

AN ACT TO CREATE THE CITY OF DANSALAN.

Commonwealth Act No. 592, August 19, 1940

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Be it enacted by the National Assembly of the Philippines:

SECTION 1. Title. - This Act shall be known as the Charter of the City of Dansalan.

SEC. 2. Powers. - The territory within the boundaries described in the next succeeding section and the inhabitants thereof, shall be a ci ty which shall be known as the City of Dansalan; and by that name it shall have perpetual succession; have and use a common seal and alter the same 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 cofered.

SEC. 3. Boundaries. - The boundaries and limits of the territory of said city shall be those of the presoit municipality of Dansalan, Province of Lanao.

SEC. 4. Appointment of city officials - Compensation. - The President of the Philippines shall appoint, with the consent of the Commission on Appointments of the National Assembly, the mayor, the vice-mayor, the city secretary, the members of the City Council, the city health officer, the city engineer, the chief of police, the city treasurer, the city assessor, and the city attorney, and he may remove at pleasure any of then. He may appoint to any of the above named offices persons already holding official positions. Incase of sickness, absence, or inability to serve for any reason of any of the aforementioned officials, the President of the Philippines may make a temporary appointment or designation until the return to duty of such official. During the period of such temporary appointment or designation, the person so appointed or desigiated shall possess all the powers and perform ail the dities pertaining to the office.

The mayor shall receive a compensation of not more than three thousand six hundred pesos per annum. A discretionary fund of not exceeding one thousand pesos shall be placed at his disposal by the City Council. The city secretary shall receive a compensation of not exceeding one thousand eight hundred pesos per annum, and the justice of the peace, not exceeding three thousand pesos per annum. The members of the City Council, including die vice-mayor, shall receive a per diem of ten pesos for each day of attendance at the session of the City Council.

The compensation of other officers and employees of the city shall be determined by ordinaace approved by the Secretary of the Interior.

The President of the Philippines is authorized to organize immediately the government of the city, and to that end he may play aid advance from any fund of the Treasury of the Philippines not otherwise appropriated such amount as may be necessary, not exceeding the sum of two hundred thousand pesos.

SEC. 5. Officers not to engage in certain transactions. - No city officer or employee shall directly or indirectly be interested in any city contract work, or in any business transaction with the city hereby money is to be paid directly or indirectly out of the revenues of the city to such person, or in any games and amusements licensed by the city or in any business of the city, or in the purchase of any real estate or any other property belonging to the

city.

SEC. 6. City not liable for damages. - The failure of any city officer to enforce the provisions of this Act or any law or ordinance, or the negligence of said officer while enforcing or attempting to enforce the same, shall not cause the city to be held liable for damages or injuries to persons or property.

SEC. 7. Additional powers and duties of officers. - Every city officer shall have such other powers and duties as may be prescribed by law or ordinance.

SEC. 8. Conduct of elections. - The duties which are by the Election Code made incumbent upon provincial boards and municipal councils shall be performed by the City Council; and those upon provincial treasurers and municipal secretaries, by the city secretary.

SEC. 9. The Mayor. - There shall be a Mayor who shall be a member of the City Council, and who shall have the following general powers and duties:

- He shall take care that the laws of the Philippines, the provisions of this Act, and the ordinances and resolutions of the city are duly observed and enforced within the jurisdiction of the city.
- He shall see that all other officers of the city faithfully discharge their respective duties, and to that end may cause to be instituted any appropriate criminal action, or take proceedings to bring to the attention of the proper superior officer the derelictions of the city official.
- He shall give to the City Council from time to time such information and recommend such measures as he shall deem advantageous to the city.
- He shall preside at all meetings of the City Council; shall have the right to vote on all ordinances or other matters coming before the Council, shall sign the secretary's record of the proceedings of each meeting at the same meeting at which same is approved by the Council, and shall sign all ordinances and resolutions.
- He shall have power to examine and inspect the books, records and papers of all officers, agents or employees of the city.
- He shall sign all warrants drawn on the city treasurer and all bonds, contracts, and obligations of the city.
- He shall appoint, in accordance with the City Service Law, all employees of the office of the Mayor, and all heads and assistant heads of departments of the city which may be provided for by law or by ordinance; and, at any time, for cause, he may suspend any such officer or employee thus appointed for a period not exceeding ten days, which suspension may continue for a longer period if approved by the Department Head; and, by and with the consent of the Department Head, may discharge any such officer or employee.
- He shall cause to be instituted judicial proceedings to recover property and funds of the city wherever found or otherwise to protect its interests, and shall cause to be defended all suits against the same.
- He shall, on or before the first day of December of each year, prepare and present to the Department Head and the City Council, in itemized form and in detail: (1) an inventory of lands, buildings, and other property, real and personal, belonging to the city, including cash in the treasury; (2) a statement of the liabilities of the city; (3) an estimate of the revenues of the city from all sources for the ensuing year, with a statement opposite each item of the amount realized from such sources during the current year; (4) an estimate of the ordinary expenses for the ensuing year, with a statement opposite each item of the corresponding expenses during the current year; (5) an estimate of such extraordinary expenditures as may be necessary for purpose, the approximate total expenditures recommended, the amount which the city is expected to spend during the ensuing year, also an itemized statement of the extraordinary expenditures during the current year.
- He shall, as soon as practicable after the first day of January of each year, prepare and present to the

Department Head an annual report covering the operations of the city government during the preceding year.

