

AN ACT TO REVISE THE CHARTER OF THE CITY OF DAVAO AND FOR OTHER PURPOSES

REPUBLIC ACT NO. 4354, June 19, 1965

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

PRELIMINARY ARTICLE

SECTION 1. This Act shall be known as the Revised Charter of the City of Davao.

Article I. — The City as a Public Corporation

SEC. 2. Territory of the City. — The City of Davao as created by Commonwealth Act Numbered Fifty-one, as amended, shall comprise the territories of the former Municipality of Davao and then Municipal District of Guianga and shall include the following barrios: Agdao Beach, Bucana, Baguio, Biao Joaquin, Cadalian, Calinan Carmen, Cawayan, Dacudao, Dalag, Dominga, Gumalang, Dalagdag, Lacson, Lamanan, Lampianao, Malagos, Malamba, Marilog, Pangyan, Riverside, Salaysay, Sirib, Suawan, Subasta, Suminao, Talomo River, Tambobong, Tamugan, Tamayong, Tawan-Tawan, Wangan, Wines, Alam-bre, Atan Awe, Bago Gallera, Baliok, Bangkas Heights, Baracatan, Bato, Bayabas, Binugao, Camansi, Catigan, Crossing Bayabas, Daliao, Dumoy, Eden, Lizada, Kilate, Langub, Lubogan, Ma-a, Magtuod, Marapangi, Matina Crossing, Matina Aplaya, Matina Pangi, Mulig, Sibulan, Sirawan, Tagluno, Tagurano, Talomo, Tibuloy, Toril, Tung-kalan, Daliaon Plantation, Acacia, Fatima (Binowang) Buhangin, Bunawan, Cabantian, Colasas, Communal, Gatungan, Hang, Indangan, Lasang, Lumiad, Mabuhay, Mahayag, Malabogv Mandug, Mapula, Mudiang, Pampanga, Panacan, Pañalom, Paquibato, Paradise Ombac, Fandaitan, Salapawan, San Isidro, Basa, Tapak, Tibungco, Tigatto, Bago Oshiro, Balengaeng, Biao Escuela, Biao Guianga, Callawa, Catalunan Grande, Catalunan Pequeño, Manambulan, Manuel Guianga, Matina Biao, Mintal, New Carmen, New Valencia, Tacunan, Talandang, Tagakpan, Tugbok, Los Amigos, and Ula.

SEC. 3. Corporate character. — The City of Davao constitutes a political body corporate and as such is endowed with the attribute of perpetual succession and possessed of the powers which pertain to a municipal corporation, to be exercised in conformity with the provisions of this Charter.

SEC. 4. General powers. — The City shall have a common seal and may alter the same at pleasure, and may take, purchase, receive, hold, lease, convey, and dispose of real and personal property for the general interests of the city, condemn private property for public use, contract and be contracted with, sue and be sued, and prosecute as well as defend to final judgment and execution, actions where its interests are involved, and exercise all the powers hereinafter conferred.

SEC. 5. Liability for damages. — The city shall not be liable or held for damages or injuries to persons or property arising from the failure of the mayor, the city council or any other city officer or employee, to enforce the provisions of this charter, or of any other law or ordinance, or from the negligence of said mayor, city council or other city officers or employees while enforcing or attempting to enforce said provisions: Provided, That nothing herein contained shall prevent any aggrieved party from filing a personal action in the proper court against any

official or employee of the city government for any act or omission in the performance of his duties in accordance with law.

SEC. 6. Jurisdiction of the city. — The jurisdiction of the City of Davao for police purposes only shall be co-extensive its territorial jurisdiction; and shall extend to three miles from the shores of the city; and for the purpose of protecting and insuring the purity of the water supply of the city, such police jurisdiction shall also extend over all territory within the drainage area, of such water supply, or within one hundred meters of. any reservoir, conduit, canal, aqueduct or pumping station used in connection with the city water service. The city court of the city shall have concurrent jurisdiction with the municipal court of the respective municipalities to try crimes and misdemeanors committed within said drainage area, or within said spaces of one hundred meters. The court first taking jurisdiction of such an offense shall thereafter retain exclusive jurisdiction thereof. The police force of the several municipalities concerned shall have concurrent jurisdiction with the police force of the city for the maintenance of good order and the enforcement of ordinances throughout said zone, area and spaces. But any license that may be issued within said zone, area or spaces shall be granted by the proper authorities of the municipality concerned, and the fees arising therefrom shall accrue to the treasury of the said municipality concerned and not to that of the city.

Article II. — The Mayor and the Vice-Mayor

SEC. 7. The Mayor. — The mayor shall be the chief executive of the city. He shall be elected at large by the qualified voters of the city. No person shall be eligible for the position of mayor unless at the time of the election he is at least twenty-five years of age, a resident of the city for at least two years prior to his election, and a qualified voter therein. He shall hold office for four years, unless sooner removed, and shall receive a salary of eighteen thousand pesos per annum. In addition to his salary, he shall be entitled to a commutable allowance for representation and quarters which shall not be less than ten thousand pesos per annum.

SEC. 8. The Vice-Mayor. — There shall be elected a vice-mayor who shall perform the duties and exercise the powers of the Mayor, in the event of the death, 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 shall be filled, in accordance with law. The Vice-Mayor shall be elected in the same manner as the Mayor and shall at the time of his election possess the same qualifications as the mayor.

If for some reason the vice-mayor is incapacitated from assuming the office of mayor or refuses to assume such office, the councilor who obtained the largest number of votes in the local elections immediately preceding shall assume the office of mayor. If for some reason the councilors who obtained the highest number of votes in the local elections immediately preceding is incapacitated from assuming the office of mayor or refuses to assume such office, the councilor who obtained the next largest number of votes in the local elections immediately preceding shall assume the office of mayor, and so on until the permanent vacancy in the office of the mayor is filled.

Should the mayor-elect die before assumption of office or failed to qualify for any reason, the vice-mayor-elect shall assume the office of mayor, but in the latter case, he shall hold office only until after the mayor-elect qualifies. If for some reason the vice-mayor is incapacitated from assuming the office of mayor or refuses to assume such office, the councilor-elect who obtained the largest number of votes in the local elections immediately preceding shall assume office of mayor, and so on until the office of mayor is filled.

In the event of temporary incapacity of the mayor to perform the duties of his office on account of absence on leave, sickness or any temporary incapacity, the vice-mayor shall perform the duties and exercise the powers of the mayor except the power to appoint, suspend or dismiss employees. In the event the vice-mayor is temporarily

incapacitated to perform the duties of the office of mayor, the councilor who obtained the largest number of votes among the incumbent councilors in the local elections immediately preceding shall assume the duties and exercise the powers of the mayor except the power to appoint, suspend or dismiss employees.

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 receive a salary of fifteen thousand pesos per annum.

SEC. 9. General powers and duties of the Mayor. — As chief executive of the city government, the mayor shall have immediate control over the executive and administrative functions of the different departments, subject to the supervision of the President of the Philippines, and shall be held accountable for the administration of all affairs of the city. He shall have the following powers and duties:

- To comply with and enforce and give the necessary orders for the faithful and proper enforcement and execution of the laws and city ordinances and resolutions in effect within the jurisdiction of the city.
- To safeguard all the lands, buildings, records, moneys, credits, and other property and rights of the city, and have control of all its property.
- To see that all taxes and other revenues of the city are collected, and the city funds applied in accordance with appropriations to the payment of the municipal expenses.
- To cause to be instituted judicial proceedings to recover property and funds of the city wherever found, to cause to be defended all suits against the city, and otherwise to protect the interests of the city.
- To see that the officers and employees of the city properly discharge their respective duties.
- To examine and inspect the books, records, and papers of all executive or administrative officers, agents, and employees of the city whenever occasion arises, and at least once a year. For this purpose he shall be provided by the City Council with such clerical and other assistance as may be necessary.
- To give such information and recommend such measures to the Council as he shall deem advantageous to the city.
- To represent the city in all its business matters, and sign on its behalf all its bonds, contracts, and obligations made in accordance with law or ordinance.
- To submit to the City Council on or before the thirtieth day of April of each year a budget of receipts and expenditures of the city.
- To receive, hear, and decide as he may deem proper the petitions, complaints, and claims concerning all classes of municipal matters of an administrative or executive character.
- To grant or refuse municipal licenses or permits of all classes and to revoke same, in conformity with the provisions of laws and ordinances, or for violation of the conditions upon which they were granted, or if acts prohibited by law or municipal ordinances are being committed under the protection of such licenses or in the premises in which the business for which the same have been granted is carried on, or for any other good reason of general interest.
- To 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 city.
- To exempt, with the concurrence of the division superintendent of schools, deserving poor pupils from the payment of school fees or any part thereof.

