

AN ACT AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NUMBERED THIRTY HUNDRED SIXTY-EIGHT, KNOWN AS THE REVISED CHARTER OF THE CITY OF TACLOBAN, AND FOR OTHER PURPOSES.

REPUBLIC ACT NO. 4776, June 18, 1966

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

SECTION 1. Section five of Republic Act Numbered Thirty hundred sixty-eight is hereby amended to read as follows:

"SEC. 5. Territory of the City of Tacloban.—The City of Tacloban shall comprise the territorial jurisdiction of the former Municipality of Tacloban in the Province of Leyte, and shall be divided, for all administrative and other municipal purposes, into the city proper which shall be divided, for all administrative and other municipal purposes, into the city proper which shall be divided by ordinance into districts, and the rest of the territory of the city into barrios in accordance with Article IV hereof."

SEC. 2. Section six of the same Act is amended to read as follows:

"SEC. 6. Jurisdiction of the City.—The jurisdiction of the City of Tacloban for police purposes only shall be co-extensive with its territorial jurisdiction; and shall extend to the mid-channel of the San Juanico Strait and three miles from the shore into San Pedro Bay; however, the purpose of effecting the arrest of a person who has committed an offense within the jurisdiction of the city, the police authorities of the city shall exercise concurrent jurisdiction with police forces of other municipalities said offender may have fled or escaped; for the purpose of protecting and insuring the purity of the water supply of the city, such police jurisdiction shall also extend over all territory within the drainage area of such water supply, or within one hundred meters of any reservoir, conduit, canal, aqueduct, or pumping station used in connection with the city water service. The city court of the city shall have concurrent jurisdiction with the municipal court of the respective municipalities to try crimes and misdemeanors committed within said drainage area, or within said spaces of one hundred meters. The court first taking jurisdiction of such an offense shall thereafter retain exclusive jurisdiction thereof. The police force of the several municipalities concerned shall have concurrent jurisdiction with the police force of the city for the maintenance of good order and the enforcement of ordinances throughout said zone, area and spaces. But any license that may be issued within said zone, area or space shall be granted by the proper authorities of the municipalities concerned and the fees arising therefrom shall accrue to the treasury of the said municipality concerned and not to that of the city."

SEC. 3. Section seven of the same Act is amended to read as follows:

"SEC. 7. The Mayor.—The Mayor shall be the chief executive of the city. He shall be elected at large by the qualified voters of the city. No person shall be eligible for the position of Mayor unless, at the time of his election, he is at least twenty-five years of age, a resident of city for at least two years prior to his election, a qualified voter therein. He shall hold office for four years unless sooner removed for just cause and with due process of law, and shall receive a salary of not less than fifteen thousand pesos per annum. The Municipal Board may appropriate such sum of money as may be necessary for the housing and representation allowance of

the JV not to exceed six thousand pesos annually or commute the same in addition to his salary."

SEC. 4. Paragraphs one and three, Section eight of the same Act are amended to read as follows:

"SEC. 8. The Vice-Mayor.—There shall be elected a Vice-Mayor who shall perform the duties and exercise the powers of the Mayor, in the event of sickness, absence or other temporary incapacity of the Mayor. In the event of death, resignation or definite and permanent vacancy in the position of Mayor, the Vice-Mayor shall become the Mayor, the Vice-Mayor shall become the Mayor. The Vice-Mayor shall be elected in the same manner as the Mayor and shall, at the time of his election, possess the same qualifications as the Mayor. "The Vice-Mayor shall perform such other duties as may be assigned to him by the Mayor or prescribed by law or ordinance. He shall receive a salary of not less than ten thousand two hundred pesos per annum."

SEC. 5. Sub-paragraph (e), Section nine, of the same Act is amended to read as follows:

"(e) To see that the executive officers and employees of the city properly discharge their respective duties. The Mayor may, in the interest of the service, transfer officers and employees not appointed by the President of the Philippines from one section, division, or service to another section, division, or service without changing the compensation they receive."

SEC. 6. Section ten of the same Act is amended to read as follows:

"SEC. 10. Secretary to the Mayor.—The Mayor shall appoint one secretary, who shall have the rank of a department head and who 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 on all ordinances and resolutions signed by the Mayor and 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 Mayor and shall perform such other duties as the Mayor may require of him; shall, upon request, furnish certified copies of all city records and documents in his charge which are not of confidential nature, and collect and receive such fees as may be prescribed by law or resolution of the Municipal Board. He shall also perform such duties as are required of the heads of departments of the city government under Section twenty-one hereof. The position of the secretary shall be regarded as within the un-classified civil service but may be filled in the manner in which classified positions are filled, and if so filled, the appointee shall be entitled to all the benefits and privileges of classified employees, except that he shall hold office only during the term of the appointing Mayor and until a successor in the office of the secretary is appointed and qualified, unless sooner separated. He shall receive a salary of not less than nine thousand six hundred pesos per annum."

SEC. 7. The same Act is amended by inserting between Sections ten and eleven thereof a new section to be Known as Section ten-A, to read as follows:

"SEC. 10-A. Assistant Secretary.—There shall be an assistant secretary to the Mayor who shall assist u secretary to the Mayor in the discharge of his official duties and perform such other duties as the Major may require of him.

"The position of the assistant secretary shall be regarded as within the unclassified civil service but may be filled in the manner in which classified positions are filled, and if so filled, the appointee shall be entitled to all the benefits and privileges of classified employees, except that he shall hold office only during the term of the appointing Mayor and until a successor in the office of assistant secretary is appointed and qualified, unless sooner separated.

"In the absence of the secretary, or in cases of illness or inability of the secretary to discharge his duties, the assistant secretary shall assume the powers and duties of the former. He shall receive a salary of not less than

six thousand six hundred pesos per annum."

SEC. 8. The third paragraph, Section eleven of the same Act is amended to read as follows:

"The members of the Municipal Board shall receive a salary of not less than seven thousand eight hundred pesos each per annum."

SEC. 9. The last paragraph, Section thirteen of the same Act is amended to read as follows:

"The Secretary shall be in charge of the records of the Municipal Board. He shall keep a full record of the proceedings of the Board, 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 money or creating liability, enacted or adopted by the Board, with the dates of passage of the same, and of the publication of ordinances; shall keep a seal, circular in form, with the inscription 'Municipal Board—City of Tacloban' in the center of which shall be placed the arms of the city, and affix the same, with his signature to all ordinances and other official acts of the Board, and shall present the same for signature to the Presiding Officer; shall cause each ordinance passed to be published as herein provided; shall, upon request, furnish certified copies of all records of public character in his charge under the seal of his office; and collect and receive therefor such fees as may be prescribed by resolution of the Board; and shall keep his office and all records therein which are not of a Evidential nature, open to public inspection during usual business hours. The compensation of the Secretary shall not less than nine thousand six hundred pesos per annum."

SEC. 10. The first paragraph, Section fourteen of the same Act is amended to read as follows:

"SEC. 14. Legislative Procedure.—The Board shall hold two ordinary sessions for the transaction of business during each week on days which it shall fix by resolutions, and such extraordinary sessions, as may be called by the Mayor. It shall sit with open doors unless otherwise ordered by the affirmative vote of a majority of all the members shall keep a record of all its proceedings and determine its rules of procedure not herein set forth, as well as determine its officers except the presiding officer, the number thereof and the method of their election and their terms of office. A majority of all the members of the Board shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day and may compel the immediate attendance of any member who is absent without good cause by issuing to the police of the city an order for his arrest and production at the session under such penalties as shall have previously prescribed by ordinance. The affirmative vote of a majority of all the members shall be necessary for the passage of any ordinance, or of any resolution or motion directing the payment of money or creating liability, but other measures shall prevail upon the majority vote of the members present at any session duly called and held. The ayes and nays shall be taken and recorded upon the passage of all ordinances, upon all resolutions or motions directing the payment of money or creating liability, and, at the request of any member, upon any other resolution or motion. Each approved ordinance, resolution or motion shall be sealed with the seal of the Municipal Board, and recorded in a book kept for the purpose and shall, on the day following its passage, be posted by the secretary at the main entrance of the city hall and in at least two other public places, and shall take effect and be in force on and after the tenth day following its passage, unless otherwise stated in said ordinance, resolution or motion or vetoed by the Mayor as hereinafter provided. A vetoed ordinance, if re-passed, shall take effect ten days after the veto is overridden by the required votes, unless otherwise stated in the ordinance, resolution or motion or again disapproved by the Mayor."

