted to institutions if they are operated and maintained within the municipality;
- (j) Upon recommendation of the municipal mayor, appropriate money for the promotion of the general welfare of the municipality and its inhabitants;
- (k) Fix in accordance with law the number and rates of salaries of officials and employees of the municipality paid from municipal funds and provide for such expenditures as are necessary for the proper conduct of the

activities of the municipal government;

(l) Provide funds for the construction and maintenance or rental of buildings for the use of the municipality;

(m) Upon the majority vote of all the members, authorize the municipal mayor to lease to private parties municipal public buildings held in a proprietary capacity, subject to existing laws, rules and regulations;

(n) Provide names of streets and buildings owned by the municipality and, for justifiable reasons, change not oftener than once every ten years, the names of streets and public buildings located within the boundaries of the municipality, and regulate the numbering of houses and buildings;

(o) Provide for the maintenance of a waterworks system or district for supplying water to its inhabitants and for the purification of the source of supply and places through which the same passes; regulate the consumption and use of water and fix and collect charges therefor; provide for the construction, repair and use of hydrants, pumps, cisterns and reservoirs;

(p) Review all ordinances approved by the sangguniang barangay to determine whether they are in conformity with law or municipal ordinances;

(q) Upon recommendation of the mayor, and in accordance with the provisions of this Code and other laws, create, consolidate, and reorganize municipal offices when deemed necessary in the interest of efficiency and economy;

(r) Regulate any business subject to municipal license tax or fees and prescribe the conditions under which a municipal license may be revoked;

(s) Charge a reasonable fee upon any person engaged in any business or occupation in the municipality before issuing a municipal permit therefor, and provide conditions upon which the business or occupation may be conducted;

(t) Regulate and fix the license fees for signs, signboards, and billboards displayed or maintained in any place exposed to public view, except those displayed at the place or places where the profession or business advertised thereby is in whole or in part conducted;

(u) Upon the majority vote of all the members, grant franchises to any person or corporation to do business within the municipality, to establish, construct, operate and maintain a ferry, wharf, market or slaughterhouse, or undertake such other activities as may be allowed by existing laws;

(v) Regulate the inspection, weighing and measuring of articles of commerce;

(w) Authorize the payment of compensation or additional compensation, as the case may be, to any officer or employee, or to a person not in government service to temporarily fill a vacancy at a rate equal to that actually received by the regular incumbent;

(x) Adopt zoning and subdivision ordinances or regulations, subject to the provisions of existing laws;

(y) Provide for the care of the poor, the aged, the sick, or persons of unsound mind, delinquent and abandoned minors, as well as adult offenders and other disabled or handicapped persons;

(z) Provide for the construction, improvement, repair and maintenance of municipal streets, avenues, alleys, sidewalks, bridges, parks and other public places, and regulate the use thereof, and prohibit the construction or placing of obstacles or encroachments on them;

(aa) Provide for the lighting, cleaning and sprinkling of streets and public places, prohibit littering thereon, and provide for the collection and disposal of garbage;

(bb) Regulate the drilling and excavation of the ground for the laying of gas, water, sewer, and other pipes; the building and repair of tunnels, sewers, drains and other similar structures; erecting of poles and the use of crosswalks, curbs and gutters therein, and adopt measures to ensure public safety against open canals, manholes, live wires and other similar hazards to life and property, and provide just compensation or relief for persons suffering from them;

(cc) Provide for the establishment, maintainance, and regulation of the use of public drains, sewers and public baths;

(dd) Regulate the selling, giving away or dispensing of intoxicating malt, vinous, mixed or fermented liquors at retail outlets;

(ee) Provide for the abatement of nuisance;

(ff) Penalize habitual drunkenness in public places, vagrancy, mendicancy, prostitution, the establishment and maintenance of houses of ill repute, gambling and all fraudulent devices for the purpose of obtaining money or property, or the printing, circulation, exhibition or sale of obscene articles, pictures, books or publications;

(gg) Provide for the suppression of riots, vandalism, tumultuous affrays, disturbances and disorderly assemblies;

(hh) Provide for the impounding of stray animals;

(ii) Adopt measures to prevent and penalize cruelty to animals;

(jj) Adopt measures and regulations to protect the public from fires, floods, conflagration, typhoons, droughts, earthquakes, and other public calamities, and provide relief for persons suffering from them;

(kk) Require owners, administrators, or tenants of buildings and premises to keep and maintain them in a sanitary condition and, should they fail to do so, cause them to be cleared and kept in a sanitary condition and the cost thereof to be assessed against the owner, administrator or tenant, as the case may be, which cost shall constitute a lien against the property;

(ll) Provide for the regulation and inspection of meat, fruits, poultry, milk, fish, vegetables and other foodstuffs for public consumption;

(mm) Adopt quarantine regulations as are desirable or necessary to prevent the introduction and spread of diseases;

(nn) Establish fire limits in populous centers and prescribe the kinds of buildings that may be constructed or repaired within them;

(oo) Regulate cockpits, cockfighting and the keeping or training of gamecocks, subject to existing guidelines promulgated by the Philippine Gamefowl Commission;

(pp) Regulate garages and the keeping of conveyances for hire and designate stands to be occupied by public vehicles when not in use;

(qq) Regulate the construction and operation of private markets, talipapa, or other similar buildings and physical structures;

(rr) Regulate cafes, restaurants, beer-houses, hotels, motels, inns, pension houses and lodging houses, except travel agencies, tourist guides, tourist transports, hotels, resorts, de luxe restaurants, and tourist inns of international standards which shall remain under the licensing and regulatory power of the Ministry of Tourism

which shall exercise such authority without infringing on the taxing or regulatory powers of the municipality;

(ss) Regulate public dancing schools, public dance halls and sauna baths or massage parlors;

(tt) Regulate the establishment and operation of billiard pools, theatrical performances, circuses and other forms of entertainment;

(uu) Regulate the establishment and provide for the inspection of steam boilers and storage of inflammable and combustible materials within the municipality;

(vv) Establish a scholarship fund for poor but deserving students for the payment of tuition and other school fees, subject to such terms and conditions as may be determined by ordinance;

(ww) Define boundaries, and change the names of barangays within the municipality; and

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

(2) Public utilities owned by the municipality may be operated by the municipality or may be leased to private parties under such terms and conditions that may be imposed by the sangguniang bayan.

(3) When any ferry, market, or slaughterhouse belonging to a municipality is to be leased to a private party, it shall be awarded to the highest bidder for a period of not less than one year but not exceeding five years. The lease may be renewed for a period not exceeding the original lease and under such terms as the sangguniang bayan may impose.

Article Four.—The Municipal Secretary

SEC. 150. Appointment, Compensation, Powers and Duties.— (1) There shall be a municipal secretary who shall be appointed by the municipal mayor with the concurrence of the sangguniang bayan, in accordance with civil service law, rules and regulations, whose compensation, allowances and other emoluments shall be determined by law or ordinance.

(2) He shall:

(a) Attend meetings of the sangguniang bayan and keep a journal of its proceedings and record other acts of the municipal government;

(b) Record in a book kept for the purpose, all ordinances, resolutions and motions enacted or adopted by the sangguniang bayan, with the dates of their enactment and publication;

(c) Forward to the sangguniang panlalawigan copies of approved resolutions or ordinances within seventy-two hours after their approval;

(d) Forward to the mayor for appropriate action ordinances and resolutions enacted or adopted by the sangguniang bayan which have not been certified as such by the temporary presiding officer within ten days after their enactment or adoption;

(e) Keep and affix the corporate seal of the municipality on all ordinances and resolutions signed by the mayor and on all other officials documents and papers of the municipal government as may be required by law or ordinance ;

(f) Attest to all executive orders, proclamations, ordinances and resolutions signed by the mayor;

(g) Translate into the dialect used by the majority of the people of the municipality all ordinances immediately after their approval, and have the translation posted, together with the original, at the main entrance of the municipal building and in other conspicuous public places in the barangays of the municipality;

(h) Furnish certified copies of all records and documents in his charge not otherwise classified as confidential, upon payment to the municipal treasurer of the fees prescribed by ordinances;

(i) Keep his office and all records therein which are not of a confidential character open to public inspection during the usual business hours;

(j) Act as custodian of the municipal library and archives, if any, and annually account for them; and

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

SEC. 151. Authentication of Ordinances and Resolutions. — (1) The affirmative votes of a majority of all the members of the sangguniang bayan shall be necessary for the passage of any ordinance, resolution or motion directing the payment of money or creating liability. Other measures shall prevail upon the majority vote of the members present and voting at any meeting duly called and held, there being a quorum.

(2) The "ayes" and "nays" shall be taken and recorded upon the passage of all ordinances, upon resolutions or motions directing the payment of money or creating liability, and, at the request of any member, upon any other resolution or motion. Each approved ordinance, resolution or motion shall be stamped with the seal of the sangguniang bayan and recorded in a book kept for the purpose.

SEC. 152. Approval of Ordinances by the Mayor; Veto Power.— (1) Except as hereinbelow provided, every ordinance or resolution passed by the sangguniang bayan shall be approved and signed by the mayor.

(2) Within ten days after the receipt of the ordinance, resolution or motion, the mayor shall return it with either his approval or his veto. If he does not return it within that time, it shall be deemed approved.

(3) If he should consider the ordinance, resolution or motion prejudicial to the public welfare, he may veto it by signifying to the sangguniang bayan his disapproval thereof in writing. The sangguniang bayan may, by two-thirds vote of all members, pass an ordinance, resolution or motion over the veto of the mayor, in which case it shall become effective without his approval.

(4) The mayor shall have the power to veto any particular item or items of an appropriation ordinance or of an ordinance or resolution directing the payment of money or creating liability, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect unless the sangguniang bayan overrides the veto in the manner provided in paragraph (3) of this section. The veto power of the mayor shall be exercised only once upon an ordinance or resolution or upon an item or items in an appropriation ordinance.

SEC. 153. Sangguniang Panlalawigan Review.— (1) Within thirty days after receiving copies of approved ordinances, resolutions and executive orders promulgated by the municipal mayor, the sangguniang panlalawigan shall examine the documents or transmit them to the provincial attorney, or if there be none, to the provincial fiscal, who shall examine them promptly and inform the sangguniang panlalawigan in writing of any defect or impropriety which he may discover therein and make such comments or recommendations as shall appear to him proper.

(2) If the sangguniang panlalawigan shall find that any municipal ordinance, resolution or executive order is beyond the power conferred upon the sangguniang bayan or the mayor, it shall declare such ordinance, resolution or executive order invalid in whole or in part, entering its actions upon the minutes and advising the proper municipal authorities thereof. The effect of such an action shall be to annul the ordinance, resolution or executive order in question in whole or in part. The action of the sangguniang panlalawigan shall be final.

(3) Any attempt to enforce any ordinance, resolution or executive order after its disapproval shall be sufficient ground for the suspension or dismissal of the officer attempting to enforce it.

(4) If the sangguniang panlalawigan does not take action on the ordinance, resolution or executive order within thirty days after its submission, it shall be presumed consistent with law.

SEC. 154. Referral of Legal Questions.—The sangguniang bayan may secure the opinion of the municipal attorney or the provincial attorney, or if there be none, the provincial fiscal, on any legal question affecting the municipality.

Article Five.—The Municipal Treasurer

SEC. 155. Appointment, Qualifications, Compensation, Powers, Duties and Functions.— (1) The municipal treasurer shall be appointed by the Minister of Finance upon recommendation of the municipal mayor, subject to civil service law, rules and regulations. He shall take charge of the municipal treasury office and acts as the chief financial officer of the municipality.

(2) No person shall be appointed municipal treasurer unless he is a citizen of the Philippines, of good moral character, at least twenty-three years of age, a holder of a degree preferably in law, commerce, public administration or any other related course from a recognized college or university, a first grade civil service eligible or its equivalent, and has at least three years experience in the treasury or accounting service. The qualifications herein prescribed shall not be required of incumbent municipal treasurers: Provided, however, That

an incumbent municipal treasurer may not be promoted unless he shall have completed at least two years of college education and has the required experience in treasury or accounting work herein specified.