- To make all appointments of city officials and employees except as otherwise provided in this charter.
- To take such emergency measures as may be necessary to avoid fires, floods, and the effects of storms and other public calamities.
- To render an annual report to the office of the President of the Philippines.
- To exercise the power of veto, but any vetoed ordinance or resolution may be repassed by a two-thirds vote of all the members of the Council.
- To perform such other duties and exercise such other executive powers as may be prescribed by law or ordinance.

SEC. 10. City secretary. — There shall be a city secretary who shall be appointed by the mayor; and who shall receive a salary of twelve thousand pesos per annum. He shall be considered as head of a city department and as such he shall have the following duties:

- He shall act as secretary of the City Board of Assessment Appeals, and such other boards or committees as may hereafter be created by law or ordinance, and shall keep a journal of their proceedings.
- He shall have charge of all records and documents of the city for which provision is not otherwise made.
- He shall keep the corporate seal and affix the same with his signature to all official acts of the mayor and to all other official documents and papers of the government of the city as may be required by custom or usage, in the discretion of the mayor.
- He shall be the local civil registrar and shall keep a civil register for the city and record therein all births, marriages, and deaths with their respective dates.
- He shall perform such other duties as the mayor may direct or as may be required of him by law or ordinance.
- He shall attest all orders, proclamation, ordinances and resolutions signed by the mayor.
- He shall, on demand, furnish certified copies of all records and documents in his charge which are not of a confidential character and shall collect twenty centavos for each one hundred words including the certification, and all receipts shall be paid into the city treasury. He shall likewise perform with respect to his office, the duties similar to those imposed on heads of departments of the city government by Section nineteen hereof.

Article III. — The City Council

SEC. 11. Constitution and organization of the City Council. — The City Council 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 at large by the qualified voters of the city.

If the vice-mayor or a member of the City Council shall be a candidate for office in any election, he shall be disqualified to act with said body in the performance of the duties thereof relative to such election, and if, for such reason, the number of members should be unduly reduced, the President shall appoint any disinterested voter of the city, belonging to the political party of the disqualified member, to act in his place in such matters.

The members of the City Council shall each receive a salary of twelve thousand pesos per annum.

SEC. 12. Qualifications, election, suspension and removal of members. — The members of the City Council shall, at the time of their election, be qualified electors of the city, residents thereof for at least two years immediately prior to their election and not less than twenty-three years of age. Such members may be suspended or removed

from office under the same circumstances, in the same manner, and with the same effect, as elective provincial officers, and the provisions of law governing the suspension or removal of elective provincial officers are hereby made applicable in the suspension or removal of said members.

Elections for members of the Council shall be held on the date of the regular election for provincial and city officials, and elected members shall assume office on the first day of January next following their election, upon qualifying and shall hold office for four years. The ten candidates receiving the highest number of votes shall be declared elected.

A vacancy of the City Council shall be filled in accordance with the provisions of the Revised Election Code.

SEC. 13. The presiding officer of the City Council. — The vice-mayor shall be the presiding officer of the Council. In his absence, the Council shall elect one of its members as temporary presiding officer. He shall sign all ordinances, and all resolutions and motions directing the payment of money or creating liability, enacted or adopted by the Council.

SEC. 14. Secretary of the City Council. — The City Council shall have a secretary who shall be elected by the Council to serve during the term of office of the members unless sooner removed. His compensation as secretary shall be not less than twelve thousand pesos per annum. The secretary shall have the following duties:

- He shall act as secretary of the City Council and shall be in charge of the records thereof.
- He shall keep a full record of the proceedings of the Council and shall file all documents relative thereto.
- He shall record in a book kept for the purpose all ordinances and resolutions and motions directing the payment of money or creating liability enacted or adopted by the Council, with the dates of approval of the same, and of the publication of the ordinances.
- He shall keep a seal, circular in form with the inscription "City Council — City of Davao" and affix the same, with his signature, to all ordinances and official acts of the council, which he shall present for signature to the presiding officer of the Council.
- He shall cause each ordinance passed by the Council to be published.
- He shall furnish on demand, certified copies of all records of public character in his charge, and collect and receive therefor such fees as may be prescribed by ordinance or resolution of the Council.
- He shall keep his office and all records therein which are not of a confidential character open to public inspection during the usual business hours.

SEC. 15. Legislative procedure. — The Council shall hold two regular sessions for the transaction of its business during each week on days which it shall fix by resolution, and such special sessions as may be called by the mayor and/or vice-mayor as public interest so requires. It shall sit with open doors unless otherwise ordered by the affirmative vote of a majority of all the members. It shall keep a record of all its proceedings and determine its rules. of procedure not herein set forth. A majority of all the members of the Council 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 who is 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. The affirmative votes of a majority of all the members 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 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 City Council, and recorded in a book kept 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 in at least two other public places; 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 hereinafter provided. A vetoed ordinance, if repassed, shall take effect ten days after the veto is overridden by the required votes unless otherwise stated in the ordinance, resolution or motion or again disapproved by the mayor. Each ordinance and each resolution or motion directing the payment of money or creating liability, enacted or adopted by the Council, 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 approval or veto. If he does not return it within that time, it shall be deemed to be approved. If he returns it with his veto, his reasons therefor in writing shall accompany it. It may then again be enacted by a two-thirds vote of all the members of the Council, and again forwarded to the mayor for his approval, and if within ten days after its receipt he does not 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 or motions returned to the City Council 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 ordinances of the previous year shall be deemed re-enacted.

SEC. 16. Legislative powers. — The City Council shall have the following legislative powers:

- To provide for the levy and collection of taxes for general and special purposes in accordance with law, including specifically the power to levy real property tax not to exceed two per centum on the assessed value of the real property.
- To fix the number and salaries of officials and employees of the city not otherwise provided for in this Act.
- To fix the tariff of fees and charges for all services rendered by the city or any of its departments, branches or officials.
- To provide for the erection and maintenance or the rental, in case of need, of the necessary buildings for the use of the city.
- To establish and maintain or aid in the establishment and maintenance of vocational schools and institutions of higher learning conducted by the National Government or any of its subdivisions or agencies; and, with the approval of the Director of Public Schools, to fix reasonable tuition fees for instruction in the vocational schools and in the institutions of higher learning supported by the city.
- (e-1) To provide for the establishment and maintenance of high school, and, except as otherwise provided by law, to fix, with the approval of the Director of Public Schools, reasonable matriculation and/or tuition fees for intermediate and secondary institution therein and to acquire sites for schoolhouses for primary and intermediate classes through purchases or conditional or absolute donations.
- To provide for and maintain an efficient police force for the maintenance of law and order in the city, and make all necessary police ordinances, with a view to the confinement and reformation of vagrants, disorderly persons, mendicants, prostitutes and persons convicted of violating any of the ordinances of the city.

- To maintain the city court established by law which shall have jurisdiction of all criminal cases under the ordinances of the city, and such further jurisdiction as may be herein or hereafter conferred by law or ordinance.
- To provide for and maintain a city fire department and to establish and maintain engine houses, fire engines, hose trucks, hooks and ladders, and other equipment for the prevention and extinguishment of fires, and to regulate the management and use of the same.
- To establish fire zones, determine the kinds of buildings or structures that may be erected within their limits, regulate the manner of constructing and repairing the same, and fix the fees for permits for the construction, repair, or demolition of buildings and other structures.
- To regulate the use of lights and installation of stables, lights in shops, and other buildings used for industrial, commercial establishments and other public places, to regulate and restrict the issuance of permits for the building of bonfires and rockets, and other pyrotechnic displays, and to fix the fees for such permits.
- To make regulations to protect the public from conflagrations and to prevent and mitigate the effects of famine, floods, storms and other public calamities, and provide relief for victims thereof.
- To tax, regulate and fix the amount of the license fees for the following: hawkers, peddlers, hucksters, barbers, collecting agencies, manicurists, hair dressers, tattooers, jugglers, acrobats, wrestlers and boxers; shooting galleries, merry-go-rounds and other similar riding devices, and the keeping, preparation, and sale of meat, poultry, fish, game, butter, cheese, lard, vegetable, bread, and other similar foodstuffs, and to impose occupation or professional tax, not to exceed fifty pesos per annum, on lawyers, medical practitioners, land surveyors, architects, public accountants, civil, electrical, chemical, mechanical, or mining engineers, radio engineers or technicians, veterinarians, dental surgeons, opticians and optometrists, insurance agents and sub-agents, business agents and business consultants, professional appraisers or connoisseurs of tobacco or other domestic or foreign products, music teachers, piano tuners, nurses, and midwives, embalmers, auctioners, plumbers, electrical contractors, building contractors, masseurs, physical culture instructors, chiropodists, money changers, real estate, commercial and other brokers, and persons engaged in the transportation of passengers or freight by hire, including common carriers and transportation contracts: Provided, That persons exercising their professions or occupations only as salaried employees and not as independent practitioners shall be exempt from the municipal occupation tax herein prescribed.
- To tax, fix the license fee and regulate the business of hotels, restaurants, refreshment places, cafes, lodging houses, brewers, distillers, rectifiers, laundries, dyeing and cleaning establishment, beauty parlors, physical or beauty culture and fashion schools, clubs, livery garages, public warehouses, pawnshops, theaters, cinematographs, and the letting or subletting of lands and buildings, whether used for commercial, industrial or residential purposes; and further to fix the location of, and to tax, fix the license fee on, and regulate the business of, livery stables, boarding stables, embalmings, billiard and pool parlors, public pool tables, bowling alleys, dance halls, public dancing halls, cabarets, night, clubs, circuses and other similar shows, public vehicles, public ferries, cockpits, dealers in second hand materials or merchandise, junk dealers, theatrical performances, boxing contests, public exhibitions, blacksmith shops, foundries, steam boilers, lumber yards, shipyards, the storage and sale of gunpowder, tar, pitch, resin, coal, oil, gasoline, benzine, turpentine, hemp, cotton, nitroglycerin, petroleum or any of the products thereof and of all other highly combustible or explosive materials, and other establishments likely to endanger the public safety or give rise to conflagrations or explosions, and, subject to the provisions of rules and regulations issued by the Bureau of Health Services in accordance with law, tanneries, fats and oils factories, tallow chandleries, bone factories, and soap factories: Provided, That no license shall be granted to any theater or cinematograph unless the applicant for said license agrees to exhibit pictures made in the Philippines to