SEC. 10. The Vice-Mayor. - There shall be a vice-mayor who shall be a member of the City Council, and who shall, during the absence of the Mayor from the city or his disability for any reason, discharge the duties of his office and exercise all his powers, except that of removing any officer from office.

SEC. 11. The City Council - Meetings - Ordinances. - There shall be a city Council composed of the Mayor, vice mayor, and three other members. The council shall fix the time and places for its regular meetings, which shall be held once in each week, and shall hold special meetings when called by the Mayor. Any meeting, regular or special, may, in case the amount of business shall require, be adjourned from day to day until the business is completed, but such meetings shall not be held more than once a week, unless so authorized by the Department Head. The meeting of the Council shall be opened to the public, unless otherwise ordered by affirmative vote of a majority of its members. It shall keep a record of its proceedings and determine its rules of procedure not herein set forth. A majority of the Council shall constitute a quorum for the transaction of business but smaller number may adjourn from time to time. 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 motion or resolution. The affirmative vote of a majority of all the members of the City Council shall be necessary for the passage of any ordinance, resolution, or motion directing the payment of money or creating liability. Each ordinance shall be sealed with the city seal, signed by the Mayor and the city secretary, and recorded in a book kept for that purpose. Each ordinance shall, on the day after its passage, be posted by the city secretary at the main entrance of the municipal building, and shall take effect and be in force on and after the tenth day following its passage, if no date is fixed in ordinance.

SEC. 12. The City Council - Powers. - The City Council shall have power by ordinance or resolution:

- To make all appropriations for the expenses of the government of the city, and establish and fix the salaries of the city officers and employees, except teachers in the public schools, subject to approval by the Department Head.
- To provide for the levy and collection of taxes and other city revenues, as provided by law, and apply the same to the payment of city expenses in accordance with appropriations.
- To issue licenses fixing the amount of the license fee for the following: hawkers, peddlers, hucksters, not including hucksters or peddlers who sell only native vegetables, fruits or foods, personally carried by the huckster or peddler, auctioners, plumbers, barbers, embalmers, collecting agencies, mercantile agencies, transportation companies and agencies, advertising agents, tattooers, hotels, clubs, restaurants, lodging houses, boarding houses, livery stables, boarding stables, laundries, cleaning and dyeing establishments, establishments for the storage of highly combustible or explosive materials, public warehouses, dance halls, circus, and all other performances and places of amusement, public vehicles, horse races, bowling alleys, pawnbrokers, dealers in second-hand merchandise, junk dealers, billiard tables, theaters, theatrical performances, and all other performances and places of amusement, shooting galleries, slot machines not used for gaming, and merry-go-rounds; to license, regulate, or prohibit the selling, giving away, or disposing in any manner of any intoxicating, spirituous, vinous, or fermented liquors, and determine the amount to be paid for such licenses; to regulate and license signs, signboards, and billboards displayed or maintained in any place exposed to public view, except those displayed at the place or places where the professions or business advertised thereby is in whole or in part conducted.

If after due investigation, the Mayor shall decide that any person licensed under the provisions of this subsection is abusing his license and privilege to the injury of the public morals or peace or that any place so licensed has been or is conducted in a disorderly or unlawful manner, or is a nuisance, or is permitted to be used as a resort for disorderly characters, criminals, or women of ill repute, he may, by order, summarily

revoke such license, subject to appeal to the Department Head, whose action on the appeal shall be final. Such revocation shall operate to forfeit to the city all aims which may have been paid for said license and to prohibit the issuance to the person whose license is so revoked of any other license for a term which may be fixed in said order.

- To make regulations for the conducting of the business of the persons and places named in subsection (c) of this section. To regulate the business and fix the locations of blacksmith shops, foundries, steam boilers, steam engines, lumber yards, sawmills, and other establishments likely to endanger the public safety by giving rise to conflagrations or explosions; to regulate the storage and sale of gunpowders, 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.

- To regulate the use of the streets and public places by vehicles; to regulate garages and stables and the keeping of carriages, carts, and other conveyances for hire; and to designate stands to be occupied by public vehicles when not in use.

- To provide for the erection or rental and care of buildings necessary for the use of the city.

- To establish and maintain public schools, subject to the limitations of law.

- To establish fire limits and regulate the kinds of buildings and structures that may be erected within said limits, and the manner of constructing and repairing the same

- To erect engine houses, and provide fire engines, hose carts, hooks and ladders, and other equipment for the prevention and extinguishment of fires, and to provide for the management and use of the same. Until further provisions are made, the law providing for fire protection in municipalities having no paid fire department, shall apply to the city.

- To regulate the use of limits in stables, shops, and other buildings and places, and to regulate or restrain the building of bonfires and the use of firecrackers, fireworks, torpedoes, and pyrotechnic displays.

- To make suitable provisions to insure the public safety from conflagrations and the effects of storms and other public calamities, and to provide relief for persons suffering from the same.