(3) The municipal treasurer shall receive such compensation, allowances and other emoluments as may be provided by law or ordinance;

(4) The municipal treasurer shall:

(a) Collect all monies and revenues accruing to the municipality and issue proper receipts therefor showing the date, the amount paid, the name of the person making the payment and the amount upon which it is paid;

(b) Disburse all municipal funds and other funds entrusted to him by law or by competent authority, in accordance with duly authorized appropriations and upon properly executed vouchers bearing the approval of the proper authorities;

(c) Submit to the municipal mayor certified statements of actual and estimated income in connection with, the preparation of annual and supplemental budgets of the municipality;

(d) Advise the sangguniang bayan and other municipal officials concerned on the disposition of municipal funds and on all municipal fiscal matters;

(e) For taxation purposes inspect, under the supervision of the sangguniang bayan, the operation of public utilities belonging to, leased or operated by, the municipal government and all other commercial and industrial enterprises of the municipality;

(f) Deposit all funds accruing to the municipality with the provincial treasurer concerned, who in turn shall deposit the same with duly designated banks, and whenever any excess or idle portion thereof is placed in time deposit or other investment accounts, interest earnings from these deposits shall accrue solely to the municipality: Provided, however, That in proper cases, the Minister of Finance may authorize the municipality to deposit its funds with the nearest provincial or city treasury or banks, when there is a duly authorized depository bank in the municipality, or when public interest so requires;

(g) Certify jointly with the barangay treasurers to the collectibility of the estimated tax receipts and income of the barangay governments for the ensuing calendar year;

(h) On or before the twentieth day of each month, furnish the mayor and the sangguniang bayan a statement of the appropriations, actual expenditure and balance of all funds and accounts as of the last day of the preceding month;

- (i) Approve the registration of large cattle;
- (j) Perform, as deputy of the provincial treasurer in the municipality, such other duties not inconsistent with law as the provincial treasurer may assign to him;
- (k) Keep a detailed account of all monies received and pay or dispose of the same pursuant to lawful authority;
- (l) Charge, at rates to be fixed by the sangguniang bayan, fees for public services and supplies made available by his office to private parties; and
- (m) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

SEC. 156. Temporary Disability.—In the event of inability of the treasurer to discharge the duties of his office on account of a trip on official business, absence on leave, sickness, suspension or other temporary disability, the assistant municipal treasurer or, in his absence, the treasury official next in rank in the municipality shall discharge the duties of the office subject to existing laws.

SEC. 157. Inspection of Municipal Treasurer's Accounts; Suspension of Delinquent Treasurer.—The books, accounts, papers and cash in the custody of the municipal treasurer shall at all times be open to inspection in accordance with existing laws.

In case an examination discloses a shortage in the cash which should be on hand or any misuse of the funds in violation of the law, it shall be the duty of the examining officer to seize the cash, books, accounts and papers, verifying the amount of cash so seized in the presence of at least two municipal officers designated by the mayor, who shall certify to the amount so seized. Thereupon, the municipal treasurer shall automatically stand suspended from office. The municipal mayor shall immediately report the suspension to the Minister of Finance for the latter's appropriate action. The funds so seized shall be treated as a municipal deposit in the account of the assistant municipal treasurer or the treasury official next in rank in the municipality until the municipal treasurer is restored or a new municipal treasurer is appointed to replace him.

SEC. 158. Additional Compensation.—A municipal treasurer may receive for his services as deputy of the provincial treasurer, such additional compensation as the sangguniang panlalawigan may fix upon the recommendation of the provincial treasurer. The additional compensation shall be paid from provincial funds.

Article Six.—The Municipal Assessor

SEC. 159. Appointment, Qualifications, Compensation, Powers, Duties and Functions.— (1) The municipal assessor shall be appointed by the Minister of Finance upon recommendation of the municipal mayor, subject to civil service law, rules and regulations.

(2) No person shall be appointed municipal assessor unless he is a citizen of the Philippines, of good moral character, at least twenty-three years of age, a holder of a degree preferably in law, civil or mechanical engineering, commerce or business administration or any other related course from a recognized college or university, a first grade civil service eligible or its equivalent, and has at least three years experience in assessment work: Provided, however, That a two-year experience in assessment work may be substituted for every year of

deficiency in educational requirement: Provided, further, That the appointee shall have completed at least two years of any of the aforementioned college courses.

(3) The municipal assessor shall receive such compensation, allowances and other emoluments as may be provided by law or ordinance.

(4) The municipal assessor shall submit a periodic report to the provincial assessor. He shall:

(a) Establish a systematic method of assessment of real property in the manner prescribed by law and in accordance with rules and regulations issued by the Minister of Finance;

(b) Install and maintain a real property identification and accounting system conforming to the standards prescribed by the Minister of Finance;

(c) Prepare, install and maintain a system of tax mapping showing graphically all property subject to assessment in the municipality and gather all necessary data concerning the same;

(d) Make frequent physical surveys to check and determine whether all real property within the municipality are listed in the assessment rolls;

(e) Appraise all items of real property at current market value in accordance with law and conduct regular ocular inspections to determine if all properties are assessed correctly;

(f) Keep a correct record of all transfers, leases and mortgages of real property, rentals, insurance, and cost of construction of buildings and other improvements on land and land income for assessment purposes;

(g) Apply uniformly the assessment levels fixed by law to the current market value of all property subject to assessment;

(h) Cancel assessments, in case several assessments have been made for the same property, except the one properly made, but if any assessee or his representative shall object to the cancellation of the assessment made in his name, such assessment shall not be cancelled but the fact shall be noted on the tax declaration and assessment rolls and other property books of records. Preference, however, shall be given to the assessment of the person who has the best title to the property, or in default thereof, of the person who has possession of the property;

(i) Eliminate from the assessment roll of taxable property those which have been destroyed or which, being exempted, have been improperly included in the same; decrease the assessment where property previously assessed has suffered a permanent loss of value by reason of storm, flood, fire or other calamity and increase

the assessment where improvements have been made upon the property subsequent to the last assessment;

(j) Attend personally or through his duly authorized representative all sessions of the local board of assessment appeals and present any information or record in his possession as may be required by the board in determining the current assessment of the real property under appeal;

(k) Issue certificates pertaining to, or issue certified copies of the assessment records of, real property and all other records relative to its assessment upon payment of a service charge or fee fixed therefor by the sangguniang bayan;

(l) Make a report every semester of all assessments during said period and submit copies of said report to all the officials of the municipal government including the sangguniang barangays; and

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

Article Seven.—The Municipal Budget Officer

SEC. 160. Appointment, Qualifications, Compensation, Powers, Duties and Functions.—(1) The municipal budget officer shall be appointed by the municipal mayor, subject to civil service law, rules and regulations.

(2) No person shall be appointed municipal budget officer unless he is a citizen of the Philippines, of good moral character, at least twenty-three years of age, has completed at least two years of college education in a recognized college or university, a first grade civil service eligible or its equivalent, and has acquired at least three years of experience in budgeting or in any related field.

(3) The municipal budget officer shall receive such compensation, emoluments and allowances as may be provided by law or ordinance.

(4) Under the general supervision and administrative control of the municipal mayor, the municipal budget officer shall:

(a) Exercise general supervision and control over the municipal budget office;

(b) Provide technical and staff services to the mayor and other local officials on budget matters;

(c) Prepare forms, orders and circulars embodying instructions on budgetary and appropriation matters for the approval of the municipal mayor;

(d) Review and consolidate the budget estimates of the different offices of the municipal government and of the barangays, and review budgets of barangays under the jurisdiction of the municipality;

- (e) Prepare the executive and special budgets of the municipality;
- (f) Evaluate allotment requests and prepare corresponding recommendations;
- (g) Study and evaluate budgetary implications of proposed legislation and submit comments and recommendation thereon;
- (h) Submit budgetary reports to the Office of Budget and Management;
- (i) Coordinate with the municipal treasurer for purposes of municipal government budgeting; and
- (j) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

Article Eight.—The Municipal Planning and Development Coordinator

SEC. 161. Appointment, Qualifications, Compensation, Powers and Duties.— (1) The municipal planning and development coordinator shall be appointed by the municipal mayor, subject to civil service law, rules and regulations.

(2) No person shall be appointed municipal planning and development coordinator unless he is a citizen of the Philippines, of good moral character, at least twenty-three years of age, a holder of a college degree, preferably in law, engineering, commerce, public administration or any related course from a recognized college or university, a first grade civil service eligible or its equivalent, and has at least three years experience in planning or in any related field- The college degree herein prescribed shall not be required of the incumbent: Provided, however, That he shall have completed at least two years of college education and has sufficient experience in development planning that may be substituted for deficiency in educational attainment hereinbefore prescribed for the purpose.

(3) The municipal planning and development coordinator shall receive such compensation, emoluments and allowances as may be provided by law or ordinance.

(4) He shall:

- (a) Formulate an integrated economic, social, physical and other development objectives and policies for the consideration and approval of the sangguniang bayan and the municipal mayor;
- (b) Conduct continuing studies, researches, and relevant trainings necessary to evolve plans and programs for implementation ;
- (c) Integrate and coordinate all sectoral plans and studies undertaken by the different functional groups or

agencies;

(d) Monitor and evaluate the implementation of the different development programs, projects and activities in the municipality;

(e) Prepare municipal comprehensive plans and other development planning documents;

(f) Analyze municipal income and expenditure patterns, and formulate and recommend fiscal plans and policies for the consideration and approval of the sangguniang bayan and the municipal mayor;

(g) Promote citizen participation through development planning at the barangay level;

(h) Exercise general supervision and control of the day-to-day activities of the municipal planning and development office personnel and the divisions, sections or officers placed under its supervision; and

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

(5) In the performance of the above functions, all personnel presently performing planning and development functions in the office of the mayor shall be given preference in the appointment to commensurate positions in the office of the municipal planning and development coordinator.

Title Three.—The City

Chapter 1.—Role and Creation of Cities

SEC. 162. Role of Cities.—As a political unit covering more urbanized and developed communities, the city is akin to the municipality and serves as a general-purpose government for the coordination and delivery of all basic, regular and direct services within its jurisdiction.

SEC. 163. Manner of Creation.—A city may be created, divided, merged, abolished or its boundaries altered, only by an Act of the Batasang Pambansa in accordance with the criteria established in this Code, and subject to the approval by a majority of the votes cast in a plebiscite in the unit or units affected. Except as may otherwise be provided in such Act, the plebiscite shall be conducted by the Commission on Elections within one hundred twenty days from the date of effectivity of said Act.

SEC. 164. Requisites for Creation.— (1) A municipality may be converted into a component city if it has a population of not less than one hundred thousand as certified by the National Census and Statistics Office, and an average regular annual income, as certified by the Minister of Finance, of at least ten million pesos for the last three consecutive years. The territory need not be contiguous if it comprises two or more islands.

(2) The regular annual income shall include the income allotted for both the general and infrastructure funds exclusive of trust funds, transfers, and nonrecurring income.

(3) Municipalities created as component cities under this section shall continue to share their income with their respective provinces in the same manner as municipalities.

SEC. 165. Cities, Classified.—A city may either be component or highly urbanized. Highly urbanized cities, as hereinafter provided, shall be independent of the province.

SEC. 166. Highly Urbanized Cities.— (1) Cities with a minimum population of one hundred and fifty thousand as certified by the National Census and Statistics Office, and with the latest annual income of at least thirty million pesos as certified by the Minister of Finance, shall be classified as highly urbanized cities.

(2) Cities which do not meet the above requirements shall be considered component cities of the province in which they are geographically located. If a component city is located within the boundaries of two or more provinces, said city shall be considered a component of the province of which it used to be a municipality.