the extent of five per centum of their annual exhibitions: And, provided, further, That any violation of this condition shall cause the revocation of said license.

- To tax and fix the license fees on printers or bookbinders or both, tailor shops, milliners, manufacturers of jewelry, embroideries, sail or awnings or both, rope, papers, leather goods, including shoes, slippers, sandals, harnesses and valises or bags, sporting goods, rubber goods, plastics and celluloid products, hardware including glasswares, cooking utensils, electrical goods and construction materials, chemical products including drugs, perfumes, toilet articles, paints, dyes and inks, textiles, shell lamps or lamp shades or both, statuettes or tombstones or both, sacks, furniture of all kinds, including rattan goods, wire, brass beds or both, clothing, hats, eyeglasses or optical goods or both, fertilizers or buttons.

- To tax and fix the license fee on dealers in general merchandise, including importers and indentors, except those dealers who may be expressly subject to the payment of some other municipal tax under the provisions of this section.

Dealers in general merchandise shall be classified as (a) wholesale dealers and (b) retail dealers. Dealers shall pay the license tax as such, as may be provided by ordinance.

For purposes of this section, the term "general merchandise" shall include poultry and livestock, agricultural products, fish and other allied products.

- To tax, fix the license fee on and regulate the sale, trading in or disposal of alcoholic or malt beverages, wines, and mixed or fermented liquors, including tuba, basi, and tapuy, offered for retail sale.

- To impose a tax on all products or commodities manufactured or produced in the city and removed therefrom.

- To impose a sales tax of not exceeding one per centum of the gross value in money of all articles sold, bartered, exchanged or transferred within the city.

- To regulate the methods of using steam engines and boilers, and all other motive powers other than marine, or belonging to the Government of the Philippines, to provide for the inspection thereof, and fix a reasonable fee for such inspection and to regulate and fix the fees for the licenses of the engineers engaged in operating the same.

- To provide for the prohibition and suppression of riots, affrays, disturbances, and disorderly assemblies; houses of ill-fame and other disorderly houses; gambling houses; gambling and all fraudulent devices for the purpose of obtaining money or property; prostitution, vagrancy, intoxication, fighting, quarrelling, and all disorderly conduct; and printing, circulation, exhibition, possession or sale of obscene or pornographic pictures, books, or publications, and for the maintenance and preservation of peace and good morals.

- To regulate and fix the license fees for the keeping of dogs, and to authorize their impounding and destruction when running at large contrary to ordinances, and to tax and regulate the keeping or training of fighting cocks.

- To establish and maintain municipal pounds; to regulate, restrain, and prohibit the running at large of domestic animals, and provide for the distraining, impounding, and sale of the same for the penalty incurred, and the cost of the proceedings; and to impose penalties upon the owners of said animals for the violation of any ordinance in relation thereto.

- To prohibit and provide for the punishment of cruelty to animals.

- To require property owners by ordinance to construct or repair, at their expense, sidewalks along the street or streets adjacent to their lots in accordance with the specifications of the city engineer as to quality, width and grade, and subject to his supervision and approval, providing that, in case of failure or inability of the property

owners to comply with the requirement within a specified period of time after demand, the city engineer shall cause the work to be done and the cost thereof collected as a special assessment from such owners, who may choose to pay the same in full, or in ten equal yearly installments which shall be due and payable to the City of Davao in the same manner as the annual tax levied on real estate and shall be made subject to the same penalties for delinquency, and enforceable by the same remedies, as such annual tax; and all said sums and amounts shall, from the day in which they are assessed, constitute liens on the property against which the same were assessed and shall take precedence over any and all other liens which may exist upon such property excepting only such as may have been attached as a result of the non-payment of said annual tax.

- To regulate the inspection, weighing, and measuring of brick, hallow blocks, lumber, coal and other articles or merchandise.

- Subject to the provisions of existing law, to provide for the laying out, construction and improvement, and to regulate the use of streets, avenues, alleys, sidewalks, wharves, piers, parks, cemeteries, and other public places; to provide for lighting, cleaning, and sprinkling of streets, and public places; to regulate, fix license fees for and prohibit the use of the same for processions and/or parades, signs, signposts, awning, awning posts, and the carrying or displaying of banners, placards, advertisements, or hand bills, or the flying of sign, flags or banners whether along, across, over or from building along the same to prohibit the placing, throwing, depositing, or leaving of obstacles of any kind, garbage, refuse, or other offensive matter or matters liable to cause damage in the street and other public places and to provide for the collection and disposition thereof; to provide for the inspection of, fix the license fees for and regulate the openings in the same for the laying of water, sewer and other pipes, the building and repair of tunnels, sewers and drains, and all structures in and under the same and the erecting of poles and the stringing of wires therein; to provide for and regulate crosswalks, curbs and gutters therein; to name streets without a name and provide for and regulate the numbering of houses and lots fronting thereon or in the interior of the blocks; to regulate traffic and sales upon the streets and other public places; to provide for the abatement of nuisances in the same and punish the authors or owners thereof; to provide for the construction and maintenance, and regulate the use of bridges, viaducts, and culverts; to prohibit and regulate ball playing, kite-flying, hoop rolling, and other amusements which may annoy persons using the streets and public places, or frighten horses or other animals; to regulate the speed of horse and other animal-driven vehicle within the limits of the city.

(aa) To provide for the construction and maintenance of, and regulate the navigation on, canals, and water courses within the city and provide for the cleaning and purification of the same; unless otherwise provided by law, to provide for the construction and maintenance, and regulate the use of public landing places, wharves, piers docks and levees, and those of private ownership; and to provide for or regulate the drainage and filling of private premises when necessary in the enforcement of sanitary rules and regulations issued in accordance with law.

(aa-1) To provide for the establishment and maintenance of a telephone system, and, subject to the provisions of the Public Service Act, to fix the charges for the use of said service.

(bb) Subject to the provisions of the Public Service Law, to fix the charges to be paid by all water crafts landing at or using public wharves, docks, levees, or landing places owned, operated, managed or controlled by the city.

(cc) Any provision of law to the contrary notwithstanding", to provide for the maintenance of waterworks for the purpose of supplying water to the inhabitants of the city, and for the purification of the source of water supply and the places through which the same passes, and to regulate the consumption and use of water; to fix, subject to the provisions of the Public Service Law, and provide for the collection of rents therefor and to regulate the construction, repair and use of hydrants, pumps, cisterns and reservoirs,

(dd) To provide for the establishment and maintenance and regulate the use of public drains, sewers, latrines and cesspools.

(ee) Subject to the rules and regulations issued by the Director of Health Services in accordance with law, to provide for the establishment, maintenance and to fix the fees for the use of, and regulate stables, laundries and baths, and public markets and prohibit the establishment or operation within the city limits of public markets by any person, entity, association, or corporation other than the city.

(ff) To establish or authorize the establishment of slaughterhouses, to provide for their veterinary or sanitary inspection, to regulate the use of the same, and to charge reasonable slaughter fees. No fees shall be charged for veterinary or sanitary inspection of meat from large cattle or other 'domestic animals slaughtered outside the city, when such inspection was had at the place where the animals were slaughtered.

(gg) To regulate, inspect and provide measures preventing any discrimination or the exclusion of any race or races in or from any institution, establishments, or services open to the public within the city limits, or in the sale and supply of, gas or electricity, or in the telephone service; to fix and regulate charges therefor where the same has not been fixed by national law; to regulate and provide for the inspection of all gas, electric and telephone conduits, mains, meters, and other apparatus, and provide for the condemnation, substitution or removal of the same when defective or dangerous.