- To provide for laying out, opening, extending, widening, straightening, closing up, constructing, or regulating, in part, any public plaza, square, street, sidewalk, trail, park, waterworks, or water mains, or any cemetery, sewer, sewer connection or connections, either on, in, or upon public or private property; to provide for ascertaining whether any, and what amount in value of, damage will be caused, or benefit will accrue to the owner or possessor of any land, premises, or improvements, whether public or private, by reason of any such work and for which the owner or possessor should be compensated, or should pay compensation, and provide for assessing, levying, and collecting, either generally on the whole assessable property within the city, especially on the property benefited, or on all the property within any stated area or district within the bounds of said city which it may create and establish for any such purpose, the whole, or any part of the amount of damages and expenses which, as so ascertained, will be incurred in and about any such work or construction as afore-said within the bounds of said city; to provide for the payment of such compensation as may be found to be due to any person or persons entitled thereto; to provide, when the owners or possessors of such lands, premises or improvements shall not properly and fully pay to such officials and at such time or times and manner as it shall fix therefor any amount or amounts which may be found and declared to be due as aid for such assessments as aforesaid, for filing in the proper and appropriate registers or records of property declarations of such amounts so found due, which amounts shall, in such and all cases and upon and after such filings be and become liens upon and against such lands, premises, or improvements; that said liens shall have and take precedence over all other liens of every kind and nature whatsoever whether antecedent or subsequent in point of time, save and except annual or other regular tax liens; and that said liens shall be enforced and

collected by the same officials, in the same manner and under the same penalties as to time and interest as annual or other regular tax liens, and shall, when so paid or collected, be paid and credited to the appropriate assessment fund, whether general or special, and be disbursed therefrom in such and no other manner as shall be provided in the ordinance creating such assessment and fund; to carry into effect by ordinance the powers hereinbefore granted in this subsection, but no ordinance shall provide for more than one project of any of the kinds named herein, nor create more than one district, assessment, and fund necessary and appropriate therefor, and in each and every such ordinance, provision shall be made for notice to any such all persons interested giving them and each of them not less than two weeks from and after the date of depositing a notice in the post office at the city in a securely sealed post-paid wrapper addressed to each person affected thereby and assessed thereunder at his last known place of residence, or at the city if no place of residence is known, or to an agent who may be or may have been appointed by such person in writing, in which to appear and file objection either to the work itself, the method or manner of assessment, the time or times and method of payment therefor, or to all thereof, and such other and further objection or objections as may seem to any such person or persons reasonable and proper in the premises; such notice shall set forth the nature of the proposed improvement, the estimated cost thereof, the total amount of the assessment to be levied therefor, and the amount to be levied upon each parcel of the property or possession of the addressee; any and every such appearance and objection shall be made and heard only before the City Council, which may, at any such hearing, alter, modify, or increase the area of such district, the total assessment thereof, or any individual area of assessment objected herein, and shall decide any and every such objection within ten days after the filing thereof and give notice of such decision to the person or persons interested in the manner hereinbefore provided for notice of such assessment within five days thereafter. And all assessments levied by virtue of this subsection shall be levied only upon the basis of the value of the land benefited and not upon improvements thereon, and all valuations of any and all lands and premises made under the provisions hereof and for the purposes herein stated shall be the valuations thereof, last regularly made for the purposes of annual taxation.

- To provide for the lighting, cleaning, and sprinkling of streets and public places; to prevent and remove encroachments and obstructions upon the same; to regulate or prevent the use of the same for processions, signs, sign posts, awnings, and awning posts; to prohibit the throwing or depositing of offal, garbage, refuse, or other offensive matter in the same, and to provide for its collection and disposition; to replate the openings therein for the laying of gas, water sewer, and other pipes therein, the building and repair of tunnels, sewers, and drains, and all structures therein and thereunder, and the erecting of poles and stringing wires therein; to provide for and regulate crosswalks, curbs, and gutters therein; to name and change the names of the same and provide for and regulate the numbering of houses and lots fronting thereon; to construct, maintain, and regulate the use of bridges, viaducts and culverts; to prevent and regulate amusements having a tendency to annoy persons using the streets or public places, or to frighten horses and other animals; and to regulate the speed of horses and other animals, vehicles, and locomotives within the limits of the city.

- To provide for the inspection of all gas, electric and telephone wires, conduits, meters and other apparatus, and the condemnation and correction or removal of the same when dangerous or defective.

- To maintain waterworks for the purposes of supplying water to the inhabitants of the city, to purify the source of supply, to regulate the control and use of the water, and to fix and collect rents therefor; to regulate the construction, repair and use of hydrants, pumps, cisterns, and reservoirs, and to prevent the waste of water; and for the purpose of protecting and insuring the purity and quantity of the water supply of the city, to extend its ordinance over all territories within the drainage area of such water supply, and within one hundred meters of any reservoir, conduit, canal, aqueduct, pumping station, or watershed used in connection with the water service.

- To establish and maintain a city pound and fix the fees for poundage; regulate, restrict, or prohibit the running at large of domestic animals and dogs unlicensed, and provide for the distraining, impounding, and killing or sale of the same for the penalty incurred and the cost of the proceedings; also impose penalties upon

the owners of said animals for the violation of any ordinance in relation thereto. But carabaos, horses, mules, asses, and all members of the bovine family shall be disposed of in accordance with general law.

- To regulate the keeping and use of animals, in so far as the same affects the public health and the health of domestic animals.

- To require any land or building which is in an insanitary condition to be cleaned at the expense of the owner or tenant, and, upon failure to comply with such an order, have the work done, and assess the expense upon the land or building.