SEC. 11. Sub-paragraphs (b), (s), and (u), Section fifteen of the same Act are amended to read as follows:

"(b) To fix the number and salaries of officials and employees of the city not otherwise provided for in this Act or other laws.

"(s) To permit, regulate and tax motor and other vehicles operating within the City of Tacloban, the provisions of any existing law to the contrary notwithstanding, and draft animals not paying any national tax: Provided,

That all automobiles and trucks belonging to the National Government or to any provincial or municipal government shall be exempt from such tax.

"(u) To impose a sales tax of not exceeding two per centum of the gross value in money of all articles sold, bartered, exchanged, transferred, delivered or consigned within the City, regardless of the origin of said articles or goods."

SEC. 12. The same Act is amended by adding sub-paragraph (uu) to Section fifteen hereof:

(uu) The provisions of existing law to the contrary notwithstanding, to undertake the reclamation of any foreshore lands within the jurisdiction of the city, either by ad of a majority of all the members shall be necessary for the passage of any ordinance, or of any resolution or motion directing the payment of money or creating liability, but other measures shall prevail upon the majority vote of the members present at any session duly called and held. The ayes and nays shall be taken and recorded upon the passage of all ordinances, upon all resolutions or motions directing the payment of money or creating liability, and, at the request of any member, upon any other resolution or motion. Each approved ordinance, resolution or motion shall be sealed with the seal of the Municipal Board, and recorded in a book kept for the purpose and shall, on the day following its passage, be posted by the secretary at the main entrance of the city hall and in at least two other public places, and shall take effect and be in force on and after the tenth day following its passage, unless otherwise stated in said ordinance, resolution or motion or vetoed by the Mayor as hereinafter provided. A vetoed ordinance, if repassed, shall take effect ten days after the veto is overridden by the required votes, unless otherwise stated in the ordinance, resolution or motion or again disapproved by the Mayor."

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"(s) To permit, regulate and tax motor and other vehicles operating within the City of Tacloban, the pro-visions of any existing law to the contrary notwithstanding, and draft animals not paying any national tax: Provided, That all automobiles and trucks belonging to the National Government or to any provincial or municipal government shall be exempt from such tax.

"(u) To impose a sales tax of not exceeding two per centum of the gross value in money of all articles sold, bartered, exchanged, transferred, delivered or consigned within the City, regardless of the origin of said articles or goods."

Sec. 12. The same Act is amended by adding sub-paragraph (uu) to Section fifteen hereof:

(uu) The provisions of existing law to the contrary notwithstanding, to undertake the reclamation of any foreshore lands within the jurisdiction of the city, either by administration or by contract, and which reclaimed area may be leased, sold or bartered by the city subject to the provisions of existing laws and regulations on contracts."

SEC. 13. Section seventeen of the same Act is amended to read as follows:

SEC. 17. Creation of new barrios.—Upon petition of a majority of the voters in the areas affected, a new barrio may be created or the name of an existing one may be changed by the municipal board, in the latter case, upon recommendation of the barrio council.

"No barrio may be created if its population is less than five hundred.

"Barrios shall not be created or their boundaries altered nor their names changed except under the provisions hereof or by an Act of Congress."

SEC. 14. The same Act is amended by inserting between Sections seventeen and eighteen thereof new sections to be known as Sections seventeen-A, seventeen-B seventeen C, seventeen-D, seventeen-E, seventeen-F, seventeen

G and seventeen-H, to read as follows:

"SEC. 17-A. Barrio Assembly.—The barrio assembly shall consist of all persons who have been residents of the barrio for at least six months, are twenty-one years of age or over, citizens of the Republic of the Philippines and who are duly registered in the list of barrio assembly members kept by the barrio secretary.

"The barrio secretary shall keep a list wherein the names of all members of the barrio assembly shall be entered in alphabetical order, keeping a separate list for every group belonging to one alphabetical group and, in addition, the list shall indicate the age, status, occupation, and the name of the sitio where the member resides.

"The barrio secretary shall revise the list of barrio assembly members not later than the first Saturday of January of each year. The revision shall be made by deleting therefrom names of members who have died during the year as certified to by the local civil registrar, stating the date and place of death; names of members who have transferred residences upon application of the members transferring, stating the date of transfer and place transferred to, if known; and finally, by including therein the names of those who have acquired the qualifications to become members of the barrio assembly, stating therein the date of admission to the barrio assembly.

"SEC. 17-B. Powers of Barrio Assembly.—The powers of the barrio assembly shall be as follows:

"(a) To recommend to the barrio council the adoption of measures for the welfare of the barrio;

"(b) To decide on the holding of a plebiscite on matters that vitality affect the barrio; and

"(c) To hear the annual report of the barrio council concerning activities and finances of the assembly.

"SEC. 17-C. Election of Barrio Council.—On the second Sunday of January immediately following the regular elections for municipal and provincial officials, and on the days thereafter in the month of January, a regular election shall be held to elect a barrio captain and six councilmen for each barrio. The date of the election in the barrio shall be set by the Mayor, upon the written recommendation of the barrio council.

"In case of failure to hold the election on the date set it may be held on any other day within the month January to be determined by the Mayor: Provided, that if, for any reason, no election in any of the barrios is held within the month of January, the Mayor shall, upon resolution of the barrio council or written petition of at least fifty members of the barrio assembly, fix the date of the election which shall not be beyond forty days from receipt of said resolution or petition.

"In the case of a newly created barrio the election shall be held on a date to be fixed by the Mayor which shall be not more than forty days from the approval by the municipal board of the resolution creating said barrio.

"The elected officials of the newly created barrio shall assume office immediately by taking oath before any person authorized to administer it and shall hold office for the unexpired term or until their successors shall have been elected and qualified.

"Not later than the last Sunday of December of the year immediately preceding the local elections, the barrio council shall elect a board of election tellers for each regular precinct situated in said barrio, one of whom shall be a public school teacher who shall be the chairman, one belonging to the party who obtained the highest number of votes in the last presidential elections, and one from the party who received the second highest number of votes in the elections, to conduct the elections, count the votes, and proclaim the winners in their respective precincts. The barrio council shall also recommend the polling place and date of election to the Mayor and immediately after its approval by the Mayor, it shall cause the publication of the date and place of the election and the office to be filled. "On the first Sunday of January of an election year in accordance with this section, there shall be a registration of new voters to be conducted by the board of election tellers of each precinct. Any voter may challenge the qualification of any person seeking to register, and said challenge shall be heard and decided by the board of election tellers on the same day. On the Tuesday immediately following

the day of registration as herein provided for, the board of election tellers shall meet to prepare the list of qualified voters entitled to vote in the barrio election. Revision shall be made by copying all the names of the registered voters appearing in the list of voters used in the previous election, deleting therefrom all the names of registered voters who have died, transferred residences, as shown by the list of the members of the barrio assembly, furnished by the barrio secretary, and those who have become disqualified under the law. A copy of the aforesaid list shall be furnished the barrio secretary.