(hh) To declare, prevent and provide for the abatement of nuisances; to regulate the ringing of bells and the making of loud or unusual noises; to provide that owners, agents, or tenants of buildings or premises keep and maintain the same in sanitary condition, and that, in case of failure to do so within sixty days from the date a written notice is served, the city health officer shall cause the same to be kept in a sanitary condition, and the cost thereof to be assessed against the owner to the extent of not to exceed sixty per centum of the assessed value, which cost shall constitute a lien against the property; and to regulate and/or prohibit, or fix the license fees for the use of property on or near public ways, grounds, or places, or elsewhere within the city, for display by electric signs or the erection or maintenance of billboards or structures of whatever materials erected, maintained, or used for the display of posters, signs, or other pictorial or reading matter, except signs displayed at the place or places where the profession or business advertised thereby is in whole or in part conducted.

(ii) To provide for the enforcement of the rules and regulations issued by the Director of Health Services, and by ordinance to prescribe penalties for violation of such rules and regulations.

(jj) To extend its ordinances over all waters within the city, and over any boat or other floating structures thereon and for the purpose of protecting and insuring the purity of the water supply of the city, over all territory within the drainage area of such water supply, and within one hundred meters of any reservoir, conduit, canal, aqueduct, or pumping station used in connection with the city water service.

(kk) To regulate any other business or occupation being conducted within the city not specifically mentioned in the preceding paragraphs, and to impose a license fee upon all persons engaged in the same or who enjoy privileges in the city.

(ll) To fix and regulate the size, speed, and operation of motor and other vehicles within the city; to regulate the lights used on such vehicles; to establish bus stops and terminals; and prohibit and regulate the entrance of provincial public utility vehicles into the city, except those passing through the city.

(mm) To grant fishing and fishery privileges subject to the provisions of the Fisheries Act.

(nn) To fix the date of the holding of a fiesta in the city not oftener than once a year and to alter, not oftener than once in three years, the date fixed for the celebration thereof.

(oo) To enact all ordinances it may deem necessary and proper for the sanitation and safety, the furtherance of the prosperity, and the promotion of the morality, peace, good order, comfort, convenience, and general

welfare of the city and its inhabitants, and such others as may be necessary to carry into the effect and discharge the powers and duties conferred by this Charter; and to fix penalties for the violation of ordinances, which shall not exceed a two hundred-peso fine or six months imprisonment, or both such fine and imprisonment for a single offense, in the discretion of the court.

(pp) To have the power to issue subpoena and subpoena duces tecum in aid of its legislative function and committee hearings and investigations.

SEC. 17. Restrictive provisions. — No commercial sign, signboard, or billboard shall be erected or displayed on public lands, premises or buildings. If, after due investigation, and having given the owners an opportunity to be heard, the Mayor should consider any sign, signboard or billboard displayed or exposed to public view as offensive to the sight or is otherwise a nuisance, he may order the removal of such sign, signboard, or billboard, and if same is not removed within ten days after he has issued such order, he may' himself cause its removal, and the sign, signboard, or billboard shall thereupon be forfeited to the city and the expenses incident to the removal of the same shall become a lawful charge against any person or property liable for the erection or display thereof.

Article IV. — Departments and offices of the city

SEC. 18. City departments. — There shall be the following city departments over which the Mayor shall have direct control and supervision, any existing law to the contrary notwithstanding;

- Department of Finance
- Department of Engineering and Public Works
- Law Department
- Department of Health
- Police Department
- Fire Department
- Department of Assessment
- Department of Public Services

The City Council may from time to time make such readjustment of the duties of the several departments as the public interest may demand, and may consolidate any department, division or office of the city with any other department, division or office.

SEC. 19. Powers and duties of heads of departments. — Each head of department of the city government shall be in control of such department under the direction and supervision of the Mayor, and shall possess such powers as may be prescribed herein or by ordinance. He shall certify to the correctness of all payrolls and vouchers of his department covering the payment of money before payment, except as herein otherwise expressly provided. At least four months before the beginning of each fiscal year, he shall prepare and present to the Mayor an estimate of the receipts and appropriation necessary for the operation of his department for the ensuing fiscal year, and shall submit therewith such information for purposes of comparison as the Mayor may desire. He shall submit to the Mayor as often as required reports covering the operation of his department.

In case of the absence or sickness, or inability to act for any other reason, of the head of one of the city departments, or in case of temporary vacancy, the officer next in rank of that department shall perform the duties of the department head concerned.

SEC. 20. Appointment and removal of officials and employees. — The President of the Philippines, with the consent of the Commission on Appointments, shall appoint the city judges, the city treasurer, the city engineer, the city fiscal and his assistants, the chief of police, the city health officer, the city assessor, the chief of the fire department, the city superintendent of schools and his assistant, and other heads of such city department as may be created by law.

Subject to the provisions of Civil Service Law, the Mayor shall appoint such other officers and employees, except public school teachers and city court employees and employees of the office of the city auditor, paid out of the city funds and they shall be suspended and removed in accordance with law.

SEC. 21. Officers not to engage in certain transactions. — It shall be unlawful for any city officer, directly or indirectly, individually or as a member of a firm, to engage in any business transaction with the city, or with any of its authorized officials, boards, agents or attorneys, whereby money is to be paid, directly or indirectly, out of the resources of the city to such person or firm; or to purchase any real estate or other property belonging to the city, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of the city; or to be surety for any person having a contract or doing business with the city, for the performance of which security may be required; or to be surety on the official bond of any officer of the city; and shall not be financially interested in any transaction or contract in which the national government or any subdivision or instrumentality thereof is an interested party.

SEC. 22. Allowance. — The head of a department and his assistant or the chief and assistant chief of an office shall be entitled to a commutable allowance in addition to their respective salaries, for quarters and representation which shall not be less than five thousand four hundred pesos for the heads or chiefs, and three thousand six hundred pesos for the assistants per annum.

For purposes of this section, the judges of the city court, the city auditor, the city superintendent of schools, the vice-mayor, the councilors, city council secretary and city secretary shall be considered as a chief of a department; and the city electrician, the city veterinarian, and the city agriculturist shall be considered as assistant chief of a department or an office.

Article V. — Relation to Bureaus and Offices

SEC. 23. The General Auditing Office. — The Auditor General shall receive and audit all accounts of the city, in accordance with the provisions of law relating to Government accounts and accounting. The city auditor shall be appointed by the Auditor General and shall receive the same salary of the city treasurer per annum, one-half to be paid by the National Government and the other half by the city.

SEC. 24. The Bureau of Public Schools. — The Director of Public Schools shall exercise the same jurisdiction and powers in the city as elsewhere in the Philippines, and the city superintendent of schools, who shall receive a compensation of fifteen thousand pesos per annum, shall have all the powers and duties in respect to the schools of the city as are vested in division superintendents in respect to schools of their division: Provided, That the operational expenses of primary, intermediate and high schools shall be borne by the National Government, as provided for by law.

SEC. 25. The Bureau of Supply Coordination. — The procedure outlined in Republic Act Numbered Two thousand two hundred sixty-four relative to purchasing shall govern the purchase of materials, equipment and supplies. However, the Committee on Award shall be composed of the city mayor, as chairman, the city treasurer, the city auditor, the city fiscal and a councilor duly designated by the City Council, as members. These officers may act through their authorized representatives.

SEC. 26. Reports to the Mayor concerning schools. — The city superintendent of schools shall make a quarterly report of the conditions of the schools and school buildings of the city to the mayor, and such recommendations as seem to him wise relative to improving the schools or school buildings in the city.

Article VI. — Department of Finance

SEC. 27. The City Treasurer — His powers and duties — There shall be a city treasurer who shall have charge of the Department of Finance and shall act as chief fiscal officer and financial adviser of the city and custodian of its funds. He shall receive a salary of fifteen thousand pesos per annum. He shall have the following general powers and duties:

- He shall collect all taxes due the city, all licenses authorized by law or ordinance, all rents due for lands, markets and other property owned by the city, and all further charges of whatever nature fixed by law or ordinances; shall administer markets and slaughterhouses, and shall receive and issue receipts for all costs, fees, fines and forfeitures imposed by the city court.
- He shall collect all miscellaneous charges made by the engineering department and by other departments of the city government, and all charges made by the city engineer for inspections, permits, licenses, and the installations, maintenance, and services rendered in the operation of the private privy system.
- Unless otherwise specifically provided by law or resolution, he shall perform in and for the city the duties imposed by law or resolution upon provincial treasurers in general as well as other duties imposed upon him by law.
- He shall purchase and issue all supplies, equipment or other property required by the city, through the purchasing agent, or otherwise, as may be authorized, subject to the general provisions of law relating thereto.
- He shall be accountable for all funds and property of the city and shall render such accounts in connection therewith as may be prescribed by the Auditor General.
- He shall deposit daily all city funds and collections in any bank duly designated as government depository.
- He shall disburse the funds of the city in accordance with duly authorized appropriations, upon properly executed vouchers bearing the approval of the chief of the department concerned, and on or before the twentieth day of each month he shall furnish the mayor and the city Council, for their information, a statement of the appropriation, expenditures, and balances of all funds and accounts as of the last day of the month preceding.