- To fill up or require to be filled up to a grade necessary for proper sanitation and all lands and premises which may be declared and duly reported by the Bureau of Health as being insanitary by reason of being below such grade or which, in the opinion of the Council, the public health or welfare may require.

- To construct and keep in repair public drains, sewers, and cesspools, and regulate the construction and use of private water-closets, privies, sewers, drains, and cesspools.

- To prohibit the burial of the dead within the center of population of the city and provide for their burial in such proper place and in such manner as the Council may determine, subject to the provisions of the general law regulating burial grounds and cemeteries and governing funerals and the disposal of the dead.

- To establish or authorize the establishment of slaughterhouses and markets and inspect and regulate the use of the same; to provide for and regulate the keeping, preparation, and sale of meat, fruits, poultry, milk, fish, vegetables, and all other provisions or articles of food offered for sale.

- To enforce the regulations of the Bureau of Health, and by ordinance to provide fines and penalties for violations of such regulations; and to adopt such other measures to prevent the introduction and spread of disease as may, from time to time, be deemed desirable or necessary.

- To declare, prevent, and abate nuisances.

- To provide for the recording of births, marriages, and deaths.

- To establish, maintain, and regulate a police force and prescribe the powers and duties of its members.

(aa) To establish, maintain, and regulate a city prison.

(bb) To prohibit and provide for the punishment of cruelty to animals.

(cc) To suppress gambling houses, houses of ill fame and other disorderly houses; and to prohibit the printing, sale, or exhibition of immoral pictures, books, or publications of any description.

(dd) To prevent and suppress riots, affrays, disturbances, and disorderly assemblies; to punish and prevent intoxication, fighting, quarreling, and all disorderly conduct; and to make and enforce all necessary police ordinances, with the view to the confinement and reformation of vagrants, disorderly persons, mendicants and prostitutes, and persons convicted of violating any city ordinance.

(ee) To establish, regulate, and maintain city departments, and prescribe the powers and duties thereof and readjust the same.

(ff) To construct, erect, and establish a public light, heat and power supply and installation system, and to that end to purchase, expropriate, or otherwise acquire all lands which may be necessary, and to build, erect, and construct any and all buildings, stations, and other structures, and to purchase any or all such machinery, poles, wires, wagons, trucks, or other vehicles, supplies, and equipment as may now or hereafter be necessary to the successful operation of such system, as may be provided by law.

(gg) To maintain and operate any electric light, heat or power supply and installation system, however acquired; to keep the same in repair ; to alter, increase, extend, improve, enlarge or modify the same or any part thereof; to replace worn or useless parts, machinery, poles, airmails, vehicles, trucks, wires, and other equipment; and to operate, control, and manage the same.

(hh) For any and all the purposes contemplated in the last two preceding subsections, to enter, if necessary, into contracts for partial or deferred payment; to appoint and employ such officers, clerks, employees, and laborers as may be necessary; and to appropriate funds of the city for all the purposes aforesaid.

(ii) To alter into contract with, and to supply electric light, heat, current and other services to residents, merchants, businessmen, and manufacturers in and about the city at rates and for prices not less than sufficient properly to maintain and operate any such plant or system and to pay for depreciations in the same and for renewals and replacements of any and all parts thereof and for all extensions, improvements, enlargements, alterations, or changes thereof and therein.

(jj) To enter into contract of lease and to rent or lease any electric light, heat or power supply or installation system whether erected, constructed, and established by the City Council, or acquired by it through purchase, grant, or conveyance or in any other manner, to any person or persons, or to any corporation, for proper and sufficient consideration subject to the right of supervision and control by the City Council over the operation of such system and over the amount of heat, light, power and current delivered, and the character of other services rendered and of the rates and amounts charged therefor.

(kk) To fix penalties for violation of ordinances, but no single penalty shall exceed a fine of two hundred pesos or imprisonment for six months, or both, but imprisonment shall be imposed in lieu of unpaid fines at the rate of one day's imprisonment for each peso of the fine. Persons undergoing imprisonment for violation of ordinances may be required to labor for the period of imprisonment upon public works of the city in such manner as may be directed by the City Council. Whenever a person is imprisoned for nonpayment of a fine he shall be released upon payment of such fine, less the peso per day for each day that he has been confined. Pending appeal the defendant shall remain in custody unless released upon sufficient bail, in accordance with the general provisions of law, to await the judgment of the appellate court.

(ll) To make such further ordinances and regulations not repugnant to law as may be necessary to carry into effect and discharge the powers and duties conferred by this Act and such as it shall deem necessary and proper to provide for the health and safety, promote the prosperity, improve the morals, peace, good order, comfort, and convenience of the city and the inhabitants thereof, and for the protection of property therein; and enforce obedience thereto with such lawful fines or penalties as the City Council may prescribe under the provisions of subsection (kk) of this section.

SEC. 13. 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 shall decide that any sign, signboard, or billboard displayed or exposed to 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 lawful charge against any person or property liable for the erection or display thereof.

SEC. 14. The city secretary. - There shall be a city secretary who shall have the following general powers and duties:

- He shall act as secretary of the City Council, the board of tax appeals, and such other boards or committees as may hereafter be created, and shall keep a journal of their proceedings.
- He shall record in a book kept for the purpose all ordinances passed by the City Council, with the dates of

passage and publication of the same.