"Voting shall be by secret ballot. It shall be held in a place designated by the barrio council; voting shall be from seven o'clock in the morning to six o'clock in the afternoon, except when there are still voters within thirty meters of the polling place, in which case they shall be allowed to vote. The voters shall have the right to vote in the order of their entrance to the polling place, identifying themselves to the board of election tellers who will check their names against the list of voters prepared by them in accordance herewith.

"Each candidate shall be allowed to appoint one watcher, who, upon presentation of his appointment signed by the candidate to the board of election tellers, may be allowed inside the polling place during the election proceedings. No person shall be allowed to enter the voting booths except voters actually voting. Immediately after the close of voting and when all the voters entitled to vote have cast their votes, the board of election tellers shall immediately proceed to canvass the votes and those who obtained the highest number of votes for the position for which they are candidates shall be declared elected. In case of a tie, the same shall be decided by drawing lots immediately after the counting of the votes and the winner shall be declared elected.

"The board of election tellers shall prepare in quintuplicate the results of the election of the precinct, which election return shall contain the names of the candidates voted for in the said election, segregating therefrom the names of the winning candidates from those of the losing ones, the offices to which they have been voted for, the number of votes obtained by each, which number of votes shall be written in words and then in figures. The certificates above referred to shall be certified to and signed by all the members of the board of election tellers. The original shall be transmitted by personal service to the barrio secretary, one copy shall be deposited in the ballot box together with all other documents used in the election, one copy shall be sent to the city treasurer and the remaining two copies shall be for each of the two other members of the board of election tellers.

"On the day immediately following the elections, the barrio council acting as a board of canvassers, shall canvass the results of the election in the barrio, which canvass shall be based upon the election returns submitted by the board of election tellers to the secretary and immediately thereafter proclaim the winning candidates. The members of the barrio council who are running for reelection are disqualified to act in the said, board of canvassers and the Mayor is hereby empowered to appoint their substitutes who shall be chosen from the same political party to which the disqualified member belongs.

"The officials elected shall assume office immediately by taking oath before any person authorized to administer oaths and shall hold office for four years or until their successors shall have been elected and qualified.

"SEC. 17-D. Candidates—Their qualifications and failure to file certificates of candidacy.—Candidates shall file their certificates of candidacy with the barrio secretary not later than the first Sunday of the election year. Any five registered voters may also file the certificate of candidacy of any qualified person.

"Every citizen of the Philippines, twenty-one years of age or over, able to read and write, who has been a resident of the barrio during the six months immediately preceding the election, duly registered in the list of voters kept by the barrio secretary, who is not otherwise disqualified, may vote or be a candidate in the barrio elections.

"Any vote in favor of a person who has not filed a certificate of candidacy or in favor of a candidate for an office for which he did not present himself, shall be void and counted as a stray vote but shall not invalidate the

whole ballot.

"SEC. 17-E. Qualification of voters.—Every citizen of the Philippines, twenty years of age or over, able to read and write, who has been a resident of the barrio during the six months immediately preceding the elections, duly registered in the list of voters kept by the barrio secretary, who is not otherwise disqualified, may vote in the barrio elections.

"The following are not qualified to vote:

"(a) Any person who has been sentenced by final judgment to suffer one year or more of imprisonment, within two years after serving his sentence.

"(b) Any person who has violated his allegiance to the Republic of the Philippines; and

"(c) Insane or feeble-minded persons.

"SEC. 17-F. Election Disputes.—All disputes as to procedure before and during the balloting shall be decided by the board of election tellers.

"All disputes over barrio elections shall be brought before the city court of the City of Tacloban; and in the determination and decision thereof the court shall follow as closely as possible the procedure prescribed for inferior courts in the Rules of Court. The decisions of the city court shall be appealable pursuant to the Rules of Court to the Court of First Instance whose decisions shall be final on questions of fact.

"SEC. 17-G. Rights of Succession.—When no special elections are held to fill a permanent vacancy in the office of barrio captain, arising from death, permanent incapacity, abandonment, or when there is failure to elect a qualified candidate, the councilman who obtained the largest number of votes in the barrio elections immediately preceding, shall assume the office of barrio captain; if, for some reason, the councilman who obtained the largest number of votes is incapacitated from assuming the office of barrio captain or refuses to assume such office, the councilman who obtained the next largest number of votes in the barrio elections immediately preceding, shall assume the office of the barrio captain, and so on until the permanent vacancy in the office of barrio captain is filled.

"There is abandonment of office of barrio captain if the incumbent fails or refuses, without lawful cause, to enter upon the discharge of his duties within a period of six months from the time he ceases or neglects to perform his official duties.

"Should the barrio captain elect die before assumption of office or fail to qualify for any reason, the councilman who obtained the largest number of votes in the barrio elections immediately preceding shall assume office until a barrio captain qualifies. In case of a tie between the councilman who obtained the largest number of votes in the barrio elections immediately preceding, the barrio council will decide on who shall succeed. In the event that no special election is held and for some reason the senior councilman elect is incapacitated from assuming the office of barrio captain, the rule of succession described in the first paragraph of this section shall be followed.

"In the event that the barrio captain is temporarily incapacitated to perform the duties of his office on account of absence on leave, sickness or any other cause, the senior councilman shall perform the duties and exercise the powers of the barrio captain except, unless unanimously authorized by the barrio council, the power to appoint, suspend or dismiss employees. In the event that the senior councilman is temporarily incapacitated to perform the duties or the barrio captain or refuses to assume such office, the councilman who obtained the next largest number of votes among the incumbent councilmen in the barrio election immediately preceding shall perform the duties and exercise the powers of the barrio captain except, unless unanimously authorized by the council, the power to appoint, suspend or dismiss employees.

"SEC. 17-H. The Commission on Elections shall have in addition to the powers and functions conferred upon

it by the Constitution, overall supervision over all elections of the members of the barrio council, with powers to promulgate necessary rules and regulations consistent with the provisions of this article."

SEC. 15. Section eighteen of the same Act is amended to read as follows:

SEC. 18. Power of control and supervision by the Mayor. —The mayor shall exercise control and supervision over barrio officials and shall see to it that they perform and discharge their duties faithfully and in accordance with law. He shall receive and investigate complaints made under oath against barrio officers for neglect of duty, oppression, corruption and other forms of misconduct in office, and conviction by final judgment of any crime involving moral turpitude. For minor delinquency, he may reprimand the offender; and if a more severe punishment seems to be desirable, he shall submit written charges to the municipal board, furnishing a copy of such charges to the respondent either personally or by registered mail. Upon recommendation of the barrio council, the Mayor may suspend the officer pending action by the municipal board, if in his opinion the charge be one affecting the official integrity of the officer in question, but in no case shall the suspension last more than thirty days.

"Where suspension is thus effected, the written charges against the officer shall be filed within five days with the municipal board, which shall adopt the procedure specified in Sections twenty-one hundred eighty-nine to twenty-one hundred ninety of the Revised Administrative Code.

"The decision of the municipal board shall be final and shall not be appealable."

SEC. 16. The same Act is amended by inserting between Sections eighteen and nineteen thereof a new section to be known as Section eighteen-A to read as follows:

"SEC. 18-A. Applicability of Other Laws.—The provisions of Sections thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two and twenty-three of Republic Act Numbered Thirty-five hundred and ninety, insofar as they are not inconsistent herewith, are hereby made applicable to all barrios in the city: Provided, That the barrio treasurer shall be appointed by the barrio captain upon the recommendation of the city treasurer and shall be bonded in accordance with existing laws in an amount to be determined by the barrio council but not exceeding ten thousand pesos.