SEC. 167. Criteria for Elevation of a Component City to a Highly Urbanized City.—A component city may become a highly urbanized city if it meets the criteria specified in the preceding section.

SEC. 168. Duty to Declare Highly Urbanized Status.— It shall be the duty of the Minister of Local Government to declare a city highly urbanized within thirty days after it shall have met the minimum requirements prescribed in Section 166 hereof.

Chapter 2.—City Officials in General

SEC. 169. Officials of the City Government.—(1) There shall be in each city a mayor, a vice-mayor, sangguniang panlungsod members, a city secretary, a treasurer, an assessor, an engineer, a city budget officer and a city planning and development coordinator.

(2) In highly urbanized cities, there shall be, in addition to the above, a city legal officer, a city civil registrar, a city administrator, a city veterinarian, a city social services and development officer, and a city general services officer, and, where appropriate, a city agriculturist, whose appointments, compensation, powers and duties shall be as hereinafter provided.

(3) The sangguniang panlungsod may maintain existing offices not mentioned in paragraphs (1) and (2) of this section, or create such other offices as may be necessary to carry out the purposes of the city government, or consolidate the functions of any one of such offices with another in the interest of efficiency and economy.

(4) The Minister of Local Government shall prescribe, in consultation with cities, minimum standards and guidelines with respect to their organizational structure, staffing pattern and other relevant operational aspects according to needs.

SEC. 170. General Powers and Duties of City Officials.— (1) All offices of the city government shall be under the control and direction of the mayor, and the chiefs of offices shall exercise such powers as may be prescribed in this Code or by ordinance.

(2) Each chief of office shall certify to the correctness of all payrolls and vouchers of his office covering the payment of money before payment thereof except as herein otherwise expressly provided.

(3) At least ten and one-half months before the beginning of each calendar year, he shall prepare and present to the mayor an estimate of the receipts and appropriations necessary for the operation of his office for the ensuing calendar year, and shall submit therewith such information for budget preparation purposes or for comparison purposes as the mayor may desire. He shall submit to the mayor as often as required, reports covering the operation of his office.

(4) In case of absence, sickness, or incapacity of the chief of an office to act for any reason resulting in a temporary vacancy, the assistant chief of office or the officer next in rank, shall perform the duties of the chief of office concerned.

(5) No city official engaged in the discharge of official duties shall leave the city without written permission from the mayor. National officials assigned in the city, when called upon by the heads of their respective ministries or when they are to leave their official stations on official business, shall give prior written notice to the mayor.

Chapter 3.—Officials and Offices Common to All Cities

Article One.—The City Mayor

SEC. 171. Chief Executive; Compensation, Powers and Duties.— (1) The city mayor shall be the chief executive of the city government, and shall exercise such powers, duties and functions as provided in this Code and other laws. He shall receive such compensation, emoluments and allowances as may be prescribed by law or ordinance.

(2) The city mayor shall :

(a) Take care that the laws of the Philippines and the ordinances and resolutions of the city are duly observed and enforced;

(b) Maintain peace and order in the city, and in pursuance thereof, he shall be entitled to possess and carry the necessary firearms within its territorial jurisdiction, subject to existing rules and regulations on the possession and carrying of firearms;

(c). Prepare and submit to the sangguniang panlungsod the annual budget of the city for the ensuing calendar year on the date and in the manner provided and prescribed by law;

(d) See to it that executive officers and employees of the city faithfully discharge their respective duties, and for the purpose, cause, if necessary, the institution and filing of appropriate criminal or administrative action;

(e) Furnish the sangguniang panlungsod from time to time, such information and recommend such measures as he shall deem appropriate or necessary;

(f) Examine the books, records, and papers of all offices, officers, agents or employees of the city;

(g) Represent the city in its business transactions, and sign all warrants drawn on the city treasury and all bonds, contracts and obligations of the city;

(h) Appoint, in accordance with civil service law, rules and regulations, all officers and employees of the city, whose appointments are not otherwise provided in this Code;

- (i) Cause to be instituted judicial proceedings to recover property and funds of the city wherever found, and cause to be defended all suits against the city, or otherwise protect its interests;
- (j) As soon as possible but not later than March 31 of each year, prepare and submit to the Ministry of Local Government an annual report covering the operation of the city government during the preceding calendar year;
- (k) Ensure that all taxes and other revenues of the city are collected, and the city funds applied in accordance with law or ordinance to the payment and settlement of the city expenses and obligations;
- (l) Exempt, upon the recommendation of the superintendent of city schools, deserving but financially disadvantaged students from the payment of tuition and other school fees or any part thereof;
- (m) Take such emergency measures as may be necessary to protect the public from fires, prevent and mitigate the effects of floods, storms, earthquakes and other public calamities;
- (n) Grant or refuse to grant, pursuant to law, city licenses or permits, and revoke the same for violation of law or ordinance or the conditions upon which they are granted;
- (o) Require owners of houses, buildings or other structures constructed without the necessary permit or in violation of existing law or ordinance, to remove or demolish such houses, buildings or structures within thirty days, or cause its removal or demolition at the expense of the owner;
- (p) Grant permits to hold benefits, excepting prohibited games of chance, for public and charitable purposes without requiring approval of the Ministry of Social Services and Development;
- (q) Act on the commutation of vacation, sick and maternity leaves and of trips outside the city of chiefs of offices appointed by him;
- (r) Initiate appropriate action or proceedings against any national government official or employee rendering service within the city to draw the attention of the corresponding superior officer to the dereliction of the official or employee involved;
- (s) Authorize payment of medical attendance, necessary transportation, subsistence, and hospital fees of officials and employees of the city who suffer any injury arising out of or in the course of their employment. Absence in such cases shall not be charged against any leave credit;

(t) Approve the commutation of such transportation allowances as may be authorized by law for chiefs of offices;

(u) Direct the preparation and formulation of the development plan and program of the city, and upon approval by the sangguniang panlungsod, direct and supervise the implementation and execution of the same;

(v) Call a meeting of any or all of the officers and employees of the city; and

(w) Perform such other duties and exercise such other powers as may be prescribed by law or ordinance.

Article Two.—The Vice-Mayor

SEC. 172. Functions and Compensation.—(1) The vice-mayor shall:

(a) Be the presiding officer of the sangguniang panlungsod;

(b) Assume the office of the city mayor for the unexpired term of the latter in the event of permanent vacancy;

(c) Exercise the powers and perform the duties and functions of the city mayor in cases provided for in Section 52 of this Code; and

(d) Exercise such other powers and perform such other duties as may be prescribed by law or ordinance;

(2) The vice-mayor shall receive such compensation, emoluments and allowances as may be determined by law or ordinance.

Article Three.—The Sangguniang Panlungsod

SEC. 173. Composition and Compensation.—(1) The sangguniang panlungsod, as the legislative body of the city, shall be composed of the vice-mayor, as presiding officer, the elected sangguniang panlungsod members, and the members who may be appointed by the President of the Philippines consisting of the presidents of the katipunang panlungsod ng mga barangay and the kabataang barangay city federation.

(2) The members of the sangguniang panlungsod shall receive such compensation, emoluments and allowances as may be determined by law or ordinance.

(3) Cities with a population of one hundred thousand to two hundred thousand shall elect eight (8) members of the sangguniang panlungsod at large; cities with a population of more than two hundred to three hundred thousand shall be entitled to elect ten (10) members of the sangguniang panlungsod; and cities with a population of more than three hundred thousand shall be entitled to elect twelve (12) members of the said sanggunian. Existing cities with a population of less than one hundred thousand shall be entitled to elect six (6) sangguniang panlungsod members.

(4) The above number of elected sangguniang panlungsod members shall not include the presidents of the katipunang panlungsod ng mga barangay and the kabataang barangay city federation.

(5) In addition thereto, there shall be one representative each from the agricultural and industrial labor sectors who shall be appointed by the President of the Philippines whenever, as determined by the sangguniang panlungsod, said sectors are of sufficient number in the city to warrant representation, after consultation with associations and persons belonging to the sector concerned.

SEC. 174. Sessions.— (1) The sangguniang panlungsod shall fix the time and place for its regular sessions which shall be held once a week. Special sessions may be called by the city mayor when public interest so demands.

(2) In case the volume of business so requires, a session, regular or special, may be adjourned from day to day until the business is completed.

(3) The sessions of the sangguniang panlungsod shall be open to the public unless otherwise ordered by affirmative vote of a majority of its members.

(4) The sangguniang panlungsod shall adopt its own rules of procedure, keep a record of its proceedings and for disorderly conduct during sessions, with the concurrence of two-thirds of all its members, reprimand, exclude from the session, or suspend for not more than sixty days an erring member.

SEC. 175. The Presiding Officer of the Sangguniang Panlungsod.— (1) The vice-mayor, as presiding officer of the sangguniang panlungsod, shall not vote except in case of a tie. He shall sign within ten days from their adoption all ordinances, resolutions and motions enacted or adopted by the said sanggunian. If after the period of ten days an ordinance or resolution is not signed by the presiding officer, the city secretary shall forward the same to the city mayor for appropriate action.

(2) If the vice-mayor cannot preside over a regular or special session, the members present and constituting a quorum shall elect from among themselves a temporary presiding officer.

SEC. 176. Quorum.—A majority of all the members of the sangguniang panlungsod shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day and compel the immediate attendance of any member who is absent without good cause by issuing to the Integrated National Police assigned in the area an order for his arrest and production at the session, subject to penalties prescribed by law.

SEC. 177. Powers and Duties.—The sangguniang panlungsod shall:

(a) Enact such ordinances as may be necessary to carry into effect and discharge the responsibilities conferred upon it by law, and such as shall be necessary and proper to provide for the health and safety, comfort and convenience, maintain peace and order, improve the morals, and promote the prosperity and general welfare of the community and the inhabitants thereof, and the protection of property therein;

(b) Appropriate funds for expenses of the city government, and fix the salaries of its officers and employees according to law;

(c) Provide for the levy and collection of taxes and other city revenues and apply the same to the payment of the expenses of the city in accordance with appropriations ;

(d) Regulate, fix the license fee for, and tax any business or profession being carried on and exercised within the territorial jurisdiction of the city, except travel agencies, tourist guides, tourist transports, hotels, resorts, deluxe restaurants, and tourist inns of international standards which shall remain under the licensing and regulatory power of the Ministry of Tourism which shall exercise such authority without infringing on the taxing and regulatory powers of the city government;

(e) Construct, keep in good repair and regulate the use of streets and other public places; establish bus stops and terminals; regulate garages and the operation of conveyances for hire; and designate stands to be occupied by public vehicles when not in use;

(f) Provide for the construction, purchase and lease of buildings necessary for the use of the city;

(g) Establish and maintain public elementary schools subject to such limitations as may be prescribed by law;

(h) Establish fire limits or zones, determine the kinds of buildings and structures that may be erected within said limits or zones and regulate the manner of constructing and repairing the same, subject to applicable provisions of law;

(i) Make suitable provisions to protect the public from conflagrations and to prevent and mitigate the effects of famine, floods, storms and other public calamities, and provide relief to victims thereof;

(j) Provide for the lighting, cleaning and sprinkling of streets and other public places; summarily remove encroachments and constructions on them; regulate their use, the putting up thereon of signs, signposts, awning and awning posts; prohibit littering, the placing, depositing, leaving or throwing of garbage, refuse or other filth and provide for their collection and disposition; regulate the digging and excavation for the laying of gas, water, power, and other pipelines, the building and repair of tunnels, sewers and drains, and all structures thereunder; the placing, stringing, attaching, installing, repair and construction of all gas mains, electric, telegraph and telephone wires, conduits, meters and other apparatus, and the correction, condemnation or removal of the same when dangerous or defective;

