

AN ACT ESTABLISHING THE NEW CAPITAL OF THE PROVINCE OF NUEVA ECIJA, CREATING THE CITY OF PALAYAN, PROVIDING A CHARTER THEREFOR, AND FOR OTHER PURPOSES.

REPUBLIC ACT NO. 4475, June 19, 1965

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

GENERAL PROVISIONS

SECTION 1. Incorporation, Powers.—The territory comprising thirty-five million five hundred fifty-seven thousand three hundred thirty-four square meters, located at or near the barrios of Malate, Bongabon, and Ganaderia, Laur along the Cabanatuan City-Bongabon Road, in the Province of Nueva Ecija, the exact boundaries and limits of which are to be defined as herein provided, shall be a political subdivision to be known as the City of Palayan, and by that name shall have perpetual succession; have and use a common seal which it may alter at pleasure; sue and be sued, and prosecute and defend to final judgment and execution; take, purchase, receive, hold, lease, convey, and dispose of real and personal property, for the benefit of the City, within or without its corporate limits; contract and be contracted with; and execute all the powers hereinafter conferred, as well as those generally and ordinarily conferred upon chartered cities. The City of Palayan shall be the new capital of the Province of Nueva Ecija.

SEC. 2. Territory.—The District Engineer of the Province of Nueva Ecija shall, within three months after the approval of this Act, survey and, to proper metes and bounds, determine the territory of the City of Palayan, indicating in the plan, among others, avenues, streets, plazas, parks, and lots for public use. Upon the completion of such survey, the Director of Public Works shall certify the same to the President of the Philippines who shall, by executive order, define the boundaries and limits of the territory of the City.

The Provincial Board of Nueva Ecija shall have the power to purchase, accept gifts or donations of, or institute expropriation proceedings concerning, such lands as may be within the territory of the City for the general interests of the City for public use.

SEC. 3. The City not liable for damages.—The City shall not be held liable for damages or injuries to persons, or property arising from the failure of the City Council, the City Mayor, or any other City officer or employee, to enforce the provisions of this Charter, or any other law or ordinance, or from negligence of said City Council, City Mayor or other City officers or employees while enforcing or attempting to enforce said provisions.

SEC. 4. Jurisdiction of the City for police purposes.—The jurisdiction of the City of Palayan for police purposes shall extend within the territorial limits of said City; and for the purpose of protecting and insuring the purity and quantity of water supply of the City, such police jurisdiction shall also extend over all territories within the drainage area of such water supply, or within one hundred meters of any reservoir, conduit, canal, aqueduct, pumping station or watershed, used in connection with the City water service.

The City Court shall have concurrent jurisdiction with the municipal courts of the municipalities within which the

said territories within the drainage area and the said space of one hundred meters are situated, to try crimes or offenses committed therein. The court first taking jurisdiction of such an offense shall thereafter retain exclusive jurisdiction thereof. All fines, forfeitures, fees and costs, imposed by reason of offenses committed within the said drainage area shall accrue, not to the treasury of the City of Palayan but to the treasury of the municipality in which the said space or territory in which the offense committed is located.

CITY OFFICES AND OFFICERS IN GENERAL

SEC. 5. Chief officials of City government.—The chief officials of the government of the City are the City Mayor, City Vice-Mayor, six members of the City Council, City Engineer, City Treasurer, City Auditor, City Assessor, City Fiscal, City Health Officer, Judge of the City Court, Chief of Police, Secretary of the City Council and Secretary to the City Mayor.

The Provincial Governor shall be the ex-officio City Mayor, the Provincial Vice-Governor shall be the ex-officio City Vice-Mayor, and the three Members of the Provincial Board shall be ex-officio members of the City Council and the three others shall be appointed by the President upon the recommendation of the Provincial Governor. The district engineer, the provincial treasurer, provincial auditor, provincial assessor, the provincial fiscal and the district health officer of the Province of Nueva Ecija, shall be ex-officio city engineer, city treasurer, city auditor, city assessor, city fiscal and city health officer of the City, respectively.

The Secretary of the Provincial Board of Nueva Ecija shall act as the secretary of the City Council, and the secretary to the Provincial Governor shall act as the secretary to the City Mayor.