SEC. 17. Section twenty of the same Act is amended to read as follows:

SEC. 20. City Departments.—There shall be the following city departments over which the Mayor shall have direct control and supervision, any existing law to contrary notwithstanding:

- 1. Department of Finance
2. Department of Engineering and Public Works
3. Law Department
4. Department of Health
5. Police Department
6. Fire Department
7. Department of Assessment
8. Department of General Services

"The Municipal Board may, from time to time, make such readjustments of the duties of several departments as public interest may demand, and, with the approval of the President, may consolidate any department, division or office of the city with any other department, division or office.

"The municipal board may, by ordinance, create a department not herein otherwise provided for as public

in-terest may demand, or add or increase the powers of any of the departments already provided for herein by creating a division or office thereof."

SEC. 18. The second paragraph of Section twenty-one of the same Act is amended to read as follows:

"In case of absence, sickness, suspension, or inability to act for any other reason, of the head of a department of the city or in case of temporary vacancy, the assistant of that department shall perform the duties of that de-partment head concerned, and in case of absence, sickness, suspension or inability to act, or for any other reason, of the assistant department head, or in case of temporary vacancy, the officer next in charge of that department shall perform such duties, the provision of any existing law to the contrary notwithstanding."

SEP. 19. Section twenty-two of the same Act is amended to read as follows:

"SEC. 22. Appointments, removal of officials and employees.—The President of the Philippines, with the consent of the Commission on Appointments, shall appoint the judge and auxiliary judge, the city treasurer, the city engineer, the city general services officer, the city fiscal and his assistants, the chief of police, the city health officer, the city assessor, the chief of the fire department and the city superintendent of schools. Said officers shall not be suspended or removed except in the manner and for causes provided for by law.

"Subject to the provisions of the Civil Service Law, the Mayor shall appoint all other heads of such city departments as may be created and all other officers and employees paid out of city funds except the employees of the municipal board who shall be appointed by the presiding officer there-of, aside from those mentioned in this Act, without prior approval or concurrence of the department head concerned, of the National Government, subject to confirmation by the municipal board, and they shall be suspended and removed in accordance with law."

SEC. 20. Section twenty-four of the same act is amended to read as follows:

"SEC. 24. The General Auditing Office.—The Auditor General shall receive and audit all accounts of the city, in accordance with the provisions of law relating to government accounts and accounting. The City Auditor shall be appointed by the Auditor General and shall receive a salary of not less than twelve thousand six hundred pesos per annum, one-half to be paid by the National Government and the other half by the city.

"He shall likewise perform the duties of auditing national funds disbursements of the city engineer's office."

"SEC. 21. Section twenty-six of the same Act is amended to read as follows:

"SEC. 26. The City Register of Deeds.—There shall be a register of deeds for the City of Tacloban who shall be appointed by the President of the Philippines with the consent of the Commission on Appointments and who shall receive a salary at the rate prescribed by Republic Act Numbered One hundred sixty-four, as amended by Republic Act Numbered One thousand me hundred thirty-eight and which amount shall be paid by the National Government.

"The register of deeds for the City of Tacloban shall perform all the functio0ns and duties prescribed by existing law for registers of deeds of chartered cities and provinces."

SEC. 22. The same Act is amended by inserting between Sections twenty-six and twenty-seven, new sections to be known as Sections twenty-six-A and twenty-six-B to read as follows:

"SEC. 26-A. Qualification of City Register of Deeds.— No person shall be appointed to the office of city register of deeds unless he has been employed for over five years in some branch of the Government the functions of which include the registration of property, or unless he is au-thorized to practice law in the Philippines, or is a graduate of a law school recognized by the government. This quali-fication shall, however, not be required in the case of officers designated temporarily to perform the duties of register of deeds.

"SEC. 26-B. The Register of Deeds.—The register of deeds for the Province of Leyte shall continue to act as ex-officio register of deeds of the City of Tacloban until such time as the register of deeds for the City of Tacloban is appointed and has assumed his duties as such."

SEC. 23. Section twenty-seven of the same Act is amended to read as follows:

"SEC. 27. The City Treasurer shall purchase and supply in accordance with law, all supplies, equipment, materials and property of every kind including real estate for the use of the city and any of its departments or offices. 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 contractor shall be purchased directly and paid for by the city subject to the provisions of existing auditing rules and regulations.

"SEC. 21. The first Paragraph of Section twenty-nine of the same Act is amended to read as follows: "Sec. 29. The City Treasurer—His powers and duties.— There shall be a city Treasurer who shall have charge of the department of finance and shall act as chief fiscal officer and financial adviser of the city and custodian of its funds. He shall receive a salary of fifteen thousand two hundred pesos per annum regardless of the class of the city, unless a higher rate of compensation is provided by law for the proper class of the city based on its average annual income. He shall have the following general powers and duties:

"(a) He shall collect all taxes due the city, all licenses authorized by law or ordinances, 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 receipts for all costs, fees, fines and forfeitures imposed by the city court.

"(b) He shall collect all miscellaneous charges made by the engineering department and by other departments of the city government, and all charges made by the city engineer for inspections, permits, licenses, and the installations, maintenance and services rendered in the operation of the private privy system.

"(c) He, as deputy of the Commissioner of Internal Revenue, shall collect by himself or his deputies, all taxes and charges imposed by the Government of the Republic of the Philippines upon persons or property in the city, depositing daily such collections in any depository bank of the government.

"(d) Unless otherwise specifically provided by law or resolution, he shall perform in and for the city the duties imposed by law or resolution upon provincial treasurers in general as well as other duties imposed upon him by law.

"(e) He shall purchase and issue all supplies, equipment or other property required by the city, as may be authorized, subject to the general provisions of law relating thereto.

"(f) 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.

"(g) He shall deposit all city funds and collections in any bank duly designated as Government depository in accordance with existing rules and regulations.

"(h) He shall disburse the funds of the city in accordance with duly authorized appropriations, upon properly executed vouchers bearing the certification as to the veracity and correctness of the claim of the chief of the department concerned and the approval of the mayor, and on or before the twentieth day of each month he shall furnish the Mayor and the Municipal Board, for their information, a statement of the appropriations, expenditures, and balances of all funds and accounts as of the last day of the month preceding."

SEC. 25. The same Act is amended by inserting between

Sections twenty-nine and thirty thereof a new section to be known as Section twenty-nine-A to read as follows:

"SEC. 29-A. The Assistant City Treasurer; Other Key Personnel.—There shall be an assistant city treasurer who shall act as city treasurer in the absence or incapacity of the city treasurer, and shall perform such duties as may be imposed upon him by the city treasurer or prescribed by law, ordinance, and regulations of the Department of

Finance. He shall be appointed by the Mayor upon the recommendation of the city treasurer and subject to the approval of the proper Department Head and the attestation of the Commissioner of Civil Service. The assistant city treasurer shall receive a salary of nine thousand pesos per annum.

"Besides the assistant city treasurer who heads the administrative division of the city treasurer's office, there shall be the following subordinate key personnel who shall be appointed by the Mayor upon recommendation of the city treasurer in accordance with the Civil Service Law and rules, and whose salaries shall be fixed for key personnel in the various offices of the local governments by administrative or executive order of the President and which administrative or executive order shall have the force of law in considering the salaries of the position therein enumerated, to wit: administrative deputy; senior deputy; junior deputy; market administrator as chief of the markets and slaughterhouse division; chiefs and assistant chiefs of the cash, accounting, city license and fees, property, land tax, and correspondence and records division; chiefs and assistant chiefs of sections under the various division."

SEC. 26. Section thirty of the same Act is amended to read as follows:

"SEC. 30. The City Engineer.—His Powers and duties.— There shall be a city engineer who shall have charge of the department of engineering and public works. He shall receive a salary of not less than fifteen thousand two hundred pesos per annum. He shall have the following powers and duties:

"(a) He shall have charge of all the surveying and engineering works of the city; maintain and repair city streets and bridges and shall perform such services in connection with public improvements or any work entered upon or projected by the city, or any department thereof, which may require the skill and experience of a civil engineer.