(k) Name and change the names of all streets and other public places not oftener than once every ten years; regulate traffic upon the same; construct, maintain and regulate the use of bridges, viaducts and culverts; and regulate amusements having the tendency to annoy persons, and in its discretion suspend, suppress or prohibit said amusements in order to protect the social and moral welfare of the community;

(l) Establish and maintain waterworks for the purpose of supplying water to the inhabitants of the city, purify the source of supply, regulate the use and prevent the wastage of water, and fix and collect fees therefor; regulate the construction, repair, and use of hydrants, pumps, cisterns and reservoirs; and for the purpose of protecting and ensuring the purity and quantity of the water supply of the city, extend its ordinances over all territories within the drainage area of such water supply, and within one hundred meters of any reservoir,

conduit, canal, aqueduct, pumping station or watershed used in connection with the water service;

(m) Prohibit and penalize cruelty to animals, regulate their keeping and use, restrict or prohibit their running at large; establish and maintain a city pound and fix the fees for poundage; provide for the distraining, impounding, killing or sale of the same; and impose penalties upon the owners of said animals for the violation of any ordinance in relation thereto. Large cattle and all other animals of the bovine family shall be disposed of in accordance with law;

(n) Require any land or building which is in an unsanitary condition to be cleaned at the expense of the owner or tenant, and upon failure to comply with such an order, have the work done, and assess the expenses upon the land or building;

(o) Require the filling up to a grade necessary for proper sanitation, any and all lands and premises which may be declared by competent authority to be unsanitary for being below such grade;

(p) Construct and keep in repair public drains, sewers and cesspools, and regulate the construction and use of private water closets, privies, sewers, drains and cesspools ;

(q) Provide for the burial of the dead in such place and in such manner as prescribed by law or ordinance;

(r) Establish and operate or authorize the establishment and operation of markets and slaughterhouses, and regulate the preparation and sale of meat, poultry, fish, vegetables, fruits and other provisions or articles of food offered for sale;

(s) Adopt measures to prevent the introduction and spread of disease;

(t) Declare, prevent and abate nuisance;

(u) Provide for an efficient machinery for the recording of births, marriages, deaths, and other acts affecting civil status;

(v) Suppress gambling houses, houses of ill fame, houses where prohibited drugs are unlawfully dispensed or used and other similar establishments;

(w) Prohibit the printing, circulation, sale, distribution or exhibition of immoral and obscene pictures, films, articles, books or any other kind of pornographic publications;

(x) Prevent and suppress riots, affrays, disturbances and disorderly assemblies, habitual drunkenness in public places, drug addiction, vagrancy, mendicancy, prostitution, gambling and other forms of disorderly or unlawful conduct, and adopt measures for the rehabilitation of drug addicts, alcoholics, vagrants, mendicants, prostitutes, gamblers and juvenile delinquents;

(y) Fix the fees and/or charges for all services rendered by the city or any of its offices;

(z) Establish or aid in the establishment and maintenance of secondary and vocational schools and other institutions of higher learning and, with the approval of the Ministry of Education, Culture and Sports, fix reasonable tuition and other school fees in the vocational schools and in other educational institutions supported by the city;

(aa) Appropriate money for purposes not specified by law, having in view the general welfare of the city and its inhabitants;

(bb) Create, define boundaries, and change the names of barangays in the city pursuant to the requirements of the law;

(cc) Create, consolidate, and reorganize city offices and positions wholly supported by local funds;

(dd) Review tax and appropriation ordinances, and if so required, other ordinances approved by the sangguniang -barangay to determine if they are within the powers conferred upon it by law;

(ee) Authorize the payment of compensation or additional compensation, as the case may be, to any officer or employee designated to fill a temporary vacancy at a rate equal to that actually received by the regular incumbent;

(ff) Provide for the care of the poor, the aged, the sick, persons of unsound mind and abandoned minors, and for the care and rehabilitation of juvenile delinquents and disabled or handicapped persons;

(gg) Float bonds for the purpose of raising funds to finance development projects, subject to applicable provisions of law;

(hh) Penalize violation of its ordinances by a fine of not more than one thousand pesos or imprisonment of not exceeding six months, or both such fine and imprisonment at the discretion of the court;

(ii) Grant franchises to any person or corporation to do business within the city to establish, construct, operate and maintain a ferry or wharf, or undertake such other activities as may be allowed by law, subject to the conditions it may impose;

(jj) Regulate cockpits, cockfighting and the keeping or training of gamecocks, subject to existing guidelines promulgated by the Philippine Gamefowl Commission; and

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

Article Four.—The City Secretary

SEC. 178. Appointment, Compensation, Powers and Duties.— (1) There shall be a city secretary who shall be appointed by the city mayor with the concurrence of the sangguniang panlungsod, in accordance with civil service law, rules and regulations, whose compensation, allowances, and other emoluments shall be provided by law or ordinance.

(2) The city secretary shall:

(a) Be responsible for keeping a full record of the proceedings of the sangguniang panlungsod and filing all documents relative thereto as part of the public records of the city;

(b) Record in a book kept for the purpose all ordinances, resolutions and motions adopted by the sangguniang panlungsod with the dates of their approval and publication;

(c) Keep the seal of the sangguniang panlungsod and affix the same, with his signature, to all ordinances and official acts of the said sanggunian, which he shall present for signature to the presiding officer;

(d) Keep the corporate seal of the city and affix the same with his signature on all ordinances and resolutions, and on all other official documents and papers signed by the city mayor, as may be required by law or ordinance;

(e) Attest to all executive orders, proclamations, ordinances and resolutions signed by the city mayor;

(f) Upon request, furnish certified copies of all city records and documents in his charge which are not of a confidential character, and charge such fees as may be prescribed by ordinance or resolution of the sangguniang panlungsod, to be paid directly to the city treasurer;

(g) Keep his office and all records therein which are not of a confidential character open to the public during the usual business hours; and

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

SEC. 179. Enactment of Ordinances.—The affirmative vote of a majority of the members of the sangguniang panlungsod shall be necessary for the passage of any ordinance, or of any resolution or motion directing the payment of money or creating liability, but other measures shall prevail upon the majority vote of the members present, there being a quorum, at any session duly called and held. The "ayes" and "nays" shall be taken and recorded upon the passage of all ordinances, upon all resolutions or motions directing the payment of money or creating liability, and at the request of any member, upon any other resolution or motion. Each approved ordinance, resolution or motion shall be sealed with the seal of the sangguniang panlungsod and recorded in a book kept for the purpose and shall, on the day following its passage, be posted by the city secretary at the main entrance of the city hall and in at least two other public and conspicuous places, and shall take effect and be in force as provided in this Code unless otherwise stated in said ordinance resolution or motion, or vetoed by the city mayor.

SEC. 180. Approval of Ordinances by the Mayor; Veto Power.— (1) All ordinances, and any resolution or motion directing the payment of money or creating liability, enacted or adopted by the sangguniang panlungsod shall be forwarded to the mayor. Within ten days after the receipt of the ordinance, resolution or motion, the mayor shall return it with his approval or veto. If he does not return it within that time, it shall be deemed approved. If he returns it with his veto, his reasons therefor in writing shall accompany it. A vetoed ordinance, if repassed by a two-thirds vote of all the members of the sangguniang panlungsod, shall take effect as provided in this Code.

(2) The mayor shall have the power to veto any particular item or items of an appropriation ordinance, or of an ordinance, resolution or motion directing the payment of money or creating liability, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner provided in the preceding section. Should an item or items in an appropriation ordinance be disapproved by the mayor, the corresponding item or items in the appropriation ordinance of the previous year shall be deemed reenacted.

Article Five.—The City Treasurer

SEC. 181. Appointment, Qualifications, Compensation, Powers and Duties.— (1) The city treasurer shall be appointed by the President of the Philippines, upon recommendation of the Minister of Finance, subject to civil service law, rules and regulations. The city treasurer shall take charge of the city treasury office and act as the chief financial officer of the city.

(2) No person shall be appointed city treasurer unless he is a citizen of the Philippines, of good moral character, a holder of a college degree preferably in law, commerce or public administration from a recognized college or university, a first grade civil service eligible or its equivalent, and has been in the treasury or accounting service for at least five years, two of which as an assistant city treasurer.

(3) The city treasurer shall receive such compensation, allowances and other emoluments as may be provided by law or ordinance.

(4) The city treasurer shall:

(a) Advise the city mayor, the sangguniang panlungsod, other city officials, and the national officers concerned with the disposition of property of the city government;

(b) Collect taxes throughout the city, including national, provincial and municipal taxes and other revenues authorized by law;

(c) Take custody of and exercise supervision over all city funds and property, including city buildings and grounds and, subject to the approval of the city mayor, assign rooms to city officers and other public officials who by law are entitled to office space in the city buildings;

(d) Make annual reports to the mayor of all income disbursements, and acquisition and disposition of all assets of the city during the period, and furnish copies thereof to the sangguniang panlungsod and to all department heads of the city government;

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

(f) Upon designation by the Minister of Finance, act as treasury fiscal examiner in the city under the administrative authority of the Treasurer of the Philippines in accordance with pertinent rules and regulations;

(g) Inspect, under the authority of the sangguniang panlungsod, the operation of public utilities belonging to, leased or operated by, the city government, such as telegraph and telephone, land and water transportation, waterworks, electric-light plants, irrigation systems, bonded warehouses, ferries, slaughterhouses, and other commercial and industrial enterprises of the city and all private commercial and industrial establishments within the city in relation to city tax ordinances; and

(h) Perform such other duties as may be required by law or ordinance.

SEC. 182. The Assistant City Treasurer.— (1) There shall be an assistant city treasurer who shall be appointed by the Minister of Finance upon the recommendation of the city mayor, subject to civil service law, rules and regulations. When the exigency of the service so requires, additional positions for assistant city treasurers may be created.

(2) No person shall be appointed assistant city treasurer unless he is a citizen of the Philippines, of good moral character, a holder of a college degree preferably in law, commerce or public administration from a recognized college or university, a first grade civil service eligible or its equivalent, and has had at least five years experience in the treasury or accounting service, the last two years of which as administrative deputy or its equivalent.

(3) The assistant city treasurer shall receive such compensation, allowances and other emoluments as may be provided by law or ordinance.

(4) The assistant city treasurer shall assist the city treasurer and perform such duties as the latter may assign to him. He 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 offices of the city treasurer and the city assessor.

Article Six.—The City Assessor

SEC. 183. Appointment, Qualifications, Compensation, Powers and Duties.— (1) The city assessor shall be appointed by the President of the Philippines upon recommendation of the Minister of Finance, subject to civil service law, rules and regulations.

(2) No person shall be appointed city assessor unless he is a citizen of the Philippines, of good moral character, a holder of a degree preferably in law, civil or mechanical engineering, commerce or any other related course from a recognized college or university, a first grade civil service eligible or its equivalent, and has acquired experience in real property assessment work or in any related field for at least five years.

(3) The city assessor shall receive such compensation, allowances and other emoluments as may be provided by law or ordinance.