Article VII. — Department of Engineering and Public Works

SEC. 28. The City Engineer — His powers and duties. — There shall be a city engineer who shall have charge of the department of engineering and public works. He shall receive a salary of fifteen thousand pesos per annum. He shall have the following powers and duties:

- He shall have charge of all the surveying and engineering works of the city, and shall perform such services in connection with public improvements, or any work entered upon or projected by the city, or any department thereof, as may require the skill and experience of a civil engineer.
- He shall ascertain, record, and establish monuments of the city survey and from thence 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 mayor.
- He shall 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.

- He shall 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.
- He shall prevent the encroachment of private buildings and fences on the streets and public places of the city.
- He shall have general supervision and inspection of all private docks, wharves, piers, levees, and landing places and other property bordering on the harbor, river, esteros, and waterways of the city, and shall issue permits for the construction, repair and removal of the same, and enforce all ordinances relating to the same.
- He shall supervise the laying of mains and connections for the purpose of supplying gas to the inhabitants of the city.
- He shall inspect and report upon the conditions of public property and public works whenever required by the mayor.
- He shall supervise and regulate the location and use of engines, boilers, forges, and other manufacturing and heating appliances in accordance with law and ordinance relating thereto. He is authorized to charge fees, at rates to be fixed by the city council, for the sanitation and transportation services and supplies furnished by his department.
- He shall inspect and supervise the construction, repair, removal, and safety of private buildings, and regulate and enforce the numbering of houses in accordance with the ordinances of the city.
- With the previous approval of the mayor in each case, he shall order the removal of buildings and structures erected in violation of the ordinances; shall order the removal of materials employed in the construction or repair of any building or structure made in violation of said ordinances; and shall cause buildings and structures dangerous to the public to be made secure or torn down.
- He shall file and preserve all maps, plans, notes, surveys and other papers and documents pertaining to his office.

SEC. 29. Execution of authorized public works and improvements. — All repair or construction of any work or public improvements, except parks, boulevards, streets or alleys, involving an estimated cost of three thousand pesos or more shall be awarded by the mayor upon the recommendation of the city engineer to the lowest responsible bidder after public advertisement by posting notices of the call for bids in conspicuous places in the city hall and by publication in the local newspapers of general circulation, both for not less than ten days: Provided, however, That the city engineer may, with the approval of the President of the Philippines, upon the recommendation of the Secretary of Public Works and Communications, execute by administration any such public work costing three thousand pesos or more.

In case of public works involving an expenditure of less than three thousand pesos, it shall be discretionary with the city engineer either to proceed with the work himself or to let the contract to the lowest bidder after such publication and notice as shall be deemed appropriate or as may be, by regulations, prescribed.

Article VIII. — Law Department

SEC. 30. The City Fiscal — His powers and duties. — There shall be a city fiscal who shall discharge his duties under the general supervision of the Secretary of Justice. The city fiscal shall receive a salary of fifteen thousand pesos per annum. The city fiscal shall be the chief legal adviser of the city and all offices and departments thereof. He shall have the following powers and duties:

- He shall represent the city in all civil cases wherein the city or any officer thereof, in his official capacity, is a

party.

- He shall, when required, draw ordinances, contracts, bonds, leases, and other instruments involving any interest of the city, and inspect and pass upon any such instruments already drawn.
- He shall give his opinion in writing, when requested by the mayor or the council, upon any question relating to the city or the rights or duties of any city officer.
- He shall, whenever it is brought to his knowledge that any city officer is guilty of neglect or misconduct in office, or that any person, firm or corporation holding or exercising any franchise or public privilege from the city, has failed to comply with any condition, or to pay any consideration mentioned in the grant of such franchise or privilege, investigate or cause to be investigated the same and report to the Mayor.
- He shall have charge of the prosecution of all crimes and misdemeanors and violations of city ordinances triable in the city court. He shall also have charge of all prosecution of crimes, misdemeanors, and violations of city ordinances appealed to or brought before, the Court of First Instance of Davao.
- He shall investigate all charges of crimes, misdemeanors, and violations of city ordinances and prepare the necessary information or make the necessary complaints against the persons accused, and discharge all other duties in respect to criminal prosecutions enjoined upon provincial fiscals generally.
- He may conduct investigations in respect to crimes, misdemeanors, and violations of ordinances and for this purpose may, by subpoena, summon witnesses to appear and testify under oath before him, and the attendance of an absent or recalcitrant witness may be enforced by application to the city court or the Court of First Instance of the Province of Davao.
- He shall cause to be investigated causes of sudden deaths which have not been satisfactorily explained and when there is suspicion that the causes arose from unlawful acts or omissions of other persons or from foul play. For that purpose he may cause autopsies to be made, in case it is deemed necessary, and shall be entitled to demand and receive for the purposes of such investigations or autopsies the aid of the city health officer.
- He shall, when directed by the Mayor, institute and prosecute in the city's interest a suit on any bond, lease, or other contract and upon any breach or violation thereof.

SEC. 31. Assistant City Fiscals. — There shall be ten assistant city fiscals who shall perform the duties of the city fiscal as assigned and directed by the city fiscal, with the following compensation per annum:

First assistant city fiscal.....

P12,000.00

Second assistant city fiscal.....

11,400.00

Third assistant city fiscal.....

11,100.00

Fourth assistant city fiscal.....

10,800.00

Fifth assistant city fiscal.....

9,600.00

Sixth assistant city fiscal.....

9,600.00

Seventh assistant city fiscal.....

9,600.00

Eighth assistant city fiscal.....

8,400.00

Ninth assistant city fiscal.....

7,200.00

Tenth assistant city fiscal.....

7,200.00

The incumbent special counsel, according to seniority of service, will automatically become sixth, seventh and eighth assistant city fiscals.

Article IX. — Department of Health

SEC. 32. The City Health Officer — His powers and duties. — There shall be a city health officer who shall have charge of the Department of Health and shall receive a salary of fifteen thousand pesos per annum. He shall have the following powers and duties:

- He shall have general supervision over the health and sanitary conditions of the city, including the cleaning of crematories and cemeteries.
- He shall execute and enforce all laws, ordinances and regulations relating to the public health.
- He shall recommend to the City Council the passage of such ordinances as he may deem necessary for the preservation of the public health.
- He shall cause to be prosecuted all violations of sanitary laws, ordinances, or regulations.
- He shall make sanitary inspections and may be aided therein by such members of the police force of the city or the national police as shall be designated as sanitary police by the chief of police or proper national police officer and such sanitary inspectors as may be authorized by law.
- He shall have control and supervision over puericulture centers and social services of the city.
- He shall perform such other duties, not repugnant to law or ordinance, with reference to the health and sanitation of the city as the Director of Health Services shall direct. In case of epidemic or when the inhabitants of the city are menaced by any infectious or contagious diseases, the Director of Disease Control shall assume full control of the health and sanitation services of the city until such condition shall have ceased to exist.

Article X. — Police Department

SEC. 33. The chief of police — His powers and duties. — There shall be a chief of police who shall have charge of the police department and shall receive a salary of twelve thousand pesos per annum. He shall have the following powers and duties:

- He may issue supplementary regulations not incompatible with law or general regulations promulgated by the proper department head of the National Government in accordance with law, for the government of the city police and detective force.

- He shall quell riots, disorders, disturbances of the peace, and shall arrest and prosecute through the city fiscal, violators of law or ordinances; shall exercise exclusive police supervision over all land and water within the police jurisdiction of the city; shall be charged with the protection of the rights of persons and property wherever found within the jurisdiction of the city, and shall arrest when necessary to prevent the escape of offenders and violators of any law or ordinance; and all who obstruct or interfere with him in the discharge of his duty; shall have charge of the city prison; and shall be responsible for the safekeeping of all prisoners until they shall be released from custody, in accordance with law, or delivered to the warden of the proper prison or penitentiary.

- He shall have authority within the police limits of the city, to serve and execute criminal processes of any court.

- He shall be the deputy sheriff of the city, and as such he shall, personally or by representative, attend the sessions of the city court, and shall execute promptly and faithfully, all writs and processes of said court.

- He shall exercise supervision over the police training school established in accordance with the rules and regulations of the police department.

- He shall have such further powers and perform such further duties as may be prescribed by law or ordinance.