(b) He shall have charge of constructions, repair and maintenance of all public highways and bridges, and public works, both city and national, located within the territorial jurisdiction of the city, except those that pertain to the nawasa and the National Irrigation Administration,

"(c) He shall ascertain, record and establish monuments of the city survey and from thence extend the surveys of the city, and locate, establish, and survey all city property and also private property abutting on the same, whenever directed by the Mayor.

"(d) 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.

"(e) 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 dangerous quality.

"(f) 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.

"(g) He shall have the care and custody of all public docks, wharves, piers, levees and landing places owned by the city.

"(h) He shall prevent the encroachment of private buildings and fences on streets and public places of the city.

"(i) He shall have general supervision and inspection of all private docks, wharves, piers, levees, and landing places, and other property bordering on the harbor, river, esteros, and waterways of the city, and shall issue permits for the construction, repair and removal of the same, and enforce all ordinances relating to the same.

"(j) He shall have the care and custody of the public system of waterworks 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 sewer system.

"(k) He shall supervise the laying of the mains and connections for the purpose of supplying gas to the inhabitants of the city.

"(l) He shall inspect and report upon the conditions of public property and public works whenever required so by the Mayor.

"(m) He shall supervise and regulate the location and use of engines, boilers, forges and other manufacturing and heating appliances in accordance with law and ordinance relating thereto. He is authorized to charge fees, at rates to be fixed by the Municipal Board, for the sanitation and transportation services and supplies furnished by his department.

"(n) 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.

"(o) With the previous approval of the Mayor in each case, he shall order the removal of buildings and structures erected in violation of the ordinances; shall order the removal of 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.

"(p) He shall file and preserve ail maps, plans, notes, surveys, and other papers and documents pertaining to his office."

SEC. 27. Section thirty-one of the same Act is amended to read as follows:

"SEC. 31. The Assistant City Engineer.—There shall be an assistant city engineer who shall assist the city engineer in the discharge of his official duties. He shall be appointed by the Mayor, upon the recommendation of the city engineer and subject to the approval of the secretary of Public Works and Communications. He shall receive a salary of not less than nine thousand pesos per annum. In the absence of the city engineer, the assistant city engineer shall assume his powers and duties."

SEC. 28. Section thirty-two of the same Act is amended to read as follows:

"SEC. 32. 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 fifteen thousand pesos or more shall be awarded by the Mayor upon the recommendation of the city engineer to the lowest responsible bidder after public advertisement by posting notices of the call for bids in conspicuous places in the City Hall and other public places, which shall not be less than ten days duration : Provided, however, That the city engineer may, upon approval of the Secretary of Public Works and Communications, execute by administration any such public works costing fifteen thousand pesos or more.

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

SEC. 29. Section thirty-three of the same Act is amended to read as follows:

"SEC. 33. The City Fiscal and Assistant City Fiscals.— There shall be in the office of the city fiscal one chief to be known as the city fiscal, an assistant chief to be known as the first assistant city fiscal, two second assistant city fiscals who shall be the chiefs of divisions and three assistant city fiscals who shall discharge their duties under the general supervision of the city fiscal and the Secretary of Justice. To be eligible for appointment as city fiscal, one must be a citizen of the Philippines and must have practiced law in the Philippines for a period of not less than ten years or held, during a like period, an office in the Philippine Government requiring admission to the practice of law as an indispensable requisite. To be eligible for appointment as assistant fiscal one must be a citizen of the Philippines and must have practiced law in the Philippines for at least five years prior to his appointment or held during a like period an office in the Philippine Government requiring admission to the practice of law as an indispensable requisite.

"The city fiscal and his assistants shall receive the salaries hereinafter set forth:

"(a) City fiscal, fifteen thousand two hundred pesos per annum, of which seven thousand two hundred pesos shall be paid by the city government and eight thousand pesos shall be paid by the National Government.

"(b) First assistant city fiscal, eleven thousand two hundred pesos per annum, of which four thousand eight hundred pesos shall be paid by the city government and six thousand seven hundred pesos, shall be paid by the National Government.

"(c) Two second assistant city fiscals who shall be chiefs of two divisions, ten thousand' eight hundred pesos per annum each, of which four thousand two hundred pesos each shall be paid by the city government and six thousand six hundred pesos each shall be paid by the National Government.

"(d) Three assistant city fiscals, nine thousand six hundred pesos per annum each, of which three thousand six hundred pesos each shall be paid by the city government and six thousand pesos each shall be paid by the National Government."

SEC. 30. The same Act is amended by inserting between Section thirty-four and thirty-five thereof a new Section to be known as Section thirty-four-A to read as follows.

"SEC. 34-A. Organization of the office into two divisions.—to promote at more efficient performance of the functions and duties of the office, the city fiscal shall organize said office into two divisions as follows:

"(a) Preliminary Investigation Division, which shall have executive charge of the conduct of preliminary investigations of all crimes and violations of city ordinances.

"(b) Prosecution Division, which shall have exclusive charge of the prosecution of criminal cases.

"The city fiscal shall effect from time to time such changes in the organization of the said two divisions as the exigencies of the service demand. This organization shall be without prejudice to the power of the city fiscal to designate any single assistant fiscal or group of assistant fiscals to investigate and also prosecute the same case or cases."

SEC. 31. Section thirty-five of the same Act is amended to read as follows:

"SEC. 35. The City Health Officer—His powers and duties.— There shall be a city health officer who shall have charge of the Department of Health and who shall receive a salary of not less than twelve thousand six hundred pesos per annum. He shall have the following powers and duties:

"(a) He shall have general supervision over the health and sanitary conditions of the city, including the cleaning of crematories and cemeteries.

"(b) He shall execute and enforce all laws, ordinances and regulations relating to public health.

"(c) He shall recommend to the Municipal Board the passage of such ordinances as he may deem necessary for the preservation of public health.

"(d) He shall cause to be prosecuted all violations of sanitary laws, ordinances or regulations.

"(e) 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 national police officer and such sanitary inspectors as may be authorized by law.

"(f) He shall act as the local civil registrar ex-officio of the City of Tacloban and shall keep a civil register for the city and shall record therein all births, marriages and deaths with their respective dates. As such ex-officio he shall receive additional compensation not exceeding one thousand eight hundred pesos per annum payable from the funds of the city.

"(g) He shall have control and supervision over agriculture centers and government hospitals of the city.

"(h) He shall perform such other duties, not repugnant to law or ordinance, with reference to the Health and

sanitation of the city, as the director of Health Services shall direct. In case of epidemic or when the inhabitants of the city are menaced by any infectious or contagious disease, the Director of Disease Control shall assume full control of the health and sanitation services of the city until such condition shall have ceased to exist."

SEC. 32. Section thirty-six of the same Act is amended to read as follows:

"SEC. 36. The Assistant City Health Officer. —There shall be an assistant city health officer who shall act as city health officer in the absence or incapacity of the city health officer, and shall perform such other duties as may be imposed upon him by the city health officer or prescribed by law or ordinance. He shall be appointed by the Secretary of Health upon the recommendation of the city health officer and the city Mayor and shall receive a salary of not less than eight thousand seven hundred pesos per annum."

SEC. 33. The same Act is amended by inserting between Sections thirty-six and thirty-seven a new section to be known as Section thirty-six-A to read as follows:

"SEC. 36-A. The Sanitary Engineer.—There shall be a sanitary engineer who shall assist the city health officer and the assistant city health officer in the performance of their duties. He shall particularly screen all applications for building construction, public and private, and for the construction of the drainage and sewerage systems in the city. He shall advise the city health officer from time to time as regards the environmental sanitation of the city. He shall receive a salary of not exceeding seven thousand two hundred pesos per annum."