- He shall keep the corporate seal and affix the same with his signature to all ordinances and other official acts of the Mayor or Council.
- He shall cause each ordinance passed to be posted as herein provided.
- He shall have charge of all records and documents of the city for which provision is not otherwise made and shall, on demand, furnish certified copies of all records and documents, and collect and receive therefor such fees as the Council may prescribe, for the use of the city.
- He shall perform such other duties as the Mayor or Council may direct.

SEC. 15. The city health officer. - There shall be a city health officer who shall have the following general powers and duties:

- He shall have general supervision over the health and sanitary condition of the city.
- 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 ordinances as he may deem necessary for the preservation of the public health.
- He shall cause to be prosecuted all violation 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 of the Philippine Army as shall be designated as sanitary police by the chief of police or proper army officer aid by such sanitary inspectors as may be authorized by law.
- He shall perform such other duties, not repugnant to law, with reference to the health and sanitation of the city as the Director of Health shall direct.

SEC. 16. The city engineer. - There shall be a city engineer who shall be under the supervision and control of the Director of Public Works and shall have the following general powers and duties:

- He shall have charge of all the surveying and engineering work of the city, and shall perform such services in connection with public improvements or any work entered upon or projected by the city, 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 adjoining on the same, whenever directed by the Director of Public Works; 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; shall inspect and report upon the condition of public property and public works whenever required by the Mayor; shall have the care and custody of all public buildings, including markets and slaughterhouses, and of any system established for lighting the streets, public places, and public buildings; shall prevent the encroachment of private buildings and fences on the streets and public places of the city; shall inspect and supervise the construction, repair, removal, and safety of private buildings; shall regulate and enforce the numbering of houses in accordance with the ordinances of the city; shall have the care of all public streets, parks, cemeteries, and bridges; shall maintain, clean, sprinkle, and regulate the use of the same for all purposes as provided by ordinance; shall collect and dispose of all garbage, refuse, the contents of closets and cesspools, and all other offensive and dangerous substances within the city in accordance with ordinance; shall prepare plans and have charge of the construction of any sewer and water supply system of the city hereafter authorized; shall have the care and custody of any such public system of water works and sewers, and all sources of water supply, and shall control, maintain, and regulate the use of the same in accordance with the

ordinances relating thereto; shall inspect and regulate, subject to the approval of the Mayor, the use of all private systems for supplying water to the city and its inhabitants, and all private sewers and their connection with the public sewer system; and shall prepare plans, maps, specifications, and estimates for buildings, streets, bridges, and other public works, and supervise the construction and repair of the same. But no construction involving public buildings, laying out of streets or parks, or change of existing buildings, streets, or parks shall be begun without first having obtained plans therefor approved by the Director of Public Works, and it shall be the duty of the Director of Public Works to advise the Mayor, the Council, and the city engineer on all matters pertaining to the architectural features of construction, repair or alterations of a material nature of public buildings and monuments of a permanent character, or any construction involving a modification of the development plans, including the laying out or alteration of public streets and parks, and, upon request, to prepare plans, specifications, estimates, and other information for public buildings or works of a permanent character for the city.

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

- He shall have power, subject to the approval of the Mayor, to cause buildings dangerous to the public to be made secure or torn down, and shall supervise and regulate the locations and use of engines, boilers, forges, and other manufacturing and heating appliances in accordance with the law and ordinances relating thereto.

SEC. 17. Contracts. - All repair or construction of any work or public improvement, except roads or trail, involving an estimated cost of three thousand pesos or more, shall be awarded by the city engineer to the lowest responsible bidder after publication extending over a period of at least ten days.

Publication in such case shall be effected by advertisement in the Official Gazette, and by posting notice at the main entrance of the municipal building of the city.

A plan or profile of the work to be done, accompanied by specifications for the performance of the same, shall, before advertisement, be placed on file in the offices of the city engineer and of the Director of Public Works in the City of Manila, which plan, profile, and specifications shall, at all times, be opened for public inspection. Each bid shall be accompanied by a deposit, the amount and character of which shall be fixed by the city engineer and named in the advertisement. Such deposit shall be forfeited to the city if the bidder shall neglect or refuse to enter into a contract, with approved sureties, to execute the work for the price mentioned in his bid and according to the plans and specifications, in case the contract shall be awarded to him. Bonds, to be approved by the city engineer, shall be required for the faithful performance of the contracts. The city engineer, may, in his discretion, reject any and all bids, and, if such bids are too high, may purchase the materials, hire the laborers, and supervise the work. In the repair or construction of city roads, work may be done by day labor and there need be no advertising or bidding.

Public works of all kinds costing less than three thousand pesos may be undertaken either by day labor or by contract, and may be let without advertisement under such rules as may be prescribed by the city engineer. Such contracts may be signed, on written order of the Mayor, by the city engineer.

SEC. 18. Purchases for city. - The Purchasing Agent, shall purchase all supplies, equipment, material and property of every kind, except real estate, for the use of the city or any department or office thereof, and shall supply the same to the city or any department, or office thereof in accordance with law: Provided, That the city shall make its purchases without the intervention of the Purchasing Agent when the needed supplies are obtainable at reasonable prices in the locality or neighboring places. But contracts for complete work of any kind for the use of the city, or any department or office thereof, involving both labor and materials, where the materials are furnished by the contractor and not by the city, shall not be deemed to be within the provisions of this section.