SEC. 6. General powers and duties of the City Mayor.—Unless otherwise provided by law, the City Mayor shall have immediate control over the executive and administrative functions of the different offices of the City, subject to the authority and supervision of the Department Head, He shall have the following general powers and duties:

- To comply with and enforce and give the necessary orders for the faithful enforcement and execution of the laws and ordinances 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, subject to the provisions of this Charter, have control of all its property;
- To see that all taxes and other revenues of the City are collected and 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 interest of the City;
- To see that the executive officers and employees of the City properly discharge their respective duties;
- To examine and inspect the books, records and papers of all officers, agents, and employees of the City over whom he has executive supervision and control at least once a year, and whenever the occasion arises. For this purpose, he shall be provided by the City Council with such clerical or other assistance as may be necessary;
- To give such information and recommend such measures to the City 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 at least two months before the beginning of each fiscal 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 the same for violation of the conditions upon which they were granted, or if acts prohibited by law or municipal ordinance are being committed under the business for which the same have been granted is carried on, or for any other reason of general interest;
- To exempt, with the concurrence of the division superintendent of schools, deserving poor pupils from the payment of school fees or of any part thereof;
- To take such emergency measures as may be necessary to avoid fires and floods, and mitigate the effects of storms and other public calamities; and
- To perform such other duties and exercise such other executive powers as may be prescribed by law or ordinance.

SEC. 7. The City Vice-Mayor.—The City Vice-Mayor shall perform the duties of the Mayor in the event of sickness or other temporary incapacity of the Mayor, or in the event of a definitive vacancy in the position of Mayor, until said office shall be filled in accordance with law. If, for any reason, the Vice-Mayor is temporarily incapacitated for the performance of the duties of the Mayor or said office of the Vice-Mayor is vacant, the duties of Mayor shall be performed by the member of the City Council who obtained the highest number of votes during the last preceding elections. In the event of temporary incapacity of the latter, the member of the City Council who obtained the next highest number of votes shall perform the duties of Mayor. The Acting Mayor shall have the same powers and duties as the Mayor. The Vice-Mayor shall be a member of the City Council and entitled to the privileges as are granted to members thereof.

SEC. 8. Secretary to the City Mayor; his duties.—The secretary to the City Mayor shall have charge and custody of all records and documents of the City and of any office or department thereof for which provision is not otherwise made; shall keep the corporate seal and affix the same with his signature to all ordinances and resolutions signed by the City Mayor and to all other official documents and papers of the government of the City as may be required by law or ordinance; shall attest all executive orders, proclamations, ordinances, and resolutions signed by the City Mayor; shall, upon request, furnish certified copies of all records and documents in his charge which are not of a confidential character and shall charge fifty centavos for each one hundred words including the certificate, such fees to be paid directly to the city treasurer; and shall perform such other duties as the City Mayor may require of him.

SEC. 9. Secretary of the City Council; his duties.—The secretary of the City Council shall be in charge of the records of the City Council. He shall keep a full record of the proceedings of the City Council, and file all documents relating thereto; shall record, in a book kept for that purpose, all ordinances, and all resolutions and motions directing the payment of all money or creating liability, enacted or adopted by the City Council, with the dates of passage of the same and of the publication of ordinances; shall keep a seal, circular in form, with the inscription "City Council—City of Palayan", and affix the same, with his signature, to all ordinances and other official acts of the City Council, and shall present the same for signature to the presiding officer of the City Council; shall cause each ordinance passed to be published as herein provided; shall, upon request, furnish certified copies of all records of the City Council of public character in his charge under the seal of his office and charge fifty centavos for each one hundred words including the certificate, such fees to be paid directly to the city treasurer; and shall keep his office and all records therein which are not of a confidential character open to public

inspection during usual business hours.