SEC. 34. Section thirty-seven of the same Act is amended to read as follows:

"Sec. 37. The Chief of Police—His powers and duties—There shall be a chief of police who shall have charge of the police department and shall receive a salary of not less than ten thousand two hundred pesos per annum. He shall have the following powers and duties:

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

"(b) He shall quell riots, disorders, disturbances of the peace, and shall arrest and prosecute through the city fiscal, violators of any law or ordinance; shall exercise exclusive police supervision over all land and water within the police jurisdiction of the city; shall be charged with the protection of the rights of persons and property wherever found within the jurisdiction of the city, and shall arrest when necessary to prevent the escape of 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 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,

"(c) He may take good and sufficient bail for the appearance before the judge of the municipal court of any Person arrested for violation of any city ordinance: Provided, however, That he shall not exercise this power in cases of violations of any penal law, except when the fiscal of the city shall so recommend and fix the bail to be required of the persons arrested.

"(d) He shall have authority, within the police limits or the city, to serve and execute criminal processes of any court.

"(e) He shall be the deputy sheriff of the city, and as such personally or by representative, attend the sessions of the municipal court, and shall execute promptly and faithfully, all writs and processes of said court.

"(f) He shall exercise supervision over the police training school established in accordance with the rules and regulations of the police department.

"(g) He shall have such further powers and perform such further powers and duties as may be prescribed by law or ordinance.

"(h) He shall have the power to transfer any member of the police department from one division or section to another as the needs and exigencies of the service and public interest may require."

SEC. 35. Section thirty-eight of the same Act is amended to read as follows:

"SEC. 38. The assistant chief of police.—There shall be an assistant chief of police whose duties shall be to act as chief in the absence or incapacity of the chief of police, and, under the direction of the chief of police, to look after the discipline of the police force and perform such other duties as may be imposed upon him by the chief or prescribed by law or ordinance. He shall receive a salary of not less than seven thousand two hundred pesos per annum."

SEC. 36. The second paragraph of Section thirty-nine of the same Act is amended to read as follows:

"The chief of the secret service shall receive a salary of not less than seven thousand two hundred pesos per annum."

SEC. 37. Section forty of the same Act is amended to read as follows:

"SEC. 40. Peace officers—Their powers and duties.—The Mayor, the chief of police, the deputy chief of police, the chief of the secret service, and all officers and members of the city police and detective force shall be peace officers. Such peace officers are authorized to serve and execute all processes of the municipal court and criminal processes of all other courts to whomsoever directed within the jurisdictional limits of the city or within the police limits as hereinbefore denned; 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 the offense is committed in the presence of a peace officer or within his view; and in such pursuit or arrest, to enter any building, ship, boat or vessel or take into custody any Person therein suspected of being concerned in such crime or breach of the peace, and any property suspected of having been stolen; and to exercise such other powers and perform such other duties as may be prescribed by law or ordinance. They shall detain an arrested person only in accordance with the provisions of existing laws relative such detention. Whenever the Mayor shall deem it necessary to avert danger or to protect life and property, in case of riot, disturbance, or public calamity, or when he has reason to fear any serious violation of law and order, he may call upon the provincial commander or other members of the Armed Forces of the Philippines. Except upon the occurrence of any of such conditions, police jurisdiction and supervision and the preservation of peace and order shall pertain exclusively to the peace officers herein mentioned, and no other peace officers, members of the Armed Forces and Philippine Constabulary shall per form or undertake any police function within the jurisdiction of the city excent those which are authorized by law to be done in the cases enumerated in the Rules of Court, any existing law to the contrary notwithstanding."

SEC. 38. The first paragraph of Section forty-one of the same Act is amended to read as follows:

"SEC. 41. Chief of fire Department.—There shall be a chief of fire department who shall have the management and control of all matters relating to the administration, organization, government, discipline and disposition of the fire forces. He shall receive a salary of not less than nine thousand pesos per annum and shall have the following powers and duties.

"(a) He shall issue supplementary regulations not incompatible with law or general regulations issued by the proper department head of the National Government in accordance with law, for the governance of the fire force.

"(b) He shall have charge of the fire engine houses, fire engines, hose trucks, hooks and ladders, trucks, and another fire apparatus.

"(c) He shall have full police powers in the vicinity of fires.

"(d) He shall have authority to remove or demolish any building or other property whenever it shall become

necessary to prevent the spread of fire or to protect adjacent property.

"(e) He shall investigate and report to the Mayor the origin and cause of all fires occurring within the city

"(f) 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.

"(g) He shall have charge of the city telegraph, telephone, and fire alarm service.

"(h) He shall have exclusive power, notwithstanding any law to the contrary, to supervise and regulate the stringing, grounding and installation of wires for all electrical connections with a view to avoiding conflagrations, interference with public traffic, or safety, or the necessary operation of the fire department.

"(i) He shall condemn all defective electrical installations and shall take the necessary steps to effect immediate corrective action, informing the Mayor of the actions thus taken.

"(j) He shall supervise the manufacture, storage, and use of petroleum, gas acetylene, gunpowder, and other highly combustible matter and explosives.

"(k) No permit for the construction or repair of buildings within be granted unless the plans relative thereto have been approved by the chief of the fire department. He shall have the power to alter or disapprove such plans as do not provide for adequate protection against the occurrence of fires.

"(l) He shall have such powers and perform such duties as may further be prescribed by law or ordinance.

"(m) He shall have the power to transfer any member of the fire department from one division or section to another as the needs and exigencies of the service and public interest may require.

SEC. 39. Section forty-two of the same Act is amended to read as follows:

"SEC. 42. Assistant Chief of the Fire Department. —There shall be an assistant chief of the fire department whose duties shall be to act as chief in the absence or incapacity of the chief of the fire department, and, under the direction of the chief of the fire department, to look after the discipline of the fire force and perform such other duties as may be imposed upon him by the chief or prescribed by law or ordinance. He shall be appointed by the Mayor, upon the recommendation of the chief of fire department and shall receive a salary of not less than seven thousand two hundred pesos per annum."

SEC. 40. Section forty-three of the same Act is amended to read as follows:

"SEC. 43. City Electrician.;There shall be a city electrician who shall, under the direction of the chief of the fire department, have charge of the enforcement of all laws, ordinances and regulations relating to electrical connections within the city, and shall perform such other duties as may be assigned to him by the chief of the fire department or prescribed by law or ordinance. He shall be appointed by the City Mayor and shall receive a salary of not less than five thousand four hundred pesos per annum."

SEC. 41. The first paragraph of Section forty-four of the same Act is amended to read as follows:

"SEC. 44. The City Assessor;His powers and duties.; There shall be a city assessor who shall have charge of the department of assessment and who shall receive a salary of fifteen thousand pesos per annum. The City Treasurer shall net as city assessor ex-officio with additional compensation of three thousand pesos per annum until the Municipal Board, by ordinance, provides otherwise, at which time the city assessor shall be appointed as heretofore provided. The City Assessor shall have the following powers and duties."

SEC. 42. The same Act is amended by inserting between Sections forty-four and forty-five a new section to be known as Section forty-four-A to read as follows:

"SEC. 44-A. The Assistant City Assessor; Other Key Personnel.;There shall be an assistant city assessor who shall act as city assessor in the absence or incapacity of the city assessor, and shall perform such duties as may be imposed upon him by the city assessor or prescribed by law, ordinance, and regulations of the Department of Finance. He shall be appointed by the Mayor upon the recommendation of the city assessor and subject to

the approval of the proper

Department Head and the attestation of the Commissioner of Civil Service, and shall receive a salary of nine thousand pesos per annum.