(4) The city assessor shall:

(a) Establish a systematic method of assessment of real property in the manner prescribed by law and in accordance with rules and regulations issued by the Minister of Finance;

(b) Install and maintain a real property identification and accounting system conforming to the standards prescribed by the Minister of Finance;

(c) Prepare, install and maintain a system of tax mapping showing graphically all property subject to assessment in the city and gather all necessary data concerning the same;

(d) Make frequent physical surveys to check and determine whether all real property within the city are property listed in the assessment rolls;

(e) Appraise all items of real property at current market value in accordance with law and conduct regular ocular inspections to determine if all properties are assessed correctly ;

(f) Keep a correct record of all transfers, leases, and mortgages of real property, rentals, insurance, and cost of construction of buildings and other improvements on land and land income for assessment purposes;

(g) Apply uniformly the assessment levels fixed by law to the current market value of all property subject to assessment;

(h) Cancel assessments, in case several assessments have been made for the same property, except the one properly made, but if any assessee or his representative shall object to the cancellation of the assessment made in his name, such assessment shall not be cancelled but the fact shall be noted on the tax declaration and assessment rolls and other property books of records. Preference, however, shall be given to the assessment of

the person who has the best title to the property, or in default thereof, of the person who has possession of the property;

(i) Eliminate from the assessment roll of taxable property those which have been destroyed or which, being exempted, have been improperly included in the same; decrease the assessment where property previously assessed has suffered a permanent loss of value by reason of storm, flood, fire or other calamity; and increase the assessment where improvements have been made upon the property subsequent to the last assessment;

(j) Attend personally or through his duly authorized representative all sessions of the local board of assessment appeals and present any information or record in his possession as may be required by the board in determining the correct assessment of the real property under appeal;

(k) Issue certificates pertaining to, or issue certified copies of the assessment records of, real property and all other records relative to its assessment upon payment of a service charge or fee fixed therefor by the sangguniang panlungsod;

(l) Make a report every semester of all assessments during said period and submit copies of said report to all the officials of the city government including the sangguniang barangays; and

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

SEC. 184. The Assistant City Assessor.—(1) There shall be an assistant city assessor who shall be appointed by the Minister of Finance upon recommendation of the city mayor, subject to civil service law, rules and regulations.

(2) No person shall be appointed assistant city assessor unless he is a citizen of the Philippines, of good moral character, a holder of a degree preferably in law, civil or mechanical engineering, commerce or any related course from a recognized college or university, a first grade civil service eligible or its equivalent, and has acquired experience in real property assessment work or in any related field for at least three years.

(3) The assistant city assessor shall receive such compensation, allowances and other emoluments as may be provided by law or ordinance.

(4) The assistant city assessor shall assist the city assessor and perform such duties as the latter may assign to him. He shall have the authority to administer oaths on all declarations of real property for purposes of assessment.

Article Seven.—The City Engineer

SEC. 185. Appointment Qualifications, Compensation, Powers and Duties.— (1) The city engineer shall be appointed by the city mayor, subject to civil service law, rules and regulations.

(2) No person shall be appointed city engineer unless he is a citizen of the Philippines, of good moral character, a licensed civil engineer, and has been an assistant city engineer or has engaged in the practice of his profession for at least five years.

(3) The city engineer shall receive such compensation, emoluments and allowances as may be determined by law

or ordinance.

(4) The city engineer shall:

(a) Take charge of all the surveying and engineering works of the city, and perform such services in connection with public improvements, or any work entered upon or projected by the city or any office thereof, as may require the skill and experience of a civil engineer;

(b) Ascertain, record and establish monuments of the city surveys and from thereon extend the surveys of the city, and locate, establish, and survey all city property and also private property abutting on the same, whenever directed by the city mayor;

(c) Prepare and submit plans, maps, specifications, and estimates for buildings, streets, bridges, docks, and other public works, and supervise the construction and repair of the same;

(d) Make such tests and inspection of engineering materials used in construction and repair as may be necessary to protect the city from the use of materials of a poor or dangerous quality;

(e) Prevent the encroachment of private buildings and fences on the streets and public places of the city;

(f) Conduct general supervision and inspection of all private docks and landing places and other property bordering on the rivers, esteros, and waterways of the city, and issue permits for the construction, repair and removal of the same, and enforce all ordinances relating to the same;

(g) Supervise the laying of mains and connections for the purpose of supplying gas to the residents of the city;

(h) Periodically inspect and report on the conditions of public property and public works to the sangguniang panlungsod and the city mayor;

(i) Regulate and supervise the location and use of engines, boilers, forges, and other manufacturing and heating appliances in accordance with law and ordinance relating thereto, and charge fees, at rates to be fixed by the sangguniang panlungsod for services and supplies furnished by his office;

(j) Inspect and supervise the construction, repair, removal and safety of private buildings, and regulate and enforce the numbering of houses in accordance with ordinances of the city;

(k) With the previous approval of the city mayor in each case, order the removal of materials employed in the

construction or repair of any building or structure made in violation of law or ordinance, and cause buildings and structures dangerous to the public to be made secure or torn down;

(l) File and preserve all maps, plans, notes, surveys and other papers and documents pertaining to his office; and

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

(5) In the absence of a city highways engineer, the Minister of Public Works and Highways may designate the city engineer to act as ex officio city highways engineer.

Article Eight.—The City Budget Officer

SEC. 186. Appointment, Qualifications, Compensation, Powers and Duties.— (1) The city budget officer shall be appointed by the city mayor subject to civil service law, rules and regulations.

(2) No person shall be appointed city budget officer unless he is a citizen of the Philippines, of good moral character, a holder of a degree preferably in law, commerce, public administration, or in any related course from a recognized college or university, a first grade civil service eligible or its equivalent, and has at least five years experience in budgeting or in any related field.

(3) The city budget officer shall receive such compensation, allowances and other emoluments as may be determined by law or ordinance.

(4) The city budget officer shall take charge of the city budget office and provide technical and staff services to the city mayor and other city officials on budget matters. He shall:

(a) Advise the city mayor on the orders and circulars to be issued on all budgetary and appropriation matters;

(b) Consult and coordinate with the city treasurer on the projection of the estimated income of the city for the ensuing calendar year;

(c) Review and consolidate the budget proposals of the different offices of the city government and of the barangays under the jurisdiction of the city;

(d) Assist the city mayor in the preparation of the annual executive and special budgets;

(e) Evaluate allotment requests and submit his recommendations to the city mayor;

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

(g) Submit quarterly budgetary reports to the Office of Budget and Management; and

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

Article Nine.—The City Planning and Development Coordinator

SEC. 187. Appointment, Qualifications, Compensation, Powers and Duties.— (1) The city planning and development coordinator shall be appointed by the city mayor, subject to civil service law, rules and regulations.

(2) No person shall be appointed city planning and development coordinator unless he is a citizen of the Philippines, of good moral character, a holder of a degree preferably in law, civil engineering, commerce, public administration or any related course from a recognized college or university, a first grade civil service eligible or its equivalent, and has at least five years experience in planning or in any related field.

(3) The city planning and development coordinator shall receive such compensation, emoluments and allowances as may be determined by law or ordinance.

(4) He shall:

(a) Formulate an integrated economic, social, physical and other development objectives and policies for the consideration and approval of the sangguniang panlungsod and the city mayor;

(b) Conduct continuing studies, researches, and relevant training necessary to evolve plans and programs for implementation ;

(c) Integrate and coordinate all sectoral plans and studies undertaken by the different functional group or agencies;

(d) Monitor and evaluate the implementation of the different development programs, projects and activities in the city;

(e) Prepare comprehensive plans and other development planning documents;

(f) Analyze the city income and expenditure patterns, and formulate and recommend fiscal plans and policies for the consideration and approval of the sangguniang panlungsod and the city mayor;

(g) Promote citizen participation through development planning at the barangay level;

(h) Exercise general supervision and control of the day-to-day activities of the city planning and development office personnel; and

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

(5) In the performance of the above functions, all personnel presently performing planning and development functions in the office of the city mayor shall be given preference in the appointment to commensurate positions in the office of the city planning and development coordinator.

Chapter 4.—Additional Mandatory Officials and Offices in Highly Urbanized Cities

Article One.—The City Legal Officer

SEC. 188. Appointment, Qualifications, Compensation, Powers and Duties.—(1) The city legal officer shall be appointed by the city mayor, subject to civil service law, rules and regulations.

(2) No person shall be appointed city legal officer unless he is a citizen of the Philippines, of good moral character, a member of the Philippine Bar, and has acquired experience in the practice of his profession for at least five years.

(3) The city legal officer shall receive such compensation, emoluments and allowances as may be determined by law or ordinance.

(4) The city legal officer shall be the chief legal adviser of the city and all offices thereof, and as such shall:

(a) Represent the city in all civil cases wherein the city or any officer thereof, in his official capacity, is a party;

(b) When required, draft ordinances, contracts, bonds, leases and other instruments, involving any interest of the city, and inspect and pass upon any such instruments already drawn;

(c) Give his opinion in writing, when requested by the mayor or the sangguniang panlungsod, upon any question relating to the city or the rights or duties of any city officer;

(d) Investigate or cause to be investigated any city officer for neglect or misconduct in office, or any person, firm or corporation holding any franchise or exercising any public privilege from the city for failure to comply with any condition, or to pay any consideration mentioned in the grant of such franchise or privilege, and recommend appropriate action to the sangguniang panlungsod and the city mayor;

(e) Institute and prosecute in the city's interest when directed by the mayor, a suit on any bond, lease, or other contract upon any breach or violation thereof; and

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

Article Two.—The City Civil Registrar

SEC. 189. Appointment, Qualifications, Compensation, Powers and Duties.— (1) There shall be a city civil registrar who shall be appointed by the city mayor subject to civil service law, rules and regulations.

(2) No person shall be appointed city civil registrar unless he is a citizen of the Philippines, of good moral character, a holder of a college degree and a first grade, civil service eligible or its equivalent.

(3) The city civil registrar shall receive such compensation, emoluments and allowances as may be determined by law or ordinance.

(4) The city civil registrar shall be responsible for the civil registration program in the city. Pursuant to the civil registry law, the Civil Code, and other pertinent laws and rules and regulations issued to implement them, he shall:

- (a) Accept all registrable documents including judicial decrees affecting the civil status of persons;
- (b) File, keep and preserve in a secure place the books required by law and transcribe and enter immediately upon receipt all registrable documents and judicial decrees, affecting the civil status of persons in the appropriate civil registry book;
- (c) Transmit to the Office of the Civil Registrar General, within the prescribed period, duplicate copies of registered documents required by law;
- (d) Issue certified transcripts or copies of any certificate-or registered document upon payment of the prescribed" fees to the city treasurer;
- (e) Receive applications for issuance of marriage license and, after determining that the requirements including supporting certificates and publication thereof for the prescribed period have been complied with, issue the license upon payment of the authorized fee to the city treasurer;
- (f) Collaborate with census officers of the National Census and Statistics Office in conducting educational campaign for vital registration and assist in the preparation of demographic and other statistics for the city; and
- (g) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

Article Three.—The City Administrator

SEC. 190. Appointment, Qualifications, Compensation, Powers and Duties.— (1) The city administrator shall be appointed by the city mayor, subject to civil service law, rules and regulations.

(2) No person shall be appointed city administrator unless he is a citizen of the Philippines, of good moral character, a holder of a degree preferably in law, commerce or public administration from a recognized college or university, a first grade civil service eligible or its equivalent, and has acquired experience in the discharge of management functions for at least five years.

(3) The city administrator shall receive such compensation, emoluments and allowances as may be determined, by law or ordinance.

(4) The city administrator shall:

- (a) Assist in coordinating the work of all the officers of the city, under the supervision, direction, and control of the city mayor, and for this purpose, he may convene the chiefs of offices and other officials of the city;
- (b) Establish and maintain a sound personnel program for the city designed to promote career development and

uphold the merit principle in the city government service;

(c) Direct and supervise the continuing study and analysis of the internal organization, management practices and operational procedures of the city government offices with the end in view of instituting effective administrative reforms;

(d) Maintain direct administrative supervision over all market personnel except market collectors;

(e) Maintain and supervise cleanliness and beautification of all public markets and premises ;

(f) Formulate plans and policies for the establishment of new public markets;

(g) Enforce all ordinances, rules and regulations pertaining to or covering the administration and operation of public markets; and

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

Article Four.—The City Veterinarian

SEC. 191. Appointment, Qualifications, Compensation, Powers and Duties.— (1) The city veterinarian shall be appointed by the mayor subject to civil service law, rules and regulations.

(2) No person shall be appointed veterinarian unless he is a citizen of the Philippines, of good moral character, a licensed doctor of veterinary medicine and has experience in the practice of his profession for at least five years.