SEC. 34. Chief of secret service. — There shall be a chief of the secret service who shall, under the chief of police, have charge of the detective work of the department and of the detective force of the city, and shall perform such other duties as may be assigned to him by the chief of police or prescribed by law or ordinance.

SEC. 35. Peace officers — Their powers and duties. — The Mayor, the chief of police, the deputy chief of police, the chief of the secret service, and all officers and members of the city police and detective force shall be peace officers. Such peace officers are authorized to serve and execute all processes of the city court and criminal processes of all other courts to whomsoever directed within the jurisdictional limits of the city or within the police limits as hereinbefore defined; within the same territory, to pursue and arrest without warrant, any person found in suspicious places or under suspicious circumstances reasonably tending to show that such person has committed, or is about to commit, a crime or breach of the peace; to arrest or cause to be arrested, without warrant, any offender when the offense is committed in the presence of a peace officer or within his view; and, in such pursuit or arrest, to enter any building, ship, boat, or vessel or take into custody any person therein suspected of being concerned in such crime or breach of the peace, and any property suspected of having been stolen; and to exercise such other powers and perform such other duties as may be prescribed by law or ordinance. They shall detain an arrested person only in accordance with the provisions of existing laws relative to such detention. Whenever the mayor shall deem it necessary to avert danger or to protect life and property, in case of riot, disturbance, or public calamity, or when he has reason to fear any serious violation of law and order, he may call upon the provincial commander or other members of the Armed Forces of the Philippines. Except upon the occurrence of any such conditions, police jurisdiction and supervision and the preservation of peace and order shall pertain exclusively to the peace officers herein mentioned, existing law to the contrary notwithstanding.

Article XI. — Fire Department

SEC. 36. Chief of fire department. — There shall be a chief of fire department who shall have the management and control of all matters relating to the administration, organization, government, discipline, and disposition of the fire forces. He shall receive a salary of twelve thousand pesos per annum, and shall have the following powers and duties:

- He shall issue supplementary regulations not incompatible with law or general regulations issued by the proper department head of the National Government in accordance with law, for the governance of the fire force.
- He shall have charge of the fire-engine houses, the fire engines, hose trucks, hooks and ladders, trucks and all other fire apparatus.
- He shall have full police powers in the vicinity of fires.
- He shall have authority to remove or demolish any building or other property whenever it shall become necessary to prevent the spreading of fire or to protect adjacent property.
- He shall investigate and report to the mayor upon the origin and cause of all fires occurring within the city.
- He shall inspect all buildings erected or under construction or repair within the city and determine whether they provide sufficient protection against fire and comply with the ordinance relating thereto.
- He shall have charge of the city telegraph, telephone and fire alarm service.
- He shall have exclusive power, any law to the contrary notwithstanding, to supervise and regulate the stringing, grounding, and installation of wires for all electrical connections with a view to avoiding conflagrations, interference with public traffic or safety, or the necessary operation of the fire department.
- He shall condemn all defective electrical installations and shall take the necessary steps to effect immediate corrective action, informing the mayor of the action thus taken.
- He shall supervise the manufacture, storage, and use of petroleum, gas, acetylene, gunpowder, and other highly combustible matter and explosives.
- No permit for the construction or repair of buildings within the city shall be granted unless the plans relative thereto have been approved by the chief of the fire department. He shall have the power to alter or disapprove such plans as do not provide for adequate protection against the occurrence of fires.
- He shall have such powers and perform such duties as may further be prescribed by law or ordinance.

Article XII. — Department of Assessment

SEC. 37. The City Assessor — His powers and duties. — There shall be a city assessor who shall have charge of the department of assessment and who shall receive a salary of fifteen thousand pesos per annum. He shall have the following powers and duties:

- He shall annually assess and value for taxation the real estate of the city, and for this purpose, the city assessor and his authorized deputies are empowered to administer any oath authorized to be administered in connection with the valuation of real estate for the assessment and collection of taxes.
- He shall make a list of all taxable real estate in the city and the names of the owners thereof, with a brief description opposite their names of the property owned by them and the cash value thereof. In making this list the city assessor shall take into consideration any sworn statement made by the owners of the property, but shall not be prevented thereby from considering other evidence on the subject, and exercising his own judgment in respect thereto. For the purpose of completing this list, he and his authorized deputies or representatives may enter upon the real estate for the purpose of examining and measuring it, and may summon witnesses, administer oaths to them, and subject them to examination concerning the ownership and the amount of real estate and its cost value.
- He may, if necessary, examine the records of the register of deeds of the province or city showing the ownership of real estate in the city.

- He shall attend all meetings of the Board of Assessment Appeals and furnish it with all written evidence in his possession relating to assessment and valuation. He shall likewise furnish the city treasurer with a copy of every tax declaration or cancellation thereof prepared by him from time to time, and such other information as the city treasurer may require for the collection of taxes.

- Declaration to be made by person acquiring or improving real estate. — It shall be the duty of each person who, at any time, acquired real estate in the city, and of each person who constructs or adds to any improvement on real estate owned by him in the city, to prepare and present to the city assessor within a period of sixty (60) days next succeeding such acquisition, construction or addition, a sworn declaration setting forth the value of the real estate acquired or the improvement constructed or addition made by him and a description of such property sufficient to enable the city assessor readily to identify the same, and furnishing him with certified copy or duplicate original of deeds of conveyance or any proof of acquisition thereof, as well as original, subdivision or segregation maps or surveys and invoices. For this purpose, the register of deeds is hereby required to furnish the city assessor with a duplicate copy of every deed or instrument of conveyance presented for registration, and all surveyors, either public or private, are likewise required as soon as possible to furnish free the said city assessor with a blue or white print copy of all maps or surveys executed or made by them within the city. Any person having acquired real estate who fails to make and present the declaration herein required within the said period set forth above shall be deemed to have waived his right to notice of the assessment or revision of such property and the assessment or revision of the same in the name of its former owner shall, in all such cases, be valid and binding on all persons interested for all purposes, as though the same had been assessed in the name of its present owner.

- Action when owner makes no declaration, or is unknown, or ownership is in dispute or in doubt, or when land and improvements are separately owned. — If the owner of any real estate shall fail to make a declaration thereof, or if the city assessor is unable to discover the owner of any real estate, he shall nevertheless list the same for taxation, and charge the tax against the true owner, if known, and if unknown, then as against an unknown owner. In case of doubt or dispute as to the ownership of real estate, the taxes shall be levied against the possessor or possessors thereof. When it shall appear that there are separate owners of the land and the improvement thereon, a separate assessment of the property of each shall be made.

- Action in case real estate has escaped taxation. — If it shall come to the knowledge of the city assessor that any taxable real estate in the city has escaped listing, it shall be his duty to list and value the same at the time and in the manner provided herein and to charge against the owner thereof the taxes due for the current year and last preceding four years, and the taxes thus assessed shall be legal and collectible, and the penalties shall be added to such back taxes as though they had been assessed at the time when they should have been assessed.

- When assessment may be increased or decreased. — The City Assessor shall, during any part of the year, add to his list of taxable real estate in the city the value of the improvements placed upon such property during the preceding or current year, and any property which is taxable and which has theretofore escaped taxation. Likewise, with or without the presence of owners, he may revise and correct the assessed value of any or all parcels of real estate in the city which are not assessed at their true money value, by reducing or increasing the existing assessment as the case may be, the effectivity of which shall be the year next following.

SEC. 38. The City Board of Assessment Appeals. — There shall be a City Board of Assessment Appeals which shall be composed of five members, three of whom are government officials, and the remaining two to be appointed by the city mayor. The three members of the Board shall be the city auditor, as chairman, the city engineer and the register of deeds as members, to serve without additional compensation.

The two other members shall be selected from among property owners in the city and they shall each receive a

compensation of fifteen (P15.00) pesos for each day of session actually attended, and shall hold office for a term of four (4) years unless sooner removed by the city mayor. The chairman of the board shall have the power to designate any city official or employee to serve as the secretary of the board without additional compensation.

- The members of the City Board of Assessment Appeals shall, before organizing as such, take the following oath before the judge of the city court, or some other officer authorized to administer oath:

"I do solemnly swear (or affirm) that I will well and truly hear and determine all matters and issues between the city assessor and taxpayers submitted for my decision. So help me God. (In case of affirmation, the last four words are to be stricken out.)

(Signature)

"Subscribed and sworn to (or affirmed) before me this _____ day of _____ 19____.