"Besides the assistant city assessor, who heads the administrative division of the city assessor's office there shall be the following subordinate key personnel who shall be appointed by the Mayor upon recommendation of the city assessor in accordance with the Civil Service Law and rules and whose salaries shall be the rates of compensation fixed for key personnel in the various offices of the local governments by administrative or executive order of the President

of the Philippines, and which administrative or executive order shall have the force of law in considering the salaries of the positions therein enumerated, to wit: chief deputy assessor; senior deputy assessor; junior deputy assessor; chiefs and assistant chiefs of the land appraisal, building appraisal, surveying and tax mapping, and research and statistics divisions: chiefs and assistant chiefs of sections under the various divisions."

SEC. 43. Section forty-eight of the same Act is amended to read as follows:

"SEC. 48. Action in cane estate has escaped taxation.—If it shall come to the knowledge of the city assessor that any taxable real estate in the city has escaped listing, it shall be his duty to list and value the same at the time and in the manner provided in the next succeeding section and such real property shall have back taxes assessed against it for the period during which it would have been liable if assessed from the first in proper course but in no case for more than four years prior to the year of the initial assessment and the taxes thus assessed shall be legal and collectible by all the remedies herein provided, and if the failure of the city assessor to assess such taxes at the time when they should have been assessed was due to any fault or negligence on the part of the owner of such property the penalties shall be added to such back taxes as though they had been assessed at the time when they should have been assessed."

SEC. 44. Section fifty-two of the same Act is amended to read as follows:

"SEC. 52. Time and manner of appealing to City Board of Assessment Appeals and composition thereof.;In case any owner of real estate or his authorized agent shall feel aggrieved by any decision of the city assessor under the preceding sections of this Article, such owner or agent may, within thirty days after the entry of such decision, appeal to the City Board or Assessment Appeals. The appeal shall be perfected by filing a written notice of the same with the city assessor, and it shall be the duty of that officer forthwith to transmit the appeal to the City Board of Assessment Appeals with all the written evidence in his possession relating to such assessment and valuation. "There shall be a City Board of Assessment Appeal which shall be composed of the city auditor as chairman, the city engineer, the city register of deeds, and two property owners in the city to be selected by the three city officials above-mentioned as members. The members of the board who are not officials of the city government shall each receive a compensation of twenty pesos for each day of session actually attended, to be paid from the funds of the city. The chairman of the board shall have the power to designate any assistant city official or ranking employee to serve as secretary of the board without additional compensation.

"The members of the board who are not officials of the city government shall hold office for a term of five years, unless sooner removed for cause by a majority vote of the other members of the board."

SEC. 45. The first paragraph of Section fifty-five of the same Act is amended to read as follows:

"SEC. 55. Taxes on real estate—Extension and remission of the tax.;A tax, the rate of which shall not exceed two per centum ad valorem to be determined by the Municipal Board whose duty it shall be on or before the fifteenth day of December of each year to fix by resolution the rate of levy for the succeeding year on the assessed value of all real estate in the city subject to taxation. All tax on real estate for any year shall be due and payable annually within the first fifteen days of January and from this date such taxes together with all penalties accruing thereto shall constitute a lien on the property subject such taxation.

SEC. 46. Section sixty-one of the same Act is amended to read as follows:

"SEC. 61. Vesting title to real estate in the city government. ;After the expiration of the year for which the tax and in the event of continued default in the payment of the tax and penalty, all private rights, titles and Merest in to the real estate on which said tax is delinquent shall be indefeasibly vested in the city government, subject only to the rights of redemption and re-purchase as hereinafter provided for: Provided, That the l titled acquired by said city government to the real estate shall not be superior to the title thereto of the original owner prior to the seizure thereof."

SEC. 47. The same Act is amended by rearranging Sections sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine and seventy thereof and inserting therein a new section to be known as Section 67-A, to read as follows:

"SEC. 64. Notice of sale of real estate at public auc-tion.;At any time after the forfeiture of any real estate shall have become absolute, the treasurer, pursuant to the rules of procedure to be promulgated by the Department Head, may announce the sale of the real estate seized on account of delinquency on the payment of the taxes thereon, for the redemption of which no application has been filed, such announcement shall be made by posting a notice for three consecutive weeks at the main entrances of the city all the municipal buildings of the province, in English or Spanish, and in the dialect commonly used in the locality, and by publishing the same once a week for three consecutive weeks in a newspaper of general on in the city. Copies of such notice shall be sent immediately by registered mail to the delinquent taxpayer latter's home address if known. The notice shall state the amount of the taxes and penalties so due, the time and place of sale, the name of the taxpayer against whom the taxes are levied, and the appropriate area, the lot number and the location by district and street and the street number and district or barrio where the real estate to be sold is located."

"SEC. 65. Sale of real estate, conditions,;At am time during the sale or prior thereto, the taxpayer may stay the proceedings by paying the taxes and penalties due on the property to the city treasurer or his deputy otherwise the sale shall proceed and shall be held either at the main entrance of the city hall or on the premises of the real estate to be sold as the city treasurer or his deputy may determine. Payment of the sale price shall be in full and for cash and in no case shall such price be less than the taxes and penalties due and the costs of sale.

"The city treasurer or his deputy shall make a report of the sale to the Municipal Board within five days after the sale and shall make the same appear on its records. The purchaser at the sale shall receive from the city treasurer or his deputy a certificate showing the proceedings of the sale, describing the property sold, stating the name of the purchaser, the sale price, the conditions of payment the amount paid and the exact amount of the taxes and penalties.

"SEC. 66. Redemption of real property before sale.—After the title of the property shall have become vested in the city government in the manner provided for in the preceding sections, and at any time prior to the sale the original owner or his authorized representative or any person having any lien, right or other legal interest or equity in said property, shall have the right to redeem the entire property in question by paying the full amount of the taxes and penalties due thereon at the time of the seizure.

"SEC. 67. Redemption of real estate after sale.— Within one year from and after the date of sale, the de-linquent taxpayer or any other person in his behalf, shall have the right to redeem the property sold by paying to the city treasurer or his deputy the amount of the taxes, penalties, cost and interest at the rate of twelve per centum, on the purchase price, if paid in whole or in any portion thereof as may have been paid by the purchaser, and such payment shall invalidate the certification of sale issued to the purchaser, if any, and shall entitle the person making such payment to a certificate to be issued by the city treasurer or his deputy, stating that he has thus redeemed the property, and the city treasurer or his deputy upon the return, by the purchaser of the certificate of sale previously issued to him, shall forthwith refund to the purchaser the entire sum paid by him with interest at twelve per centum per annum, as provided for herein, and such property shall thereafter be free from the lien of such taxes or penalties.

SEC. 67-A. Possession and usufruct of real property within one year from date of sale.—After the sale and before repurchase, or before the expiration of one year herein above fixed for such repurchase, the real property shall remain the possession of the delinquent taxpayer who shall have the right to the usufruct thereof.

SEC. 68. Taxes and penalties which shall be paid upon redemption or repurchase.—The taxes and penalties to be paid by way of redemption or repurchase, shall comprise in all cases only the original tax by virtue of failure to Pay which the seizure was made, and its incidental penalties, up to the forfeiture of the real estate to the government.

SEC. 69. Execution of deed of final sale.—In case the delinquent taxpayer shall not redeem the property sold as herein provided within one year from the date of the sale, and the purchaser shall then have paid the total purchase price, the city treasurer as grantor, shall execute a deed in form and effect sufficient to convey to the purchaser so much of the real estate against which the taxes have been assessed as has been sold, free from all liens or encumbrances, of any kind whatsoever, and said deed shall succinctly recite all the proceedings upon which the validity of the sale depends. Any balance remaining from the proceeds of the sale, after deducting the amount of the taxes and penalties due, and the costs, if any, shall be returned to the original owner or his representatives.