(3) The city veterinarian shall receive such compensation, emoluments and allowances as may be determined by law or ordinance,

(4) The city veterinarian shall:

(a) Advise the city mayor on all matters and affairs pertaining to the inspection of animals to be slaughtered for human consumption, and regulation of slaughterhouses;

(b) License and regulate the keeping of domestic animals;

(c) Regulate and inspect poultry, milk and dairy products sold in public markets and grocery stores;

(d) Enforce all laws and regulations for the prevention of cruelty to animals;

(e) Take all necessary measures to prevent all forms of animal diseases; and

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

Article Five.—The City Social Services and Development Officer

SEC. 192. Appointment, Qualifications, Compensation, Powers and Duties.— (1) The city social services and development officer shall be appointed by the city mayor, subject to civil service law, rules and regulations.

(2) No person shall be appointed city social services and development officer unless he is a citizen of the Philippines, of good moral character, a holder of a degree preferably in social work or any related course from a recognized college or university, a first grade civil service eligible or its equivalent, and has acquired experience in social work for at least five years.

(3) The city social services and development officer shall receive such compensation, emoluments and allowances as may be determined by law or ordinance.

(4) The city social services and development officer shall:

(a) Administer and supervise the social services of the city;

(b) Execute and enforce all laws and ordinances relating to social services;

(c) Recommend to the sangguniang panlungsod the passage of ordinances as he may deem necessary for the better and more adequate extension of social services in the city;

(d) Cooperate with and assist all sectors, agencies and organizations, public and private, in the implementation of their welfare and relief programs and activities; and

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

Article Six.—The City General Services Officer

SEC. 193. Appointment, Qualifications, Compensation, Powers and Duties.— (1) The city general services officer shall be appointed by the city mayor, subject to civil service law, rules and regulations.

(2) No person shall be appointed city general services officer unless he is a citizen of the Philippines, of good moral character, a holder of a college degree, a first grade civil service eligible or its equivalent, and has acquired experience as supply and property management officer for at least five years.

(3) The city general services officer shall receive such compensation, emoluments and allowances as may be determined by law or ordinance.

(4) The city general services officer shall:

- (a) Advise the city mayor and other city officials and employees on matters relative to general services, management;
- (b) Develop and prepare plans, programs and activities relative to general services in coordination with other city departments or office heads for submission to the sangguniang panlungsod through the city mayor;
- (c) Implement laws, and the rules, regulations, standards and policies set by the sangguniang panlungsod to promote the economical, efficient and effective management of general services of the city government;
- (d) Administer the properties of the city government relative to their acquisition, storage, delivery, utilization maintenance and disposal;
- (e) Perform supply and property procurement and maintenance functions, including non-personal services of the city government, and such other general services activities as the exigency of the service may require;
- (f) Take custody of and be accountable for all properties, real or personal, owned by the city government and those extended to it in the form of donation, reparation, assistance and counterpart of joint projects;
- (g.) With the approval of the city mayor, assign building or land space to city officials or other public officials, who, by law, are entitled to such space;
- (h) Determine the reasonableness of rentals of city government-owned properties, real or personal, for lease to public or private entities by the city government;
- (i) Determine the reasonableness of rentals of private properties that may be leased for the official use of the city government;
- (j) Maintain and supervise janitorial, security, landscaping and other related services in all city public buildings and other real property whether owned or leased by the city government;
- (k) Perform all other functions pertaining to supply and property management heretofore performed by the city treasurer under various laws, rules and regulations;

(l) Enforce policies on records management relative to records creation and maintenance, and perform disposal action on disposable records of the city government; and

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

(5) In the performance of the above powers and duties, all personnel performing property and supply management functions in different units, departments or offices of the city shall be transferred to the city general services office.

(6) The incumbent chief of the property and supply division or section, property custodian, or property clerk in charge of the property division or section in the city treasurer's office shall be given preference in the appointment to the position of city general services officer.

Article Seven.—The City Agriculturist

SEC. 194. Appointment, Qualifications, Compensation, Powers, Duties and Functions. (1) The city agriculturist shall be appointed by the city mayor, subject to civil service law, rules and regulations.

(2) No person shall be appointed city agriculturist unless he is a citizen of the Philippines, of good moral character, a holder of a degree in agriculture from a recognized college or university, a first grade civil service eligible or its equivalent, and has experience in the practice of his profession for at least five years.

(3) The city agriculturist shall receive such compensation, allowances and other emoluments as may be prescribed by law or ordinance.

(4) The city agriculturist shall:

(a) Initiate, review, and recommend changes in policies and objectives, plans and programs, techniques, procedures and practices in agricultural promotion and production;

(b) Advise the city mayor on matters pertaining to agriculture;

(c) Plan, supervise, and coordinate all agricultural projects and activities of the city government;

(d) Coordinate with regulatory governmental agencies and assist in basic research on crops and animals, on preventive control of diseases and pests, and on agricultural matters in general; and

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

Title Four.—The Province

Chapter 1.—Role and Creation of Provinces

SEC. 195. Role of Provinces.—As a political unit comprised of a group of municipalities and component cities, the province shall serve as an effective mechanism in the development process and assume basically area-wide functions, roles and activities.

SEC. 196. Manner of Creation.—A province may be created, named and its boundaries defined, altered or modified, only by an Act of the Batasang Pambansa and subject to the approval by a majority of the votes cast in a plebiscite to be held in the unit or units affected. The plebiscite shall be conducted by the Commission on Elections within one hundred twenty days from the date of effectivity of said Act, unless otherwise provided therein.

SEC. 197- Requisites for Creation.—A province may be created if it has a territory of at least three thousand five hundred square kilometers, a population of at least five hundred thousand persons, an average estimated annual income, as certified by the Ministry of Finance, of not less than ten million pesos for the last three consecutive years, and its creation shall not reduce the population and income of the mother province or provinces at the time of said creation to less than the minimum requirements under this section. The territory need not be contiguous if it comprises two or more islands.

The average estimated annual income shall include the income allotted for both the general and infrastructure funds, exclusive of trust funds, transfers and nonrecurring income.

SEC. 198. Transition Period for Existing Sub-Provinces.—Existing sub-provinces shall have until ten years from the date of effectivity of this Code within which to meet the requirements prescribed in the foregoing section as to population and income: Provided, however, That within said period, sub-provinces shall continue to be governed by existing laws. Those who fail to do so within said period shall be deemed abolished and their component municipalities shall form part of the mother province, unless otherwise provided by law.

Chapter 2.—Provincial Officials in General

SEC. 199. Officials of the Provincial Government—(1) There shall be in each province a governor, a vice-governor, members of the sangguniang panlalawigan , a provincial secretary, a provincial treasurer, a provincial assessor, a provincial budget officer, a provincial engineer, a provincial agriculturist and a provincial planning and development coordinator.

(2) Under the office of the provincial planning and development coordinator, a division, section or officer may be provided for general services whenever appropriate.

(3) The sangguniang panlalawigan may maintain existing offices not mentioned in paragraph (1) of this section, or create such other offices as may be necessary to carry out the purposes of the provincial government, or may consolidate the functions of any one of such offices with those of another in the interest of efficiency and economy.

(4) The Minister of Local Government shall prescribe, in consultation with provinces, minimum standards and guidelines with respect to the organizational structure, staffing pattern and other relevant operational aspects of provinces according to needs.

(5) In case of absence, sickness, or incapacity of the chief of an office to act for any reason, resulting in a temporary vacancy, the assistant chief of office or the officer next in rank, shall perform the duties of the chief of office concerned.

SEC. 200. Residence and Office.—During the incumbency of the governor he shall have his official residence in the capital of the province. All elective and appointive officials shall hold office in the provincial capital.

SEC. 201. Permission to Leave Official Station.—No provincial official engaged in the discharge of official duties shall leave the province without the written permission of the governor. National officials assigned in the province, when called upon by the heads of their respective ministries or when they are to leave their official stations on official business, shall give prior written notice to the governor.

SEC. 202. Oath of Office.—The oaths of office of the provincial heads of offices upon being subscribed by them, shall be filed and preserved in the provincial government except those of the governor, vice-governor and members of the sangguniang panlalawigan which shall be filed and preserved in the Ministry of Local Government.

Chapter 3.—Officials and Offices Common to all Provinces

Article One.—The Provincial Governor

SEC. 203. Provincial Governor as Chief Executive of the Province; Powers and Duties.— (1) The governor shall be the chief executive of the provincial government and shall exercise such powers and duties as provided in this Code and other laws.

(2) The governor shall:

- (a) Control all services and offices of the provincial government;
- (b) Determine the guidelines of provincial policy and be responsible to the sangguniang panlalawigan for the program of government;
- (c) Direct the formulation of provincial development plans and programs, and once approved by the sangguniang panlalawigan, direct the execution and implementation of the same;
- (d) On the first regular session of the sangguniang panlalawigan in every calendar year and from time to time thereafter, present the program of government and recommend for the consideration of the said sangguniang such measures as he may deem necessary and proper;
- (e) Appoint the heads of offices and other employees of the provincial government whose salaries are entirely or mainly paid out of provincial funds and whose appointments are not herein otherwise provided for, and those whom he may be authorized by law to appoint;
- (f) Represent the province in all its business transactions and sign on its behalf all bonds, contracts and obligations and other official documents made in accordance with law or ordinance;
- (g) Upon recommendation of the division superintendent of schools, exempt poor but deserving students from the payment of tuition and other school fees;

(h) Grant licenses or permits in accordance with law or provincial ordinances or revoke the same for violation of the conditions upon which they are granted;

(i) Allocate and assign rooms to provincial and other public officials and employees who, by law, are entitled to office space in the provincial capitol.

(j) Determine according to law or ordinance the time, manner and place of payments of the salaries and wages of the officers and employees of the province;

(k) Ensure that the acts of component cities and municipalities are within the scope of their assigned powers and functions;

(l) Coordinate the administration of services rendered by national offices and agencies in the province;

(m) Call upon any national official or employee stationed in the province to advise him on matters affecting the province and make recommendations thereon;

(n) Call a convention or meeting of any or all the heads of component political units and other local officials in the province at such place and time as he may designate;

(o) In aid of his executive and administrative powers, require all officers and employees stationed in the province to make available to him such books, records and other papers as are in their custody, except those classified by law as confidential;

(p) Enforce laws, provincial ordinances and resolutions and issue the necessary orders for their faithful and proper enforcement and execution, and in pursuance thereof, he shall be entitled to carry the necessary firearms within his territorial jurisdiction, subject to existing rules and regulations on the possession and carrying of firearms;

(q) At least ten and one-half months before the beginning of each calendar year, require each head of office or department to prepare and submit to him through the provincial budget officer, an estimate of the appropriation for the operation of each office or department during the ensuing calendar year, which estimate shall be prepared on the basis of programs, projects, activities and workloads, and such estimates of appropriations, after evaluation, shall form part of the executive budget of the province;

(r) Finalize and submit to the sangguniang panlalawigan the annual budget of the province for the ensuing calendar year on or before the time fixed in local budgeting regulations of the Office of Budget and Management;

- (s) Insure that officers and employees of the province properly discharge their respective functions and duties;
- (t) Adopt measures to safeguard all the lands, buildings, records, monies, credits and other property and rights of the province;
- (u) Make known to the people of the component units of the province all general laws or governmental orders which especially concern them;
- (v) Cause to be instituted in accordance with law, administrative and/or judicial proceedings against any officer or employee of the province or any elective official of its component units who may have committed any offense in the performance of his official functions and duties;
- (w) Cause to be instituted administrative and/or judicial proceedings in connection with the violation of ordinances for the collection of taxes, fees and charges and the recovery of property and funds of the province and cause to be defended all suits against it, and otherwise protect its interest;
- (x) Visit, at least once in six months, the component units of the province to acquaint himself with local conditions, advise authorities, receive complaints on the official conduct of local officials and for other purposes;
- (y) Act on vacation, sick and maternity leaves of officers and employees appointed by him and the commutation of the money value thereof;
- (z) Authorize trips outside the province of provincial officers and employees for a period not exceeding thirty days;
- (aa) Approve the commutation of the transportation and representation allowances of heads of offices and other officials of the province as authorized by law;
- (bb) Submit an annual report to the Ministry of Local Government which shall contain a resume of all matters pertinent to the administration and progress of the province and full information as to its social and economic conditions, and submit supplemental reports when unexpected events and occurrences arise which are of importance to the general welfare of the province; and
- (cc) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

Article Two.—The Vice-Governor

SEC. 204. Powers, Duties and Privileges.—(1) The vice-governor shall be an ex officio member of the sangguniang panlalawigan with all the rights, duties and privileges of any member thereof.