SEC. 19. The city attorney. - There shall be a city attorney who shall be the chief legal adviser of the city, and who shall have the following general powers and duties:

- He shall represent the city in all civil cases where in the city or any officer thereof, in his official capacity, is a party.
- He shall, when required, draw ordinances, contracts, bonds, lease, 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 of the Council upon any question relating to the city or the rights or duties of any city officer.
- He shall, wherever 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 investigate the same and report to the Mayor.
- He shall have charge of the presecution of all crimes and misdemeanors and violations of city ordinances.
- He shall investigate all charges or crimes, misdemeanors, and violations of city ordinances and prepare the necessary informations or make the necessary complaints against the person 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 by taking oral evidence or reputable witnesses, and for this purpose may, by subpoena, summon witnesses to appear and testify under oath before him, and attendance and evidence of an absent or recalcitrant witness may be enforced by application to the justice of the peace court of the city or the Court of First Instance of Province of Lanao.
- He shall cause to be investigated the causes of sudden deaths which have not been satisfactorily explained and when there is suspicion that the causes arose from unlawfiil acts or omissions of other persons or from foul play, for that purpose he may cause autopsies to be made in case they are 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. 20. The justice of the peace court. - There shall be a justice of die peace and an auxiliary justice of the peace for the city, who shall have the powers, duties and jurisdiction that generally belong to justices of the peace and auxiliary justices of the peace; and in addition thereto, territorial jurisdiction over the entire police zone of the city. Any other officer authorized by law to act as justice of the peace in the city shall have like and concurrent jurisdiction with the justice of the peace authorized by this section or by any other officer authorized by law to act as justice of the peace within the city, shall accrue to the benefit of the treasury thereof.

SEC. 21. The chief of police. - There shall be a chief of police who shall have the following general powers and duties:

- He shall have charge, of the organization, government, discipline, and disposition of the city police and detective fcrce.
- 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 jurisdic tion 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 without warrant, when necessary to prevent the escape of the offender, 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 safe-keeping 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 and sufficient bail for the appearance before the justice of the peace 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; shall, either in person or by deputy, attend all sessions of the justice of the peace court; and shall promptly and faithfully execute all orders of the Mayor and all writs and processes of the justice of the peace court when placed in his hands for that purpose.

SEC. 22. Peace officers. - The chief of police, all city officers, and all members of the police force and secret service shall be peace officers; and all peace officers created by this Act, or authorized by law or ordinance, are authorized to serve and execute all processes of the justice of the peace court and criminal processes of other courts to whomsoever directed, within the jurisdiction or police limits of the city; and within the same territory they may 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; may 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 may enter any building 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; they shall detain such person only until he can be brought before the proper magistrate; and shall have such other powers and perform such other duties as peace officers 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 violation of law and order, he shall have power to swear in special police, in such numbers as the occasion may demand, who shall have the same powers while on duty as members of the regular force.

SEC. 23. The city treasurer. - There shall be a city treasurer who 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 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 fines, forfeitures, fees, and costs imposed by the justice of the peace court.

- He shall receive and safely keep all moneys arising from the revenues of the city, and shall spend and disburse the same upon lawful warrants.

- He shall perform in the city the duties prescribed by the Internal Revenue Code and section one thousand eight hundred and forty-seven of the Revised Administrative Code for provincial treasurers and their deputies; such further duties prescribed by law for provincial treasurers as are not inconsistent with the provisions of this Act; and the duties prescribed by the Land Registration Act, the laws on mortgages, and other laws for register of deeds.

- He shall, when so directed or designated by the Department Head, perform the duties of the city assessor.

- He shall discharge his duties in accordance with the provisions of laws relating to Government accounts and accounting.

- He shall render his accounts in such manner as the Auditor General may prescribe. 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.

SEC. 24. The city assessor.- There shall be a city assessor who shall have the following general powers and duties:

- He shall annually assess and value for taxation the real estate of the city, and for this purpose is empowered to administer oath authorized to be administered in the assessment or 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 is authorized to summon witnesses, administer oaths to them and subject them to examination concerning the amount of real estate, its ownership, and cash value. 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 same against an unknown owner. In case of doubt or dispute as to ownership of real estate, the taxes shall be levied against the possessor or possessors thereof. Where it shall appear that there are separate owners of the land and the improvements thereon, a separate assessment of the property of each shall be made. If it shall be discovered by the city assessor, or brought to his attention that any taxable real estate in the city has escaped listing, it shall be his duty at once to list and value the same and it shall be the duty of the city treasurer forthwith to charge against the owner thereof the taxes due for the current year and for all other years since the original assessment, and the taxes thus assessed shall be legal and collectible, and penalties shall be added to the back taxes as if they were assessed at the time when they should have been assessed.

- He shall complete the listing and valuation of all real estate situated within the city on or before the thirty-first day of December of each year, and when completed shall authenticate the same by signing the following certificate at the foot of the list;

"I hereby certify that the foregoing list contains a true statement of the piece or pieces of taxable real estate belonging to each person named in the list, and its true cash value, and that no real estate taxable by law in the City of Dansalan has been omitted from the list, according to the best of my knowledge and belief.