SEC. 10. Methods of transacting business by City Council.—The City Mayor, as chief executive of the City, shall be the presiding officer of the City Council. Unless the President of the Philippines orders otherwise, the City Council shall hold one ordinary session for the transaction of business during each week on days which it shall fix by resolution, and such extraordinary sessions, as may be called by the City Mayor. It shall sit with open doors, unless otherwise ordered by an affirmative vote of all the members. It shall keep a record of its proceedings and determine its rules of procedures not herein set forth. Five 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 absent without good cause by issuing to the police an order for his arrest and production at the session under such penalties as shall have been previously prescribed by ordinance. Five affirmative votes shall be necessary for the passage of any ordinance or of any resolution or motion directing the payment of money or creating liability, but other measures shall prevail upon the majority vote of the members present at any meeting duly called and held. The ayes and nays shall be taken and recorded upon the passage of all ordinances, upon all resolutions or motions directing the payment of money or creating liability, and at the request of any member, upon any other resolution or motion. Each approved ordinance, resolution, or motion shall be sealed with the seal of the City Council, signed by the presiding officer and the secretary 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 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.

The President of the Philippines shall have the power to disapprove directly, in whole or in part, any ordinance, resolution or motion of the City Council if he finds such ordinance, resolution or motion or parts thereof, beyond the power conferred upon the City Council.

SEC. 11. General powers and duties of the City Council.—Except as otherwise provided by law, and subject to the conditions and limitations thereof, 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;
- To make all appropriations for the expenses of the government of the City: Provided, That without the express authorization of the President of the Philippines the appropriation for the payment of salaries and wages of officers and employees of the City government for any fiscal year shall not be more than sixty per cent of the expected revenue of the city for such fiscal year;
- To fix the number and salaries of officials and employees of the City, subject to the limitations of this Act;
- To authorize the free distribution of medicines to the employees and laborers of the City whose salary or wage does not exceed one hundred and twenty pesos per month or four pesos per day, and of evaporated or fresh native milk to indigent mothers residing in the City and of bread and light meals to indigent children ten years or less of age residing in the City, the distribution to be made under the direct supervision and control of the City Mayor;
- To fix the tariff of fees and charges for all services rendered by the City or any of its offices, branches or officials;
- To provide for the erection and maintenance or the rental of the necessary buildings for the use of the City;
- To provide for the establishment and maintenance of public schools; and, except as otherwise provided by law, to fix, with the approval of the Director of Public Schools, reasonable matriculation and/or tuition fees;
- To establish and maintain or aid in the establishment and maintenance of vocational schools and institutions of

higher learning by the National Government or any of its subdivisions and agencies; and, with the approval of the Director of Public Schools, to fix reasonable tuition fees in the vocational schools and in the institutions of higher learning supported by the City;

- To provide for and maintain an efficient police force for the maintenance of law and order in the City, and enact all necessary police ordinances;

- To provide for and maintain an official fire department and provide engine houses, fire engines, hose carts or trucks, hooks and ladders, and other equipment for the prevention and extinguishment of fires, and to regulate the management and the 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 in stables, shops and other buildings and places and to regulate and restrict the issuance of permits for the building of bonfires and the use of firecrackers, fireworks, torpedoes, candles, skyrockets 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 regulate and fix the amount of the license fees for the following: hawkers, peddlers, hucksters, not including hucksters or peddlers who sell only native vegetables, fruits or foods, personally carried by the hucksters or peddlers, auctioneers, plumbers, barbers, collecting agencies, mercantile agencies, shipping and intelligence offices, private detective agencies, advertising agencies, beauty parlors, massagists, manicurists, chiropodists, hair dressers, tattooers, jugglers, acrobats, hotels, clubs, restaurants, cafes, lodging houses, boarding houses, livery garages, livery stables, boarding stables, dealers in large cattle, public billiard tables, public pool tables, laundries, cleaning and dyeing establishments, public warehouses, circuses and other similar parades, public vehicles, race tracks, horse races, bowling alleys, shooting galleries, merry-go-rounds and other similar riding devices pawnshops, dealers in secondhand merchandise, junk dealers, brewers, distillers, rectifiers, money changers and brokers, public ferries, theaters, theatrical performances and places of amusements and the keeping, preparation and sale of meat, poultry, fish, game, butter, cheese, lard vegetables, bread, and other provisions;