(Signature of officer administering oath)"

- The City Board of Assessment Appeals shall hold such number of sessions as may be authorized by the Secretary of Finance, and shall hear and decide all appeals duly transmitted to it. It shall have authority to cause to be amended the listing and valuation of the property in respect to which an appeal has been perfected by order signed by the Board or a majority thereof, and transmit it to the city assessor who shall amend the tax list in conformity with said order. It shall also have the power to revise and correct, with the approval of the Department Head first had, any and all erroneous or unjust assessments and valuations for taxation, and make a correct and just assessment and state the true valuation in each case when it decides that the assessment previously made is erroneous or unjust. The assessment when so corrected shall be as lawful and valid for all purposes as though the assessment had been made within the time herein prescribed. Such reassessment and revaluation shall be made on due notice to the individual concerned who shall be entitled to be heard by the City Board of Assessment Appeals before any reassessment or revaluation is made. The decision of the City Board of Assessment Appeals shall be final unless the Department Head declares the decision reopened for review by him, in which case he may make such revision or revaluation as in his opinion the circumstances justify. Such revision when approved by the President of the Philippines shall be final.

SEC. 39. Taxes on real estate. — A tax, the rate of per centum of ad valorem taxation not to exceed two per centum, to be determined by the City Council, shall be levied annually on or before the second Monday of December on the assessed values of all real estate in the city subject to taxation. Taxes on the said rate shall be due and payable annually on and after the first day of January of the ensuing year.

Article XIII. — Department of Public Services

SEC. 40. City Public Service Officer. — There shall be city public service officer, who must at least be a sanitary engineer, with a salary of eleven thousand four hundred pesos per annum. He shall have the following general powers and duties:

- He shall have general supervision and control over the sanitary building and plumbing inspection service; care, custody and cleaning of all public streets, paths and monuments; public buildings including markets and slaughterhouses and buildings rented for city purposes; public toilets and cesspools, dockyards and all other offensive and dangerous substances within the city.

- He shall have authority to charge, at rates to be fixed by the City Council with the approval of the Mayor, fees

for public services and supplies furnished by his department to private parties.

- He shall have authority to declare that any lot or ground within the City of Davao belonging to any person or corporation or to the National Government or any branch or political subdivision thereof, is so low, excavated or walled, diked or dammed as to admit or cause the formation on the surface thereof of stagnant or foul water, or that it is a nuisance or a menace to public health, unless filled in or its sanitary condition otherwise improved, and shall communicate same to the mayor.

- He shall execute and enforce all laws, ordinances, and regulations relating to public services.

- He shall recommend to the City Council the passage of ordinances as he may deem necessary for the better and more adequate extension of public services.

- He shall cause to be prosecuted all violations of laws, ordinances or regulations relating to public services.

Article XIV. — Tax allotments and special assessment for public improvements

SEC. 41. Allotment of internal revenue and other taxes. — On the internal revenue accruing to the National Treasury under Chapter II, Title XII of Commonwealth Act Numbered Four hundred sixty-six, and other taxes collected by the National Government and allotted to the various provinces, as well as the national aid for schools, the city shall receive a share equal to what it would receive if it were a regularly organized province.

SEC. 42. Power to levy special assessment for certain purposes. — The City Council may, by ordinance, provide for the levying and collection, by special assessment of the land comprised within the district or section of the city specially benefited, or a part not to exceed sixty per centum of the cost of laying out, opening, constructing, straightening, widening, extending, grading, paving, curbing, walling, deepening, or otherwise establishing, repairing, enlarging, or improving public avenues, roads, streets, alleys, sidewalks, parks, plazas, bridges, landing places, wharves, piers, docks, levees, reservoirs, waterworks, water mains, water courses, esteros, canals, drains and sewers, including the cost of acquiring the necessary land and public improvements thereon, as hereinafter provided.

In case of national public works the City Council as an agency of the National Government, shall, when the President of the Philippines so directs it, provide for the levying and collection by special assessment of the land within the section or district of the city specially benefited of the cost or part thereof to be determined by the President, of laying out, opening, constructing, straightening, widening, extending, grading, paving, curbing, walling or deepening, or otherwise repairing, enlarging or improving national roads and other national public works within the city, including the cost of acquiring the necessary land and improvements thereon.

SEC. 43. Basis of apportionment. — The amount of the special assessment shall be apportioned and computed according to the assessed valuations of such lands as shown in the books of the city assessor. If the property has not been declared for taxation purposes, the city assessor shall immediately declare it for the owner and assess its value, and such value shall be the basis of the apportionment and computation of the special assessment due thereon.

SEC. 44. Property subject to special assessment. — All lands comprised within the section or district benefited, except those owned by the Republic of the Philippines, shall, be subject to the payment of the special assessment.

SEC. 45. Ordinances levying special assessment. — The ordinance providing for the levying- and collection of a special assessment shall describe with reasonable accuracy the nature, extent, and location of the work to be undertaken; the probable cost of the work; the percentage of the cost to be defrayed by special assessment; the district or section which shall be subject to the payment of the special assessment and shall describe with

reasonable accuracy metes and bounds if practicable, and by other reasonable accurate means if otherwise, and the period, which shall not be less than five nor more than ten years, in which said special assessment shall be payable without interest. One uniform rate per centum for all lands in the entire district or section subject to the payment of all the special assessment need not be established, but different rates for different parts or sections of the city according as said property will derive greater or less benefit from the proposed work, may be fixed.

It should be the duty of the city engineer, to make the plans, specifications, and estimates of the public works contemplated to be undertaken.

SEC. 46. Publications of proposed ordinance levying special assessment. — The proposed special assessment ordinance shall be published, with a list of the owners of the lands affected thereby, once a week for four consecutive weeks in any newspaper published in the city, one in English, one in Spanish, and one in the local dialect, if there be any, and in default of local papers, in any newspaper of general circulation in the city. The said ordinance in English, Spanish, and the local dialect shall also be posted in places where public notices are generally posted in the city and also in the district or section where the public improvement is constructed or contemplated to be constructed,

The secretary of the city council shall, on application, furnish a copy of the proposed ordinance to each landowner affected, or his agent and shall, if possible, send to all of them a copy of said proposed ordinance by ordinary mail or otherwise.

SEC. 47. Protest against special assessment. — Not later than thirty days after the last publication of the ordinance and the list of landowners, as provided in the preceding section, the landowners affected may file with the City Council a protest against (the enactment of the ordinance. The protest shall be duly signed by them and shall set forth the addresses of the signers and the arguments in support of their objection or protest against the special assessment established in the ordinance. If no protest is filed within the time and under the condition above specified, the ordinance shall be considered approved as published.

SEC. 48. Hearing of protest. — The City Council shall designate a date and place for the hearing of the protest filed in accordance with the next preceding section and shall give reasonable time to all protestants who have given their addresses and to all landowners affected by any protest or protests, and shall order the publication once a week for two consecutive weeks, of a notice of the place and date of hearing in the same manner herein provided for the publication of the proposed special assessment ordinance. All pertinent arguments and evidences presented by the landowners interested or their attorney shall be attached to the proper records. After the hearing, the City Council shall either modify its ordinance or approve it in toto and send notice of its decision to all interested parties who have given their addresses, and shall order the publication of the ordinance as approved finally together with a list of the owners of the parcels of land affected by the special assessment, three times weekly, for three consecutive weeks, in the same manner hereinabove prescribed. The ordinance finally passed by said body shall be sent to the mayor with all the papers pertaining thereto, for his approval or veto as in the case of other city ordinances. If the Mayor approves it, the ordinance shall be published as above provided, but if he vetoes it, the procedure in similar cases provided in this Charter shall be observed.

SEC. 49. When ordinance is to take effect. — Upon the expiration of thirty days from the date of the last publication of the ordinance as finally approved, the same shall be effective in all respects, if no appeal therefrom is taken to the proper authorities in the manner hereinafter prescribed.

SEC. 50. Appeals. — Any time before the ordinance providing for levying and collection of special assessment becomes effective in accordance with the preceding section, appeals from such assessment may be filed with the President of the Philippines in case of public works undertaken or contemplated to be undertaken by the National

Government, and with the Secretary of Finance in the case of public works undertaken or contemplated to be undertaken by the city. In all cases, the appeal shall be in writing and signed by at least a majority of the owners of the lands situated in the special assessment zone whose holdings represent more than one-half of the total assessed value of the lands affected. The appellant or appellants shall immediately give the City Council a written notice of the appeal, and the Secretary of the City Council shall, within thirty days after receipt of the notice of appeal, forward to the officer who has jurisdiction to decide the appeal an excerpt from the minutes of the council relative to the proposed special assessment and all the documents in connection therewith.

SEC. 51. Decision of the appeal. — Only appeals made within the time and in the manner prescribed in this Act shall be entertained, and the officer to whom the appeal is made may call for further hearing or decide the same in accordance with its merits as shown in the papers or documents submitted to him. All appeals shall be decided within sixty days after receipt by the appellate officer of the docket of the case, and such decision shall be final.

