

AN ACT AMENDING CERTAIN SECTIONS OF REPUBLIC ACT NUMBERED THREE HUNDRED TWENTY-EIGHT, OTHERWISE KNOWN AS THE CHARTER OF THE CITY OF CALBAYOG.

REPUBLIC ACT NO. 2366, June 20, 1959

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

SECTION 1. Sections seven, eight, eleven and thirteen of Republic Act Numbered Three hundred twenty-eight otherwise known as the Charter of the City of Calbayog are amended to read as follows:

"SEC. 7. The Mayor.—The Mayor shall be the chief executive of the city. He shall be elected by the qualified voters of the city during every election for provincial and municipal officials in accordance with the provisions of the Revised Election Code. No person shall be eligible for the position of mayor unless he is at least thirty years of age, a resident of the city for at least five years and a qualified voter therein.

"He shall receive the salary provided for in Republic Act Numbered Eight hundred forty. With the approval of the President, the Mayor may be provided, in addition to his salary, a non-commutable allowance of not exceeding two thousand pesos per annum.

"SEC. 8. The Vice-Mayor.—There shall be a Vice-Mayor who shall perform the duties of Mayor in the event of the sickness, absence or other temporary incapacity of the Mayor, or in the event of a definite vacancy in the position of Mayor, until said office is filled in accordance with law. The Vice-Mayor shall also preside over the meetings of the Municipal Board, but he shall have no right to vote except in case of tie. If, for any reason, the Vice-Mayor is temporarily incapacitated for the performance of the duties of the Mayor, or said office of the Vice-Mayor is vacant, the duties of the Mayor shall be performed by the city treasurer. The Acting Mayor shall have the same powers and duties as the Mayor.

"The Vice-Mayor shall perform such other duties as may be assigned to him by the Mayor or prescribed by law or ordinance. He shall be elected in the same manner as the Mayor and shall at the time of his election possess the qualifications as the Mayor. He shall receive a salary of four thousand two hundred pesos per annum. For services as Acting Mayor the Vice-Mayor shall receive a total of the compensation equivalent to the salary of the Mayor during such period.

"SEC. 11. Constitution and organization of the Municipal Board; Compensation of members thereof.—The Municipal Board shall be the legislative body of the city and shall be composed of the Vice-Mayor who shall be its presiding officer, and ten councilors who shall be elected during every election for provincial and municipal officials in accordance with the provisions of the Revised Election Code. The said presiding officer shall vote only in case of tie. No person shall be eligible for the position of member of the board unless he is at least twenty-five years of age, a resident of the city for at least three years and a qualified elector therein. In case of sickness, absence, suspension or other temporary disability of any member of the Board, or if necessary to maintain a quorum, the President of the Philippines may appoint a temporary substitute who shall possess all the rights and perform all the duties of a member of the Board until the return to duty of the regular incumbent.

"If any member of the Municipal Board should be candidate for office in any election, he shall be disqualified to act with the Board in the discharge of the duties conferred upon it relative to election matters, and in such case the other members of the Board shall discharge said duties without his assistance, or they may choose

some disinterested elector of the city to act with the Board in such matters in his stead.

"The members of the Municipal Board shall receive the per diem provided for in Republic Act Numbered Eight hundred forty.

SEC. 13. Method of transacting business by the board—Veto—Authentication and publication of ordinances.—Unless the President orders otherwise, the board shall hold one ordinary session for the transaction of business during each week on a day which it shall fix by resolution, and such extraordinary session, not exceeding thirty during any one year, as may be called by the Mayor. It shall sit with open doors, unless otherwise ordered by an affirmative vote of seven members. It shall keep a record of its proceedings and determine its rules of procedure not herein set forth. Seven members of the Board shall constitute a quorum for the transaction of business. But a smaller number may adjourn from day to day and may compel the immediate attendance of any member absent without good cause by issuing to the police of the city an order for his arrest and production at the session under such penalties as shall have been previously prescribed by ordinance. Seven affirmative votes 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 votes of the members present at any meeting 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 board, signed by the presiding officer and the secretary of the board and recorded in a book for the purpose and shall, on the day following its passage, be posted by the secretary at the main entrance of the city hall, and shall take effect and be in force on and after the tenth day following its passage unless otherwise stated in said ordinance, resolution or motion or vetoed by the Mayor as hereafter provided. A vetoed ordinance, if repassed, shall take effect ten days after the veto is over-ridden by the required votes unless otherwise stated in the ordinance or again disapproved by the Mayor within said time.

"Each ordinance and each resolution or motion directing the payment of money or creating liability enacted or adopted by the board shall be forwarded to the Mayor for his approval. Within ten days after the receipt of the ordinance, resolution or motion, the Mayor shall return it with his veto, his reasons therefor in writing shall accompany it. It may then be again enacted by the affirmative votes of eight members of the board, and again forwarded the Mayor for his approval, and if within ten days after its receipt he does not again return it with his veto, it shall be deemed to be approved. If within said time he again returns it with his veto, it shall be forwarded forthwith to the President for his approval or disapproval, which shall be final. 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 heretofore provided in this section as to ordinances, resolutions and motions returned to the board with his veto, but 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 restored unless other wise expressly directed in the veto."

SEC. 2. The first paragraph of section twenty-five of the same Act is amended to read as follows:

"SEC. 25. The city attorney—His powers and duties.—The city attorney shall be the chief legal adviser of the city. He shall receive the salary provided for in Republic Act Numbered Eight hundred forty. He shall be assisted in the discharge of his duties by an assistant city attorney who shall receive a salary of three thousand three hundred pesos per annum. The city attorney shall have the following powers and duties:"

SEC. 3. The first paragraph of section twenty-six of the same Act is amended to read as follows:

"SEC. 26. The Chief of Police—His powers, duties and compensation.—There shall be a chief of police who

shall have charge of the police department and who shall receive the salary provided for in Republic Act Numbered Eight hundred forty. He shall be assisted in the discharge of his duties by an assistant chief of police, who shall receive a salary of two thousand four hundred pesos per annum The chief of police shall have the following general powers and duties:"

SEC. 4. This Act shall take effect upon its approval.

Approved, June 20, 1959.

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