- To tax and fix the license fees for dealers in automobiles or accessories or both, and retail dealers in merchandise, which dealers are not yet subject to the payment of any municipal tax. For the purpose of taxation, these retail dealers shall be classified as, (1) retail dealers in general merchandise, and (2) retail dealers exclusively engaged in the sale of (a) textiles including knitted wares or goods, (b) hardwares including glasswares, cooking utensils, electrical goods and construction materials, (c) groceries including toilet articles except perfumery, (d) drugs including medicines and perfumeries, (e) books, including stationery, paper, and office supplies, (f) jewelry, (g) slippers, and (h) arms, ammunitions and sporting goods;

- To tax, fix the license fee for, regulate the business and fix the location of match factories, blacksmith shops, foundries, steam boilers, lumber mills, lumber yards, shipyards, the storage and sale of gunpowder, tar, pitch, resin, coal, oil, gasoline, benzine, turpentine, hemp, cotton, nitroglycerine, 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 conflagration or explosions, and, subject to the rules and regulations of the Director of Health in accordance with law, tanneries, lard factories, renderies, tallow, chandleries, embalmers, and funeral parlors, bone factories, and soap factories;

- To tax, fix the license fee for, and regulate the sale, trading in or disposal of alcoholic or malt beverages, wines, and mixed or fermented liquors, including tuba, basi, tapuy, offered for retail sale;
 - To impose a tax on all products or commodities manufactured or produced in, or brought to, the city and removed therefrom;
 - To Impose a sales tax 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 method of using steam engines and boilers, and all other motor powers other than marine or belonging to the Government of the Philippines; to provide for the inspection thereof and for 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, gaming houses, gambling and all fraudulent devices for the purpose of obtaining money or property; prostitution, vagrancy, intoxication, fighting, quarrelling, and all disorderly obscene 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, 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 regulate the inspection, weighing and measuring of brick, lumber, coal and other articles of merchandise;
 - To regulate, fix the location of, and fix the license fees for the establishment and operation of night clubs, dancing schools, dance halls, cabarets, cockpits, and other places of amusement;
- (aa) 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, 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, signs, signposts, awnings, awning posts, the carrying or displaying of banners, placards, advertisements, or handbills, or the flying of signs, flags, or banners, whether along, across, over or from buildings 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 streets 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 gas, 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 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, aqueducts, and culverts; to prohibit or regulate ball playing, kite flying, hoop rolling and other amusement which may annoy persons using the streets and public places, or frighten horses or other animals, to regulate the speed of horses and other animals, motor and other vehicles, cars, and locomotives within the limits

of the city; to regulate the location, construction, and laying of the track of electric, and other forms of railroad in the streets or other public places of the city authorized by law; unless otherwise provided by law, to provide for and change the location, grade, and crossings of railroads, and to compel any such railroad to raise or lower its tracks to conform to such provisions or changes; and to require railroad companies to fence their property, or any part thereof, and to construct and repair ditches, drains, sewers, and culverts along and under the tracks, so that the natural drainage of the streets and adjacent property shall not be obstructed:

(bb) 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, 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;

(cc) 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 sources of supply and the places through which the same passes, and to regulate the consumption and use of the 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 and maintenance, fix the fees for the use of, and regulate, public 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, establishment, or service open to the public within the City limits, or in the sale and supply of gas or electricity, or in the telephone and street-railway service; to fix and regulate charges therefor where the same have not been fixed by national law; to regulate and provide for the inspection of all gas, electric, telephone, and street-railway 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 nuisance; to regulate the ringing of bells and the making of loud or unusual noises; to provide that owners, agents or tenants of building 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 of serving a written notice, the city health officer shall cause the same to be kept in sanitary condition, the cost thereof to be assessed to the owner to the extent of not exceeding sixty per centum of the assessed value, which cost shall constitute a lien against property; and to regulate 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 the display of electric signs or the erection or maintenance of billboards or structures of whatever material erected, maintained or used for the display of posters, signs or other pictorial or reading matters, 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, 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 grant fishing and fishery privileges subject to the provisions of the Fisheries Act;

(mm) To fix the date for 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; and

(nn) To enact all ordinances it may deem necessary and proper for the sanitation and safety, the furtherance of prosperity, and the promotion of 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 effect and discharge the powers and duties conferred by the 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.

SEC. 12. 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 City Mayor shall decide that any signboard or billboard displayed or exposed in public view is 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.