"SEC. 70. Ejectment of occupants of seized property.— If after issuance of the final bill or deed of sale herein-above referred to, the purchaser of the real property shall not be allowed to enter and take possession of the property subject of the deed of final sale, the city treasurer or his deputy shall issue to the Police Department, thru the Mayor, a certificate describing the parcel of real estate covered by the deed of final sale, stating the fact of its having been sold to the purchaser, and requesting the police to eject from said property all the tenants and occupants thereof. Upon receiving such certificate the police shall forthwith have all the tenants and occupants who refuse to recognize the title of the city and of the purchaser, expelled from the property in question and to place in possession the purchaser thereof: Provided, however, That if the property so seized is or includes a residential home, the occupant thereof shall be given sufficient time, not exceeding one month from the date of the notice of ejectment, to vacate the premises."

SEC. 48. The same Act is amended by inserting between Sections seventy-one and seventy-two thereof the following sections which shall read as follows:

"Article XIII—A. Department of General Services

"SEC. 71-A. The City General Services Officer.—There shall be a city general services officer who shall either be a civil engineer, sanitary engineer or architect and who shall exercise general supervision and control over all the offices and services under this department. He shall have a salary of not less than nine thousand six hundred pesos annum and shall have the following powers and duties:

"(a) He shall issue supplementary regulations not incompatible with laws or general regulations issued by the Proper department head of the National Government in accordance with law, for general services.

"(b) Subject to the approval of the Mayor, he shall assign the personnel under his office to the various offices and services as the public interest may require in accordance with the ordinance related thereto.

"(c) He shall have charge of the care, cleaning and sprinkling of streets, canals and esteros, parks and public buildings, recreation and playground and maintenance of city drainage structures, illumination services, maintenance and repair of public buildings and athletic fields owned by the city; care and to regulate the use of all monuments and parks

"(d) He shall have charge of city cultural services, including the organization and management of the city band, installation of arches and stages in connection with the participation of the city in all social services.

"(e) He shall have general supervision and control over the administration and cleanliness of markets, cold storages and slaughterhouses owned and operated by the city, except to fiscal matters which shall be under the

exclusive control of the city treasurer. He shall see to it that all the provisions of the market code are strictly complied with by all those concerned.

"(f) He shall take charge of the motor pool service to maintain and service all motor vehicles, and/or engines and mechanical devices which belong to the city except those under the fire department and the city engineer.

"(g) He shall exercise general supervision over the collection and disposal of all garbage, refuse, the contents of closets, vaults and cesspools, and all other offensive and dangerous substances within the city, including operation and maintenance of a city garbage treatment plant and, in the event the disposal and collection of such garbage, refuse and other offensive substances have been awarded to a private contractor, the disposal and collection thereof shall be under the supervision of the city general services officer.

"(h) He shall have charge of the cleaning of sanitary and storm sewers including the management and supervision of sewage including the management and supervision of sewage treatment plants operated by the city.

"(i) He shall have general supervision and control over the sanitary building and plumbing inspection service; care, custody and cleaning of all public buildings rented for city purposes: public toilets; collection and disposal of garbage, refuse, contents of toilets and cesspools, and all other offensive and dangerous substances within the city.

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

"(k) He shall recommend to the Municipal Board the passage of ordinances as he may deem necessary for the better and more adequate extension of public service.

"SEC. 71-B. The Assistant City General Services Officer.-There shall be an assistant city general services officer who shall assist the city general services officer who shall be appointed by the Mayor upon the recommendation of the city general services officer subject to the provisions of the Civil Service Law. He shall receive a salary of not less than seven thousand two hundred pesos per annum. In the absence of the city general services officer, the assistant city general services officer shall assume his duties and powers."

"SEC. 49. Section eighty-six of the same Act is amended to read as follows:

"SEC. 86. Annual Budget.—At least four months before the beginning of each year, the city treasurer shall present to the 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 estimate of department heads as required by Section twenty-one of this Charter, the Mayor shall formulate and submit to the Municipal Board 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: And provided, further, That the expenditure allowed for salaries and wages may exceed the percentage authorized by law if the excess is due to the implementation of a law fixing the salaries of city officials and employees or as a consequence of salary adjustments to conform to or approximate the standards set by the Wage and Position Classification Office."

SEC. 50. The same Act is amended by inserting between Sections eighty-seven and eighty-eight thereof a new section to be known as Section eighty-seven-A to read as follows:

"SEC. 87-A. Effectivity.—Any provision of existing law or regulations to the contrary notwithstanding and provided, that the city budget appropriates an aggregate amount not exceeding the estimated tax receipts and/or income for the ensuing year, certified collectible by the city treasurer, and Provided, That provisions have been made for the statutory and/or current contractual obligations of the city: And provided, further, That no official or employee shall receive a salary higher than the maximum salary provided by existing salary laws the city budget shall be in full force and effect on the date therein fixed for its effectivity by the Municipal Board with the approval of the City Mayor.

"Copies of the city budget shall be furnished the Secretary of Finance within ten days after its approval, who shall have the power to review the budget in order to see to it that the above provisions and conditions have been complied with. If within thirty days after submission to the Secretary of Finance, the secretary takes no action, the said budget shall be deemed to have complied with the above provisions. If within thirty days after submission of the budget, upon examination thereof, the Secretary of Finance shall determine that the provisions of the salary laws have been violated, he shall advise in writing the city treasurer who shall, upon receipt of such advice, make no further disbursements beyond the maximum amounts Provided for in the salary laws for the item in question, unless the budget shall have been corrected and revised to meet the objections presented in said advice, and until such corrections or revision shall have been submitted to and approved by the Secretary of Finance, which approval may not be unreasonably withheld. Upon ascertaining that the city budget has not made Provisions for all statutory and/or current contractual obligations of the city or that said budget has appropriated an aggregate amount exceeding the estimated tax receipts or income for the ensuing year, the Secretary of Finance shall, within thirty days after receipt of the city budget have the power to declare the same as inoperative and to re-turn the budget forthwith to the city mayor for proper adjustment, in which event the city shall operate on the previous year's budget until such time as a new budget shall have been made meeting the objections presented by the Secretary of Finance."

SEC. 51. The same Act is amended by inserting between Sections eighty-nine and ninety, thereof, a new section to be known as Section eighty-nine-A, to read as follows:

"SEC. 89-A. Supervision of District Judges over the City Judges of the City Court.—Annual Report of Judge.—The presiding judge of the Court of First Instance of the City of Tacloban, or if there be none, the executive judge of the court of first instance with permanent station in the City of Tacloban, under Section fifty-two of Republic Act Numbered Two hundred ninety-six, as amended, shall at all times, exercise supervision over city judges of the city courts of Tacloban, and shall keep himself informed of the manner in which they perform their duties, by personal inspection whenever possible, from reports which he may require from them, from cases appealed to his court, and from all other available sources. In proper cases he shall advise and instruct them whenever requested or when the occasion arises, and such city judges shall apply to him and not to the Secretary of Justice for advice and instruction and any such inquiries received by the Secretary of Justice shall be referred by him to the executive judge of the court of first instance.

"Every city judge, shall, during the first thirty days of the fiscal year, forward to the presiding and/or district judge a report concerning the business done in his court for the previous year, upon forms to be prescribed by the presiding judge or executive judge. Such report shall be filed in the office of the clerk of court of the presiding judge or the executive judge, as the case may be, and said presiding judge or executive judge shall, with the assistance of his clerk, embody a summary of such reports in his report as prescribed by the Secretary of Justice."

SEC. 52. This Act shall take effect upon its approval.

Approved, June 18, 1966.

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