(2) He shall:.

(a) Assume the office of the governor for the unexpired term of the latter in the cases provided for in Section 48, paragraph (1) of this Code.

(b) Exercise the powers and perform the duties and functions of the governor in the cases provided for in Section 52 of this Code.

(c) Act as temporary presiding officer of the sangguniang panlalawigan in the event of inability of the governor to preside over a regular or special session on account of a trip on official business, absence on leave, sickness or any other temporary incapacity; and

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

Article Three.—The sangguniang Panlalawigan

SEC. 205. Composition.— (1) Each provincial government shall have a provincial legislature hereinafter known as the sangguniang panlalawigan, upon which shall be vested the provincial legislative power.

(2) The sangguniang panlalawigan shall be composed of the governor, the vice-governor, elective members of the said sanggunian, and the presidents of the katipunang panlalawigan and the kabataang barangay provincial federation who shall be appointed by the President of the Philippines.

(3) Each province shall elect six (6) members of the sangguniang panlalawigan at large: Provided, That provinces with a population of more than one million inhabitants shall have eight (8) elective sanggunian members: and Provided, further, That existing provinces with a population of less than one hundred thousand inhabitants shall have four (4) elective sanggunian members.

SEC. 206. Sessions.—(1) The sangguniang panlalawigan shall hold two regular sessions a month for the transaction of business on days which shall be fixed by resolution and such number of special sessions as may be called by the governor, but no two sessions shall be held in one day.

(2) Meetings of the sangguniang panlalawigan shall be open to the public, unless otherwise ordered by an affirmative vote of the majority of all the members present, there being a quorum.

(3) The governor, who shall be the presiding officer of the sangguniang panlalawigan, shall not be entitled to vote except in case of a tie.

(4) The sangguniang panlalawigan shall adopt its own rules of procedure, keep a record of its proceedings, and for disorderly conduct during sessions, with the concurrence of two-thirds of all its members, reprimand, exclude from the session, or suspend for not more than sixty days an erring member.

SEC. 207. Quorum.—A majority of all the members of the sangguniang panlalawigan shall constitute a quorum for

the transaction of business. A smaller number may adjourn from day to day but may compel the immediate attendance of any member absent without good cause by issuing to the Integrated National Police of the city or municipality where the provincial capital is situated, an order for his arrest and appearance at the session hall under pain of penalty as prescribed by ordinance.

SEC. 208. Powers and Duties.—The sangguniang panlalawigan shall:

(a) Enact such ordinances as may be necessary to carry into effect and discharge the responsibilities conferred upon it by law, and such as shall be necessary and proper to provide for the health, safety, comfort and convenience, maintain peace and order, improve public morals, and promote the prosperity and general welfare of the province and its inhabitants;

(b) Prescribe reasonable limits and restraints on the use of property, and for violation of ordinances, provide for imposition of a fine not exceeding one thousand pesos or six months imprisonment, or both such fine and imprisonment, at the discretion of the court;

(c) Levy taxes for general and special purposes and fix the taxes thereof in accordance with the provisions of this Code;

(d) Impose and fix reasonable fees and charges for all services rendered by the province to private parties;

(e) Upon the majority vote of all the members, authorize the governor to negotiate and contract loans and other forms of obligations in accordance with the provisions of this Code, or to float bonds for development projects, subject to such limitations as may be provided by law;

(f) Upon recommendation of the provincial governor, appropriate money for purposes not specified by law which will promote the general welfare of the province and its inhabitants;

(g) Fix in accordance with law the number and salaries of officials and employees of the province paid from provincial funds and provide for expenditures that are necessary for the proper conduct of the activities of the provincial government;

(h) Provide funds for the construction and maintenance and rental of buildings for the use of the province;

(i) Provide for the establishment and maintenance of an adequate provincial jail and detention center and appropriate sufficient funds for the subsistence of prisoners and detainees;

(j) Regulate and fix the license fees for sealing and licensing of weights and measures in conformity with law;

(k) Provide or facilitate the establishment and maintenance of a waterworks system or district waterworks for supplying water to inhabitants of its component cities and municipalities;

(l) Review ordinances approved by the sanggunian of component cities and municipalities within the authority granted by law;

(m) Authorize the payment of compensation or additional compensation, as the case may be, to any officer or employee, or to any person not in the government service appointed temporarily to fill a vacancy at a rate of salary authorized for the position pursuant to law;

(n) Provide for the establishment and operation of secondary and vocational schools and colleges subject to existing laws and regulations and, with the advice of the division superintendent of schools, fix reasonable fees for instruction therein;

(o) Provide for the establishment and maintenance of centers and facilities for the rehabilitation and reformation of vagrants, drug addicts, alcoholics, mendicants, prostitutes, juvenile delinquents and convicts on probation or parole or who have served their sentence;

(p) Adopt measures and issue regulations to protect the public from floods, conflagrations, typhoons, droughts, earthquakes and other calamities and provide relief for persons suffering from the same;

(q) Adopt measures and safeguards against pollution for the preservation of the natural eco-systems in the province, in consonance with approved standards on human settlements and environmental sanitation;

(r) Provide for the construction, improvement, repair and maintenance of roads, bridges, waterways, parks and playgrounds, and other public works, and regulate the use thereof;

(s) Make provisions within the financial capacity of the province, for the care of the poor, the aged, the sick, or persons of unsound mind, the care and rehabilitation of delinquent and abandoned minors and other disabled or handicapped persons;

(t) Provide for the suppression of riots, vandalism, tumultuous affrays, disturbances and disorderly assemblies;

(u) Adopt measures on quarantine as may from time to time be deemed desirable or necessary to prevent the introduction and spread of diseases;

(v) Adopt such "measures as would enhance the full implementation of the agrarian reform program of the government in coordination with the Ministry of Agrarian Reform; and

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

SEC. 209. Approval of Ordinances by the Governor; Veto Power.— (1) Every ordinance or resolution passed by the sangguniang panlalawigan shall be forwarded to the governor.

(2) Within fifteen days after receipt of the ordinance or resolution, the governor shall return it with either his approval or his veto. If he does not return it within that time, it shall be deemed approved.

(3) If the governor should consider the ordinance or resolution prejudicial to the public welfare, he may veto it by signifying to the sangguniang panlalawigan his disapproval thereof in writing. The sangguniang panlalawigan may, by two-thirds vote of all its members, pass an ordinance or resolution over the veto of the governor, in which case it shall become effective without his approval.

(4) The governor shall have the power to veto any particular item or items of an appropriation ordinance or of an ordinance or resolution directing the payment of money or creating liability, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect unless the sangguniang panlalawigan overrides the veto in the manner provided in paragraph (3) of this section. The veto power of the governor shall be exercised only once upon an ordinance or resolution or upon an item or items in an appropriation ordinance.

SEC. 210. Appropriations.— (1) The governor shall submit to the sangguniang panlalawigan within the period prescribed by the Office of Budget and Management, as the basis of the general appropriations proposal, a budget of receipts based on existing and proposed revenue measures and of expenditures. The form, content, and manner of preparation of the budget shall be prescribed by law.

(2) No provision or enactment shall be embraced in the general appropriations proposal unless it relates specifically to some particular appropriations thereof. Any such provision or enactment shall be limited in operation to the appropriation to which it relates.

(3) The procedure in approving appropriations for the sangguniang panlalawigan shall strictly follow the procedure for approving appropriations for other provincial services and offices.

(4) If, by the end of any fiscal year, the sangguniang panlalawigan shall have failed to pass the general appropriations for the ensuing fiscal year, the general appropriations ordinance for the preceding fiscal year shall be deemed reenacted and shall remain in force and effect until the general appropriations proposal is passed by the said sanggunian.

(5) The sangguniang panlalawigan may appropriate funds as aid to institutions of a charitable, benevolent, or exceptional character only if the institution to be assisted is operated and maintained in the province, or in its component city or municipality, or their component barangays.

Article Four.—The Provincial Secretary

SEC. 211. Powers, Duties and Functions.—(1) There shall be a provincial secretary who shall be appointed by the provincial governor with the concurrence of the sangguniang panlalawigan, in accordance with civil service law, rules and regulations, and whose compensation, allowances and other emoluments shall be prescribed by law or

ordinance.

(2) The provincial secretary shall:

(a) Attend meetings of the sangguniang panlalawigan, keep a journal of its proceedings, and record other acts of the provincial government;

(b) Keep the seal of the province and affix the same with his signature to all ordinances and other official acts of the sangguniang panlalawigan and present the same to the presiding officer for his signature;

(c) Forward to the governor copies of approved ordinances, resolutions and motions;

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

(e) Record in a book kept for the purpose, all ordinances, resolutions and motions directing the payment of money or creating liability, enacted or adopted by the sangguniang panlalawigan, with the dates of passage and publication of the same;

(f) Cause each ordinance passed to be published as herein provided;

(g) Exercise general supervision over the staff of the sangguniang panlalawigan; and

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

Article Five.—The Provincial Treasurer

SEC. 212. Appointment, Qualifications, Compensation, Powers and Duties.— (1) The provincial treasurer shall be appointed by the President of the Philippines upon recommendation of the Minister of Finance, subject to civil service law, rules and regulations. The provincial treasurer shall take charge of the provincial treasury office and act as the chief financial officer of the province.

(2) No person shall be appointed provincial treasurer' unless he is a citizen of the Philippines, of good moral character, a holder of a college degree preferably in law, commerce or public administration, from a recognized college or university, a first grade civil service eligible or its equivalent, and has at least five years of experience in the treasury or accounting service, two of which as an assistant city or provincial treasurer.

(3) The provincial treasurer shall receive such compensation, allowances and other emoluments as may be provided by law or ordinance.

(4) The provincial treasurer shall:

- (a) Advise the governor, the sangguniang panlalawigan and other provincial and national officers concerned with the disposition of provincial funds on all matters relative to public finance;
- (b) Collect taxes throughout the province including national, provincial and municipal taxes and other revenues authorized by law;
- (c) Take custody of and exercise supervision over all provincial funds;
- (d) Take charge of the disbursement and accounting of all provincial funds and other funds the custody of which may be entrusted to him by law or other competent authority;
- (e) Exercise administrative supervision and control over all treasury offices of component municipalities;
- (f) Inspect, under the authority of the sangguniang panlalawigan, all commercial and industrial enterprises of the province and all private commercial and industrial establishments within the province in relation to local tax ordinances; and
- (g) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

SEC. 213. The Assistant Provincial Treasurer.—(1) There shall be an assistant provincial treasurer who shall be appointed by the Minister of Finance upon recommendation of the provincial governor, subject to civil service law, rules and regulations. When the exigency of the service so requires, additional positions for assistant provincial treasurers may be created-

(2) No person shall be appointed assistant provincial treasurer unless he is a citizen of the Philippines, of good moral character, a holder of a college degree preferably in law, commerce or public administration from a recognized college or university, a first grade civil service eligible or its equivalent, and has at least five years experience in the treasury or accounting service.

(3) The assistant provincial treasurer shall receive such compensation, allowances and other emoluments as may be provided by law or ordinance.