SEC. 13. Powers and duties of head of City offices.—The city engineer, city treasurer, city fiscal and city health officer and other heads of offices of the City shall be in control of their respective offices under the direction and supervision of the City Mayor, and each shall possess such powers as may be prescribed herein or by ordinance. Each shall certify to the correctness of all payrolls and vouchers of his office covering the payment of money before payment, except as herein otherwise expressly provided. At least three months before the beginning of each fiscal year, each shall prepare and present to the City Mayor an estimate of appropriations necessary for the operation of his office during the ensuing fiscal year, and shall submit therewith such information for purposes of comparison as the City Mayor may desire. Each shall submit to the City Mayor as often as required reports covering the operations of his office.

In case of the absence or sickness, or inability of the head of any of the City offices, the officer next in charge of that office shall act in his place with authority to sign all necessary papers, vouchers, requisitions, and similar documents.

SEC. 14. Appointment and removal of officials and employees.—The President of the Philippines shall appoint with the consent of the Commission on Appointments, the judge and auxiliary judge of the city court, the chief of police and the heads of other offices as may be created. They may not be removed except for cause as provided by law, and they may be suspended by the City Mayor for causes and upon grounds in accordance with law.

All other officers and employees of the City whose appointment is not otherwise provided for by law shall be appointed by the City Mayor upon the recommendation of the corresponding head of office of the City in accordance with the civil service law and rules and they shall be suspended or removed in accordance with law.

SEC. 15. 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 offices or 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.

SEC. 16. The City Engineer, his powers and duties.—The city engineer shall have the following powers and duties:

- He shall have charge of all the surveying and engineering work of the City, and shall perform such service in connection with public improvements, or any work entered upon or proposed 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, and locate, establish, and survey all city property and also private property abutting on the same whenever directed by the City 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 inspections 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 have the care of all public buildings when erected including markets and slaughterhouses and all buildings rented for City purposes, and of any system now or hereafter established by the City for lighting the streets, public places, or public buildings.
- He shall have the care of all public streets, parks and bridges, and shall collect and dispose of all garbage, refuse, the contents of closets, vaults, and cesspools, and all other offensive and dangerous substances within the City.
- He shall prevent the encroachment of private buildings and fences on the streets and public places of the City;
- He shall have the care and custody of the public system of waterworks and sewers, and all sources of water supply, and shall control, maintain, and regulate the use of the same, in accordance with the ordinance relating thereto; shall inspect and regulate the use of all private systems for supplying water to the City and its inhabitants, and all private sewers and their connections with the public sewers system;
- 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 City Mayor;
- He shall supervise and regulate the location and of engines, boilers, forges, and other manufacturing and heating appliances in accordance with law and ordinance relating hereto. He is authorized to charge fees, at rates to be fixed by the City Council, for the sanitation and transportation services rendered and supplies furnished by his office;
- 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 City Mayor in each case, he shall order the removal of buildings and structures erected in violation of the ordinances; shall order the removal of the 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; and

- He shall file and preserve all maps, plans, notes, surveys, and other papers and documents pertaining to his office.

SEC. 17. Execution of authorized public works and improvements.—All repair or construction of any work or public improvement, 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 other public places, which shall not be less than ten days: Provided, however, That the city engineer may, 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 works 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 whether 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.

SEC. 18. The City Treasurer, his powers and duties.—The City Treasurer shall Act as Chief Officer and financially adviser of the City and custodian of its funds. 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. All further charges of whatever nature fixed by law or ordinance, and shall receive and issue receipt for all cost, fees, fines, and other forfeitures imposed by the municipal court;
- He shall collect, as deputy of the collector of Internal Revenue, by himself or deputies, all taxes and charges imposed by the Government of the Republic of the Philippines upon property or persons in the City depositing daily such collections in any depository bank of the government;
- He shall perform in and for the City the duties imposed by the National Internal Revenue Code and such further duties imposed by law upon provincial treasurers as are not inconsistent with the provincial of this Act as well as the other duties imposed upon him by law;
- He shall purchased 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 municipal 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 city office concerned, and on or before the twentieth day of each month he shall furnish the Mayor and the City Council for their administrative information a statement of the appropriations, expenditures and balances of all funds and accounts as of the last day of the month preceding.