(City Assessor)

- He shall, when the list is completed, inform the public by notice published for seven days in a newspaper of general circulation in the city, if any, and by notice posted for seven days at the main entrance of the municipal building, that the list is on file in his office, and may be examined by any person interested therein, and that upon the date fixed in the notice, which shall not be later than the tenth day of January, the city assessor will be in his office for the purpose of hearing complaints as to the accuracy of the listing of the property and the assessed value thereof. It shall be his duty carefully to preserve and record in his office copies of said notices. On the day fixed in the notice, and for five days thereafter, he shall be present in his office to hear all complaints filed within that period by persons against whom taxes have been assessed as owners of real estate, and he shall make his decision forthwith and enter the same in a well-bound book, to be kept by him for that purpose, said if he shall determine that injustice has been done or errors have been committed he is authorized to amend the list in accordance with his findings.

- He shall attend all meetings of the board of tax 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 list of taxable real estate, the respective assessments thereof and against whom assessed, and such other information as the city treasurer may require for the collection of taxes.

SEC 25. The board of tax appeals. - There shall be a board of tax appeals, which shall be composed of the members of the; City Council, the Mayor to be chairman thereof.

(a) The members of the board of tax appeals shall, before organizing as such, take the following oath before the justice of the peace 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 taxpayer submitted for my decision. So help me God. (In case of affirmation the last four words to be stricken out.)

"Subscribed and sworn to (or affirmed) before me this__day of__, 19__

(Signature and title of officer administering oath)

(b) The board of tax appeals shall meet on the first Monday after the fifteenth day of January of each year and shall hear all appeals duly transmitted to it by the filing of written notice, and shall decide the same forthwith. It shall have authority to cause to be amended the listing and valuation of the property in respect to which any complaint is made on order sided by the board or a majority hereof, and transmit it to the city assessor, who shall amend the tax list in conformity with said order.

SEC. 26. Exemptions from taxation. - The following shall be exempt from taxation.: (a) lands or buildings owned by the United States of America, the Commonwealth of the Philippines, the City of Lanao, the Province of Lanao, and burial grounds, churches, and their adjacent parsonages and convents, and lands or buildings used exclusively for religious, charitable, scientific, or educational purposes, and not for profit, shall be exempt from taxation; but such exemption shall not extend to lands or buildings held for investment, though the income therefrom be devoted to religious, charitable, scientific, or educational purposes; (b) lands or buildings which are the only real property of the owner, and the value of which does not exceed two hundred pesos; (c) machinery, which term shall embrace machines, mechanical contrivances, instruments, 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. 27. Taxes on real estate. - A tax, the rate percent of ad valorem taxation not to exceed ten per centum, to be determined by the City Council, shall be levied annually on or before the second Monday of February on the assessed value of all real estate in the city subject to taxation. All taxes on real estate for any year shall be due and payable annually on the first day of June, and from this date such taxes together with all penalties accruing thereto shall constitute a lien on the property subject to such taxation.

At the option of the taxpayer, the tax for any year may be paid in two installments to be fixed annually by the City Council simultaneously with the rate per centum of ad valorem taxation: Provided, That the time limit for the first and second installments shall be set at not later than the thirtieth day of June and the thirtieth day of October of each year, respectively.

At the expiration of the time for the payment of the real estate tax without penalty, the taxpayer shall be subject, from the first day of delinquency, to the payment of a penalty at the rate of two per centum for each full month of delinquency that has expired, on the amount of the original tax due, until the tax shall have been paid in full or until the property shall have been forfeited to the city as provided in this Act: Provided, That in no case shall the total penalty exceed twenty-four per centum of the original tax due.

SEC. 28. Taxes on real estate - Sale of personal property. - In the event that such tax and penalty shall remain unpaid on or after the first day of October after the tax has become delinquent, the city treasurer shall prepare and

sign a certified copy of the records of his office, showing the persons delinquent in the payment of their taxes and the amounts of tax and penalty respectively due from them.

He shall proceed at once to seize the personal property of each delinquent, and unless redeemed as hereinafter provided, to sell at public auction, either at the main entrance of the municipal building or at the place where such property is seized, as he shall determine, so much of the same as shall satisfy the tax, penalty, and cost of seizure and sale, to the highest bidder for cash, after due advertisement by notice, posted stating the time, place, and cause of sale. The certified copy of the city treasurer's record of delinquents shall be his warrant for: his proceedings, and the purchaser at such sale shall acquire an indefeasible title to the property sold. Within two days after the sale the city treasurer shall make return of his proceedings and spread it upon his records. The surplus resulting from the sale, over and above the tax, penalty, and costs shall be returned to the taxpayer on account of whose delinquency the sale has been made. It shall not be essential to the validity of tax sales of real estate hereunder that the city treasurer shall have attempted to make out of the personal property of the taxpayer the tax due upon his real estate. The remedy provided herein for the collection of taxes upon real estate by levying upon the personal property of the taxpayer shall be deemed to be cumulative only. The owner of the personal property seized may redeem the same from the collecting officer at any time after seizure and before sale by tendering to him the amount of the tax, the penalty, and costs incurred up to the time of tender. The costs to be charged in making such seizure and sale shall only embrace the actual expense of seizure and preservation of the property pending the sale, and no charge shall be imposed for the services of the collecting officer or his deputy.