(4) The assistant provincial treasurer shall assist the provincial treasurer and perform such duties as the latter may assign to him. He 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 provincial treasurer or otherwise arising in the offices of the provincial treasurer and the provincial assessor.

Article Six.—The Provincial Assessor

SEC. 214. Appointment, Qualifications, Compensation, Powers and Duties.— (1) The provincial assessor shall be appointed by the President of the Philippines upon recommendation of the Minister of Finance, subject to civil service law, rules and regulations.

(2) No person shall be appointed provincial assessor unless he is a citizen of the Philippines, of good moral character, a holder of a degree preferably in law, civil or mechanical engineering, commerce or any other related course from a recognized college or university, a first grade civil service eligible or its equivalent, and has acquired experience in real property assessment work or in any related field for at least five years.

(3) The provincial assessor shall receive such compensation, allowances and other emoluments as may be provided by law or ordinance.

(4) The provincial assessor shall:

(a) Initiate, review, and recommend changes in policies and objectives, plans and programs, techniques, procedures and practices in the assessment and revision of real property values;

(b) Establish a systematic method of assessment;

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

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

(e) Make frequent physical surveys to check and determine whether all real property within the locality are properly listed in the assessment rolls;

(f) Appraise all real property at current market value and conduct regular ocular inspection to determine if they are assessed correctly;

(g) Keep a record of all transfers, leases, and mortgages of real property, rentals, insurance, and cost of construction of buildings and other improvements on land for assessment purposes;

(h) Apply uniformly the assessment levels for the current market value of all property subject to assessment;

(i) Cancel all assessments, except those which are properly made, in case several assessments have been made for the same property;

(j) Cancel, raise, or lower, as the case may require, the assessment of any parcel or item of real property in the locality;

(k) Issue 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 provincial treasurer;

(l) Submit a report every semester of all assessments as well as cancellations and modifications of assessments done during the period, to the governor, each member of the sangguniang panlalawigan, and all mayors of component cities and municipalities; and

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

SEC. 215. The Assistant Provincial Assessor.— (1) The assistant provincial assessor shall be appointed by the Minister of Finance upon recommendation of the provincial governor, subject to civil service law, rules and regulations.

(2) No person shall be appointed assistant provincial assessor unless he is a citizen of the Philippines, of good moral character, a holder of a degree preferably in law, civil or mechanical engineering, commerce or any related course from a recognized college or university, a first grade civil service eligible or its equivalent, and has acquired experience in real property assessment work or in any related field for at least five years.

(3) The assistant provincial assessor shall receive such compensation, allowances and other emoluments as may be provided by law or ordinance.

(4) The assistant provincial assessor shall assist the provincial assessor and perform such duties as the latter may assign to him. He shall have the authority to administer oaths on all declarations of real property for purposes of assessment.

Article Seven.—The Provincial Budget Officer

SEC. 216. Appointment, Qualifications, Compensation, Powers and Duties.— (1) The provincial budget officer shall be appointed by the governor, subject to civil service law, rules and regulations.

(2) No person shall be appointed provincial budget officer unless he is a citizen of the Philippines, of good moral character, a holder of a degree preferably in law, commerce, public administration or any related course from a recognized college or university, a first grade civil service eligible or its equivalent, and has acquired at least five years experience in budgeting; or in any related field.

(3) The provincial budget officer shall receive such compensation, emoluments and allowances as may be determined by law or ordinance.

(4) The provincial budget officer shall:

(a) Exercise general supervision over the provincial budget office;

(b) Prepare forms, orders and circulars embodying instructions on budgetary and appropriation matters for the signature of the governor;

- (c) Review and consolidate the budget estimates of the different offices of the provincial government;
- (d) Supervise the preparation of executive and special budgets;
- (e) Assist the governor during budget Hearings;
- (f) Study and evaluate budgetary implications of proposed legislation and submit comments and recommendations thereon;
- (g) Submit periodic budgetary reports to the Office of Budget and Management;
- (h) Coordinate with the provincial treasurer for purposes of local government budgeting; and
- (i) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

SEC. 217. Budget Preparation.—Each provincial office shall submit its request for appropriation to the provincial budget officer on or before the date fixed in accordance with existing rules and budgetary regulations.

Article Eight.—The Provincial Engineer

Powers and Duties.—(1) The provincial engineer shall be

SEC. 218. Appointment, Qualifications, Compensation, appointed by the governor, subject to civil service law, rules and regulations.

(2) No person shall be appointed provincial engineer unless he is a citizen of the Philippines, of good moral character, a licensed civil engineer, and with adequate background and experience in his profession for at least five years.

(3) The provincial engineer shall receive such compensation, emoluments and allowances as may be prescribed by law or ordinance.

(4) The provincial engineer shall:

- (a) Initiate, review, and recommend changes in policies and objectives, plans and programs, techniques, procedures and practices in infrastructure development and public works in general of the provincial government;
- (h) Advise the governor on infrastructure, public works and engineering matters;

- (c) Exercise general supervision over all engineering offices of component units;
- (d) Administer, coordinate, supervise and control the construction, maintenance, improvement and repair of roads, bridges, and other engineering and public works projects of the provincial government;
- (e) Promulgate rules and regulations necessary to carry out office objectives, policies and functions;
- (f) Provide engineering services to the province and its component units as well as to the barangays, including investigations and surveys, architectural and engineering designs, feasibility studies, and project management; and
- (g) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

Article Nine.—The Provincial Agriculturist

SEC. 219. Appointment, Qualifications, Compensation, Powers and Duties.—(1) The provincial agriculturist shall be appointed by the governor, subject to civil service law, rules and regulations.

(2) No person shall be appointed provincial agriculturist unless he is a citizen of the Philippines, of good moral character, a holder of a degree in agriculture or any related course from a recognized college or university, a first grade civil service eligible or its equivalent, and has acquired experience in the practice of his profession for at least five years.

(3) The provincial agriculturist shall receive such compensation, emoluments and allowances as may be determined by law or ordinance.

(4) The provincial agriculturist shall:

- (a) Initiate, review, and recommend changes in policies and objectives, plans and programs, techniques, procedures and practices in agricultural promotion and production;
- (b) Advise the governor on matters pertaining to agriculture;
- (c) Plan, supervise, and coordinate all agricultural projects and activities of the provincial government;
- (d) Coordinate with regulatory governmental agencies and assist in basic research on crops and animals, on preventive control of diseases and pests, and on agricultural matters, in general; and
- (e) Exercise such other powers and perform such other duties and functions as may be prescribed by law or

ordinance.

Article Ten.—The Provincial Planning and Development Coordinator

SEC. 220. Appointment, Qualifications, Compensation, Powers and Duties.— (1) The provincial planning and development coordinator shall be appointed by the governor, subject to civil service law, rules and regulations.

(2) No person shall be appointed provincial planning and development coordinator unless he is a citizen of the Philippines, of good moral character, a holder of a degree preferably in law, civil engineering, commerce, public administration or any related course from a recognized college or university, a first grade civil service eligible or its equivalent, and has at least five years experience in planning or in any related field.

(3) The provincial planning and development coordinator shall receive such compensation, emoluments and allowances as may be determined by law or ordinance.

(4) The provincial planning and development coordinator shall:

(a) Formulate an integrated economic, social and physical and other development objective and policies for the consideration and approval of the sangguniang panlalawigan and the governor;

(b) Conduct continuing studies, researches, and relevant trainings necessary to evolve plans and programs for implementation ;

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

(d) Monitor and evaluate the implementation of the different development programs, projects and activities in the province;

(e) Prepare comprehensive plans and other development planning documents;

(f) Analyze the provincial income and expenditure patterns, and formulate and recommend fiscal plans and policies for the consideration and approval of the sangguniang panlalawigan and the governor;

(g) Promote citizen participation through development planning at the municipal level;

(h) Exercise general supervision and control of the day-to-day activities of the provincial planning and development office personnel; and

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

ordinance.

BOOK III.—MISCELLANEOUS AND FINAL PROVISIONS

Title One.—Penal Provision

SEC. 221. Engaging in Business Transactions or Possessing Pecuniary Interest.—Any local government official and any person or persons dealing with him who violate the prohibitions provided in Section 41 hereof, shall be punished with prision correccional or fine of not less than three thousand pesos (P3,000.00) nor more than ten thousand pesos (P10,000.00), or both such imprisonment and fine, at the discretion of the court.

Title Two.—Provisions for Implementation

SEC. 222. Promulgation of Implementation Details.— The Minister of Local Government shall promulgate in detail the implementing circulars and the rules and regulations to carry out the various administrative actions required for the initial implementation of this Code in such a manner as will ensure the least disruption of on-going programs and projects.

SEC. 223. Sectoral Representation.—Representation for the agricultural and industrial labor sectors in the sangguniang panlalawigan shall be provided for in appropriate legislation.

SEC. 224. Free Insurance Coverage.—The Government Service Insurance System shall establish and administer an appropriate system under which the punong barangays and sangguniang barangay members shall enjoy free insurance coverage as provided in this Code.

SEC. 225. Implementing Powers of the Government Service Insurance System.—For purposes of performing its duties under the preceding section, the Government Service Insurance System is hereby empowered to issue rules and regulations and determine the appropriation needed to support the system, the premiums for which shall be borne by the national government and shall be recommended for inclusion annually in the General Appropriations Act.

SEC. 226. Inventory of Infrastructure and Other Community Facilities.— (1) Each local government unit shall conduct a periodic inventory of infrastructure and other community facilities and undertake the maintenance, repair, improvement, or reconstruction of these facilities, through a closer cooperation among the various agencies of the government operating within the province so that maximum performance is achieved with minimum resources.

(2) No infrastructure or community project within the territorial jurisdiction of any local government unit shall be undertaken without the knowledge of the local unit head.

Title Three.—Transitory Provisions

SEC. 227. Personnel Retirement and/or Benefits.—Any official or employee of a local government unit separated from the service as a result of the reorganization effected under this Code shall, if entitled under the laws then in force, receive the retirement and other benefits accruing thereunder.

SEC. 228. Records and Properties.—All records, equipment, buildings, facilities, and other properties of any office or body of a local government unit abolished or reorganized under this Code shall be transferred to the office or body to which its powers, functions and responsibilities substantially pertain.

SEC. 229. Qualifications of Incumbent Officials.—The qualifications required of heads of offices and their assistants herein prescribed shall not apply to the incumbents at the time of the approval of this Code.

SEC. 230. Continuance of present Provincial-City Relations.—Notwithstanding the provisions of Section 15 hereof, the relationship of component cities with the provinces in which they are geographically located shall continue to be governed by the pertinent provisions of their respective city charters until the assumption of office of local officials elected in the first regular local elections following the approval of this Code.

SEC. 231. Repeal of Charter Obligations.—Any provision of law or ordinance authorizing loans and grants and directing subsidies between provinces and existing cities are hereby repealed: Provided, That all amounts due and payable as of the approval of this Act shall remain outstanding in the books of each local government unit, unless condoned, and: Provided, further, That all loans, grants and subsidies between provinces and cities shall, thereafter, be governed by Section 16 of this Act.

Title Four.—Final Provisions

SEC. 232. Separability Clause.—If, for any reason or reasons, any part or provision of this Code shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 233. Repealing Clause; Metropolitan Manila and the sangguniang Pampook of Regions IX and XII.—(1) Except as otherwise provided herein, all laws, acts, city charters, decrees, executive orders, proclamations and administrative regulations, or part or parts thereof which are inconsistent with this Code are hereby repealed or modified accordingly.

(2) Until otherwise provided by law, nothing in this Code shall be understood to amend or repeal the pertinent provisions of Presidential Decree No. 824 and Batas Pambansa Blg. 20, and all presidential decrees and issuances relevant to Metropolitan Manila and the Sangguniang Pampook of Regions IX and XII.

SEC. 234. Effectivity Clause.—Unless otherwise specifically provided herein, this Code shall take effect one month after its publication in the Official Gazette.

Approved, February 10, 1983.

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