SEC. 19. The City Assessor, his powers and duties.—The city assessor shall annually assess and value for taxation the real estate of the city in accordance with Commonwealth Act Numbered Four hundred seventy known as the Assessment Law, as amended, and shall exercise and perform the powers and duties conferred by said law upon provincial assessors generally.

He and his authorized deputies are empowered to administer any oath authorized in connection with the valuation of real estate for the assessment and collection of taxes. He shall make the list of the taxable real estate in the City,

arranging in the order of the lot and block numbers the names of the owners thereof, with a brief description of the property opposite each name 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 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.

SEC. 20. Real estate exemption from taxation.—The following shall be exempt from taxation:

- Lands or buildings owned by the Republic of the Philippines, the Province of Nueva Ecija or the City of Palayan, and burying grounds, churches, and their adjacent personages and convents, and lands or building used exclusively for religious, charitable, scientific, or educational purposes, and not for profit; but such exemption shall not extend to the lands or buildings held for investment, though the income therefrom be devoted to religious, charitable, scientific, or educational purposes;
- Lands and buildings which are the only real property of the owner, and the value of which does not exceed two hundred pesos; and
- Machinery, which term shall embrace machines, mechanical contrivances, investments, appliances and apparatus attached to the real estate, used for industrial, agricultural, or manufacturing purposes, during the first five years of the operation of the machinery.

SEC. 21. The City Fiscal, his powers and duties.—The city fiscal shall be the chief legal adviser of the City. 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 directed by the City Mayor, institute and prosecute in the City's interest all suits on any bond, lease, or other contract and upon any breach or violation thereof;
- He shall, when requested, attend meetings of the City Council, draw ordinances, contracts, bonds, leases, and other instruments involving any interest of the City, of the city offices, upon any question relating to the City and inspect and pass upon any such instrument already drawn;
- He shall give his opinion in writing, when requested by the City Mayor or the City Council or any of the heads or the rights or duties of any officer thereof;
- He shall, whenever it is brought to his knowledge 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 and report the same to the City Mayor;
- He shall investigate all charges of crimes, misdemeanors, and violations of laws and city ordinances and prepare the necessary informations or make the necessary complaints against the persons accused. He may conduct such investigations by taking oral evidence of witnesses and for this purpose may, by subpoena or subpoena duces tecum, summon witnesses to appear and testify under oath before him, or to produce documents and other evidence before him, and the attendance of, or the production of documents and other evidence by, an absent or recalcitrant witness may be enforced by application to the city court or the Court of First Instance;
- He shall have charge of the prosecution of all crimes, misdemeanors and violations of laws and city ordinances

triable in the Court of First Instance and the city court, and shall discharge all the duties in respect to criminal prosecutions enjoined by law upon provincial fiscals;

- He shall cause to be investigated the causes of sudden deaths which have not been satisfactorily explained and when there is suspicion that the cause 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 purpose of such investigations or autopsies the assistance of the city health officer; and
- He shall at all times render such professional services as the City Mayor or City Council may require, and shall have such powers and perform such duties as may be prescribed by law or ordinance.

SEC. 22. The City Health Officer, his powers and duties.—The city health officer shall have the following general powers and duties:

- He shall have general supervision over the health and sanitary conditions of the City, including the cleaning of crematories, cemeteries, stockyards, slaughterhouses, and markets;
- 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 keep a civil register for the City and shall record therein all births, marriages, and deaths with their respective dates; and
- 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.

SEC. 23. The Chief of Police, his powers and duties.—The chief of police shall have charge of the police and fire force of the City. He shall have the following powers and duties:

- He may issue supplementary regulations not incompatible with law, ordinance or general regulations in accordance with law, for the governance of the city police, detective force and the fire force;
- He shall quell riots, disorders, disturbances of the peace, and shall arrest and prosecute violators of any law or ordinance; shall exercise 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 whenever found within the jurisdiction of the City, and shall arrest when necessary to prevent the escape of the offenders violators of any law 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 may take good, sufficient bail for the appearance before the judge of the city court of any person arrested for violation of any city ordinance;
- 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 have charge of the fire-engine houses, fire engines, hose trucks, hooks and ladders, 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 City 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 ordinances relating thereto;
- He shall have charge of the city fire-alarm service;
- He shall 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 police and fire force;
- He shall supervise the manufacture, storage, and use of petroleum, gas, acetylene, gunpowder, and other highly combustible matter and explosive; and
- He shall have such other powers and perform such other duties as may be prescribed by law or ordinance.