SEC. 29. Taxes on real estate - Liens - Sale of realty. - Taxes and penalties assessed against realty shall constitute a lien thereon, which lien shall be superior to all other liens, mortgages, or encumbrances of any kind whatsoever; shall be enforceable against the property whether in the possession of the delinquent or any subsequent owner, and only be removed by the payment of the tax and penalty. The lien for the taxes shall attach to the real property from the first day of June of the year in which the taxes are due. In addition to the last-mentioned procedure the city treasurer may, upon the warrant of the certified record required in the last preceding section, on or after the first day of October following the date of delinquency, advertise the real estate of the delinquent for sale, or so much thereof as may be necessary, to satisfy all public taxes upon said property as above, and costs of sale, for a period of thirty days.

The advertisement shall be by posting a notice at the main entrance of the municipal building and in a public and conspicuous place on or adjacent to the real estate, and by publication once a week for three consecutive weeks in a newspaper of general circulation published in the city, if any there be. The advertisement shall contain a statement of the amount of the taxes and penalties so due and the time and place of sale, the name of the taxpayer against whom the taxes are levied, and a short description of the land to be sold. At any time before the day fixed for the sale the taxpayer may discontinue all proceedings by paying the taxes, penalties, and costs to the city treasurer. If he does not do so the sale shall proceed and shall be held either at the main entrance of the municipal building or on the premises to be sold, as the city treasurer may determine. Within five days after the sale the city treasurer shall make return of the proceedings and spread it on his records. The purchaser at the sale shall receive a certificate from the city treasurer from his records, showing the proceedings of the sale, describing the property sold, stating the name of the purchaser, and setting out the exact amount of all public taxes, penalties, and costs. Any surplus remaining after paying all public taxes, penalties, and costs due, shall be paid to the owner of the property.

SEC. 30. Taxes on real estate - Redemption of realty. - Within one year from the date of sale the delinquent taxpayer, or anyone for him, shall have the right of paying to the city treasurer the amount of the public taxes, penalties, and costs together with interest on said purchase price at the rate of fifteen per centum per annum from

the date of purchase to the date of redemption; and such payment shall entitle the person paying to the delivery of the certificate issued to the purchaser and a certificate from the city treasurer that he has thus redeemed the real estate, and the city treasurer shall forthwith pay over to the purchaser the amount by which such land has thus been redeemed and the land thereafter shall be free from the lien of such taxes and penalties.

In case the taxpayer shall not redeem the real estate sold as above provided within one year from the date of sale the city treasurer shall, as grantor, execute a deed in form and effect sufficient under the laws of the Commonwealth to convert to the purchaser so much of the real estate against which the taxes have been assessed as has been sold, free from all liens of any kind whatsoever, and the deed shall succinctly recite all the proceedings upon which the validity of the sale depends.

SEC. 31. Taxes on real estate - Forfeiture of realty. - In case there is no bidder at the public sale of such land who offers a sum sufficient to pay the taxes, penalties, and costs, the city treasurer shall declare the land forfeited to the city, and shall make, within two days thereafter, a return of his proceedings and the forfeiture, which shall be spread upon the records of his office.

Within one year from the date of such forfeiture thus declared the taxpayer, or anyone for him, may redeem said real estate as above provided in cases where the land is sold. But, if the land is not thus redeemed within a year, the forfeiture shall become absolute and the city treasurer, shall execute a deed, similar in form and having the same effect as the deed required to be made by him in case of a sale, conveying the land to the city. The deed shall be recorded, as required by law for other land title and shall be filed with the city secretary, who shall enter it in his record of municipal property.

SEC. 32. Taxes - Legal procedure. - (a) The assessment of a tax shall constitute a lawful indebtedness from the taxpayer to the city which may be enforced by a civil action in any court of competent jurisdiction, and this remedy shall be in addition to all other remedies provided by law.

(b) No court shall entertain any suit assailing the validity of a tax assessed under this Act until the taxpayer shall have paid, under protest, the taxes assessed against him, nor shall any court declare any tax invalid by reason of irregularities or informalities in the proceedings of the officers charged with the assessment or collection of the taxes, or of a failure, to perform their duties within the time specified for their performance, unless which irregularities, informalties, or failures shall have impaired the substantial rights of the taxpayer; nor shall any court declare any tax assessed under the provisions of this Act invalid except upon condition that the taxpayer shall pay the just amount of his taxes determined by the court in the pending proceeding.

(c) No court shall entertain any suit assailing the validity of a tax sale of land under this Act until the taxpayer shall have paid into the court the amount for which the land was sold, together with interest at the rate of fifteen per centum per annum upon that sum from the date of sale to the time of instituting suit. The money so paid into court shall belong and shall be delivered to the purchaser at the tax sale if the deed is declared invalid, and shall be returned to the depositor, should he fail in his action.

(d) No court shall declare any such sale invalid by reason of any irregularities or informalities in the proceedings of the officer charged with the duty of making the sale or by reason of failure by him to perform his duties within the time herein specified for their performance unless such irregularities, informalities, or failure shall have impaired the substantial rights of the taxpayer.

SEC. 33. Change of government. - The City Government provided for in this Charter shall be organized immediately after the appointment and qualifications of the city mayor and a majority of the members of the city council.

SEC. 34. Election of Assemblyman. - The qualified voters of the City of Dansalan shall be qualified and be entitled to vote in the election for Assemblyman.

SEC. 35. Effective date. - This Act shall take effect upon its approval.

Approved, August 19, 1940.

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