SEC. 52. Fixing of amount of special assessment. — As soon as the ordinance is in full force and effect, the city treasurer shall determine the amount of the special assessment which the owner of each parcel of land comprised within the zone described in the ordinance levying the same is to pay each year during the prescribed period, and shall send to each landowner a notice thereof by ordinary mail. If upon completion of the public works it should appear that the actual cost thereof is smaller or greater than the estimated cost, the city treasurer shall without delay proceed to correct the assessment by increasing or decreasing, as the case may be, the special tax on each parcel of land affected, for the balance of the unpaid annual installments. If all annual installments have already been paid, the city treasurer shall fix the amount of credit to be allowed to, or the additional special tax to be levied upon, the land as the case may be. In all cases, he shall give notice of such rectifications to the parties interested.

SEC. 53. Payment of special assessment — All sums due from any landowner or owners as the result of any action taken pursuant to this Article shall be payable to the city treasurer in the same manner as the annual ordinary tax levied upon real property, and shall be subject to the same penalties for delinquency and be enforced in the same manner as said annual ordinary tax; and all said sums together with any of said penalties shall, from the dates on which they were assessed, constitute special liens on said land, with the sole exception of the lien for the nonpayment of the ordinary real property tax. If, upon re-computation of the amount of the special assessment in accordance with the next preceding section, it appears that the landowner has paid more than what is correctly due from him, the amount paid in excess shall be refunded to him immediately upon demand; in the other case, the landowner shall have one year within which to pay without penalty the amount still due from him. Said period shall be counted from the date the landowner received the proper notice.

SEC. 54. Disposition of proceeds. — The proceeds of the special assessment and penalties thereon shall be applied exclusively to the purpose or purposes for which the assessment were levied. It shall be the duty of the city treasurer to turn over to the National Treasury all collections made by him from special assessment levies for national public works.

Article XV. — City Budget

SEC. 55. Annual budget. — At least four months before the beginning of each fiscal year, the city treasurer shall present to the Mayor a certified statement by department of all receipts and expenditures of the city pertaining to the preceding fiscal year, and to the first seven months of the current fiscal year together with an estimate of the receipts and expenditures for the remainder of the current fiscal year; and he shall submit with this statement a detailed estimate of the revenues and receipts of the city from all sources for the ensuing fiscal year. Upon receipt of this statement and estimate and the estimates of department heads as required by Section nineteen of this

Charter, the Mayor shall formulate and submit to the City Council at least two and a half months before the beginning of the ensuing fiscal year, a detailed budget covering the estimated necessary expenditures for the said ensuing fiscal year, which shall be the basis of the annual appropriation ordinance: Provided, however, That in no case shall the aggregate amount of such appropriation exceed the estimate of revenues and receipts submitted by the city treasurer as provided above.

SEC. 56. Supplemental budget. — Supplemental budget formulated in the same manner as the annual budget may be adopted when special or unforeseen circumstances make such, action necessary.

SEC. 57. Failure to enact an appropriation ordinance. — Whenever the City Council fails to enact an appropriation ordinance for any fiscal year before the end of the current fiscal year, the appropriation ordinance for such year shall be deemed re-enacted, and shall go into effect on the first day of July of the new fiscal year as the appropriation ordinance for that year.

SEC 58. City funds. — The city funds shall consist .of the general fund and such special funds as may be created by law or ordinance. The general fund shall be devoted exclusively for local public purposes. Any provision of law to the contrary notwithstanding, the general fund of the city shall not be encumbered by way of contribution, aid, and transfer to other entities, local, national, or charitable, without securing first the approval of the City Council.

Article XVI. — City Court

SEC. 59. Regular and acting judges of the City Court. — There shall be a city court for the City of Davao which shall have three branches for which the three judges thereof shall be known, respectively, as judge of the first, second and third branch. The City Council may, when the circumstances so warrant and subject to the approval of the Secretary of Justice, appropriate the necessary amount for the establishment of other branch or branches of the city court, the judge or judges thereof to be appointed in the manner provided for by law.

The city judge may, upon proper application to the Secretary of Justice, be allowed a vacation of not more than thirty days every year with salary, which they shall enjoy in accordance with a rotation plan to be laid by the executive judge of the city court with the concurrence of the two other city judges, provided, however, that the total vacation and sick leave that may accumulate to their credit .shall be made commutable until their voluntary resignation from office and/or their retirement.

In case of absence, incapacity or inability of any city judge or city judges, the Secretary of Justice shall designate a municipal judge or judges of any of the adjoining municipalities to preside over the branch or branches concerned, and to hold office temporarily until the regular incumbent thereof, shall have resumed office, or until another judge shall have been appointed in accordance with law. The municipal judge so designated shall receive his salary as such municipal judge, plus thirty per centum of the salary of the city judge whose office he has temporarily assumed. The city judges of the city court of Davao shall each receive a salary of not less than fifteen thousand pesos per annum.

SEC. 60. Clerk and employees of the City Court. — There shall be a clerk of court who, except the present incumbent, must be a member of the Philippine Bar and shall be appointed by the city mayor upon recommendation of the executive judge whose salary shall be fixed by the city council. Notwithstanding the provisions of Republic Act Numbered Nine hundred fifteen, the clerk of court shall at the same time be sheriff of the city and shall have as such, the same powers and duties as assigned by existing law to provincial sheriffs: Provided, however, That the newspaper or newspapers in which notices of sales at auction of real property or other notices are to be published shall be designated by the interested party. There shall also be a deputy

clerk-legal researcher, three deputy clerks, three deputy sheriffs and other clerks of the city court who shall be appointed by the executive judge whose salaries shall be fixed by the city council.

The clerk of the city court shall keep its seal and affix it to all orders, judgments, certificates, records and other documents issued by the court. He shall keep a docket of the trials in the court, in which he shall record in a summary manner the names of the parties and the various proceedings in civil cases, and in criminal cases, the name of the defendant, the charge against him, the names of the witnesses, the date of the trial, and the nature of the judgment, together with the fines and cost adjudged or collected in accordance with the judgment. He shall have the power to administer oaths.

SEC. 61. Jurisdiction. — The city court shall have the same jurisdiction in civil and criminal cases and the same incidental powers as conferred by law upon the same city courts of chartered cities and such additional jurisdiction and powers as may be conferred upon it by this Charter or by special law.

SEC. 62. Procedure in city court in prosecutions for violation of laws and ordinances. — In a prosecution for the violation of any ordinance, the first process shall be a summons ; except that a warrant for the arrest of the offender may be issued in the first instance upon the affidavit of any person that such ordinance has been violated; and that the person making the complaint has reasonable grounds to believe that the party charged is guilty thereof, which warrant shall conclude: "Against the ordinance of the city in such cases made and provided." All proceedings and prosecutions for offenses against the laws of the Philippines shall conform to the rules relating to process, pleading, practice, and procedure for the judiciary of the Philippines, and such rules shall govern the city court and its officers in all cases insofar as the same may be applicable. An appeal from the city court to the Court of First Instance and to appellate courts shall be governed by the provisions of the Revised Rules of Court and the Judiciary Act of 1948, as amended.

SEC. 63. Costs, fees, fines and forfeitures in the City Court. — There shall be taxed against and collected from the defendant, in case of his conviction in the city court, such costs and fees as may be prescribed by law in criminal cases in municipal courts. All costs, fees, fines and forfeitures shall be collected by the clerk of court, who shall keep a docket of those imposed and of those collected, and shall pay collections of the same to the city treasurer, for the benefit of the city, on the next business day after the same are collected, and take receipts therefor. The city judge shall examine said docket each day, compare the same with the amount receipted for by the city treasurer and satisfy himself that all such costs, fees, fines and forfeitures have been duly accounted for.

SEC. 64. Commitment to prison. — No person shall be confined in prison by sentence of the city court until the warden or officer in charge of the prison shall receive a written commitment showing the offense for which the prisoner was tried, the date of the trial, the exact terms of the judgment or sentence, and the date of the order of the commitment. The clerk shall, under seal of the court, issue such commitment in each case of sentence to imprisonment.

Article XVII. — Final provisions

SEC. 65. All elective officials of the city government shall continue in office until the expiration of the term to which they were elected. All appointive officials, officers and employees of the city government shall continue in office and shall automatically be entitled to the benefits and emoluments of this Act without further need of another appointment and confirmation.

SEC. 66. Notwithstanding the scale of salaries fixed by this Act, the higher rates of salaries that may be provided for by any national salary standardization law shall prevail.

SEC. 67. Representative district — Provincial Capital. — Until otherwise provided by law, the Province of Davao

and the City of Davao shall continue as one representative district and the capital of the Province, only for residential purposes of the Provincial Government, shall remain as heretofore.

SEC. 68. Provincial buildings and properties. — The buildings and properties which the province shall abandon upon the transfer of the capital to another place will be acquired and paid for by the City of Davao at a price to be fixed by the Auditor General.

SEC. 69. Repealing clause. — All existing laws or parts of law inconsistent with this Act are hereby repealed.

SEC. 70. Effectivity. — This Act shall take effect upon its approval, except with respect to the salaries provided herein which shall be retroactive as of July one, nineteen hundred sixty-four.

Approved, June 19, 1965.

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