SEC. 24. Peace Officers, their powers and duties.—The City Mayor, the chief of police, 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 herein before 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, any crime, or breach of the peace; to arrest or cause to be arrested, without warrant, any offender when an offense is committed in the presence of a peace officer or within his view; in such pursuit or arrest to enter any building, ship, boat, or vessel or take into custody any person therein suspected of having participated 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. 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 shall have power to swear in special police, in such numbers as the occasion may demand. Such special police shall have the same powers while on duty as members of the regular force.

SEC. 25. Regular, auxiliary and acting judges of city court.—There shall be a city court for which there shall be appointed a city judge and an auxiliary judge. The city judge may, upon proper application, be allowed a vacation of not more than thirty days every year with salary. The auxiliary city judge shall discharge the duties of the city judge in case of absence, incapacity, or inability of the latter until he resumes his post, or until a new judge shall have been appointed. During his incumbency the auxiliary city judge shall enjoy the powers, emoluments and privileges of the city judge who shall not receive any remuneration therefor except the salary to which he is entitled by reason of his vacation provided for in this Charter.

In case of absence, incapacity or inability, of both the city judge and the auxiliary city judge, the Secretary of justice shall designate the municipal judge of any of the adjoining municipalities to preside over the city court,

and he shall hold the office temporarily until the regular incumbent or the auxiliary judge thereof shall have resumed office or until another judge shall have been appointed in accordance with the provisions of this Charter. The municipal judge of such adjoining municipality so designated shall receive his salary as such municipal judge plus seventy percent of the salary of the city judge whose office he has temporarily assumed.

SEC. 26. Clerk and employees of the city court.—There shall be a clerk of the city court who shall be appointed by the city judge in accordance with the civil service law, rules and regulations, and who shall receive the compensation in accordance with existing laws. He shall keep the seal of the court 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 arrest, the appearance of defendant, together with the fines and costs adjudged or collected in accordance with the judgment. He shall have the power to administer oath.

The clerk of the city court shall at the same time be sheriff of the city and shall as such have the same powers and duties conferred by existing law upon sheriffs. The City Council may provide for such number of clerks to be appointed by the city judge in the office of the clerk of the city court as the needs of the service may demand.

SEC. 27. Jurisdiction of the city court.—The city court shall have like jurisdiction in civil and criminal cases and the same incidental powers as are conferred by law upon city courts of chartered cities.

SEC. 28. 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 proceeding's 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 in so far as the same may be applicable.

SEC. 29. Costs, fees, fines and forfeitures in 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 city 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 amounts receipted for by the city treasurer and satisfy himself that all such costs, fees, fines, and forfeitures have been duly accounted for.

SEC. 30. No person sentenced by the city court to be confined without commitment.—No person shall be confined in prison by sentence of the city court until the warden or officer incharge 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 a commitment in each case of sentence to imprisonment.

SEC. 31. Procedure on appeal from city court to Court of First Instance.—An appeal shall lie to the Court of First Instance in all cases where fine or imprisonment, or both, is imposed by the city court. The party desiring to appeal shall, before six o'clock post meridian of the fifteenth day after the promulgation and entry of the judgment by the city court, file a statement of appeal with the clerk of the Court of First Instance. The filing of such statement shall perfect the appeal. The judge of the court from whose decision appeal is taken, shall, within five

days after the appeal is taken, transmit to the clerk of the Court of First Instance a certified copy of the record of proceedings and all the original papers and processes in the case. A perfected appeal shall operate to vacate the judgment of the city court, and the action, when duly entered in the Court of First Instance, shall stand for trial de novo upon its merits as though the same had never been tried. Pending an appeal, the defendant shall remain in custody unless sufficient bail, in accordance with existing provisions of law has been filed and perfected.

Appeals in civil cases shall be governed by the ordinary procedure established by law.

SEC. 32. Allotment of internal revenue and other taxes.—Of the internal revenue accruing to the National Treasury under Chapter 11, Title XII of Commonwealth Act Numbered Four hundred and 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 of Palayan shall receive a share equal to what it would receive if it were a regularly organized province.

CITY BUDGET

SEC. 33. Annual budget.—At least four months before the beginning of each fiscal year the city treasurer shall present to the City Mayor a certified detailed 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 statements of heads of city offices as required by Section thirteen of this Chapter, the City 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: Provided, further, That not more than sixty per cent of the expected revenue of the City for any fiscal year shall be appropriated for the payment of salaries and wages of officials and employees of the city government for the said fiscal year.

SEC. 34. Supplemental Budget.—Supplemental budget formulated in the same manner as provided in the preceding section may be adopted when special or unforeseen circumstances make such action necessary.

SEC. 35. 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 previous fiscal year, the appropriation ordinance for such previous year shall deemed reenacted and shall go into effect on the first day of the new fiscal year as the appropriation ordinance for that year, and such appropriation ordinance shall be deemed reenacted from year to year, and shall be renewed and go into effect on the first day of each fiscal year, as the appropriation ordinance is duly enacted.

BUREAUS PERFORMING DUTIES

SEC. 36. General Auditing Office, city auditor.—The city auditor under the supervision of 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 provincial auditor of the Province of Nueva Ecija shall act as ex officio city auditor of the City of Palayan with an additional compensation of four hundred eighty pesos per annum, payable from the funds of the City.

SEC. 37. The Register of Deeds of the Province of Nueva Ecija as city register of deeds.—The register of deeds of the Province of Nueva Ecija shall act as ex officio city register of deeds of the City of Palayan with an additional

compensation of four hundred eighty pesos per annum, payable from the funds of the City.

SEC. 38. The Bureau of Supply Coordination.—The purchasing agent shall purchase and supply equipment, materials, and property of every kind, except real estate for the use of the City and its offices. But contracts for completed work of any kind for the use of the City, or any of its departments or offices, involving both labor and materials, where the materials are furnished by the contractors, shall not be deemed to be within the purview of this section.

SEC. 39. The Bureau of Public Schools.—The Director of the Bureau of Public Schools shall exercise the same jurisdiction and powers in the City as elsewhere in the Philippines and the division superintendent of schools for the Province of Nueva Ecija shall have all the powers and duties with respect to the schools of the City as are vested in division superintendents with respect to schools of their divisions.

The City Council shall have the same powers with respect to the establishment of school as are conferred by law on municipal councils.

SEC. 40. Reports to the City Mayor concerning schools; construction and custody of school buildings.—The division superintendent of schools shall make a quarterly report of the condition of the schools and school buildings of the City of Palayan to the City Mayor, and such recommendations as seem to him wise with respect to the number of teachers, their salaries, new buildings to be erected and all other similar matters, together with the amount of City revenues which should be expended in paying teachers and improving the school buildings of the City.

MISCELLANEOUS AND FINAL PROVISIONS

SEC. 41. Capitol and seat of government of the Province of Nueva Ecija.—The City of Palayan shall be the capital and seat of government of the Province of Nueva Ecija.

SEC. 42. Representative district.—For election purposes, the City of Palayan shall continue to be part of the province and the Second Representative District of Nueva Ecija. The qualified voters of the said City shall be qualified to vote in the election of elective officials of the said province.

SEC. 43. Appropriation.—There is hereby appropriated out of any funds in the National Treasury not otherwise appropriated, the sum of one million pesos which shall be expended by the Provincial Board of Nueva Ecija for the survey and delimitation of the lands to be comprised within the said territory of the City of Palayan, for the purchase or expropriation of private lands within the said territory, for the construction of the necessary buildings for housing the offices of the government of the City and for the payment of the expenses to be incurred in connection with the operation for the first year of the government of said City.

SEC. 44. Date of effectivity.—The provisions of this Act which refer to the survey and delimitation of the territory of the City of Palayan, to the purchase or expropriation of the lands comprised in the said territory, to the appropriation for the said purposes and to the construction of the necessary buildings for housing the offices of the government of the City, shall take effect upon the approval of this Act. All the other provisions of said Act shall take effect on the date of the inauguration of the City which shall be fixed by the President of the Philippines.

Approved, June 19, 1965.

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