

AN ACT CREATING THE CITY OF GENERAL SANTOS

REPUBLIC ACT NO. 5412, June 15, 1968

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

ARTICLE I.—Title of Act

SECTION 1. Title.—This Act shall be known as the “Charter of the City of General Santos.”

ARTICLE II.—The City as a Public Corporation

SEC. 2. Territory of the City of General Santos.—The City of General Santos, which is hereby created, shall comprise the present territorial jurisdiction covering all the barrios and sitios comprising the Municipality of General Santos in the Province of South Cotabato, except the barrios and sitios of Upper Malungon, Tagaytay, Malalag-Cogon, Malungon, Diangan, Manteo, Lower Manteo, Mainit, Kiblat, Upper Mainit, Kabang, Kitakal, Lumabat, Cabatuan, Lutay, Tamban, Lampanal, Labay, Malandag, Alta-i, Lambatot and Lulay.

SEC. 3. Corporate Character.—The City of General Santos, hereinafter called the city, constitute a political body corporate and as such is endowed with the attribute of perpetual succession and possessed of the powers which pertain a municipal corporation, to be exercised in conformity with the provisions of this Charter. The provisions of this Charter shall be liberally construed in favor of the city, to the end that it may have all the necessary powers for the efficient conduct of its city affairs. The specific mention of particular powers in other sections Charter shall not be construed as limiting the powers of the city in the premises to those thus mentioned.

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

SEC. 5. The City not liable for damages.—Theft shall not be liable or held for damages or injuries to persons or property arising from the failure of the City Mayor the City Council, or any other city officer or employee, to enforce the provisions of this Charter, or of any law or ordinance, or from the negligence of said Mayor, city council or other city officers or employees while enforcing or attempting to enforce said provisions: Provided, however, That nothing herein contained shall prevent any aggrieved party from filing a personal action in the proper court against any official or employee of the city government any act or omission in the performance of his duties.

SEC. 6. Police jurisdiction of the City.—The jurisdiction of the City for police purposes shall be co-extensive with its territorial jurisdiction and shall extend to three miles from the shores of the city; and for the purpose protecting and insuring the purity of the water supply the city, such police jurisdiction shall also extend over all territories within the drainage area of such water supply or within five-hundred meters of any reservoir, canal, aqueduct, or pumping station used in connection the water service. The City Court shall have concurrent jurisdiction with the municipal courts of the respective municipalities to try crimes and misdemeanors committed within said drainage

area, or within said spaces of five hundred meters. The courts first taking jurisdiction of such an offense shall thereafter retain exclusive jurisdiction thereof. The police forces of the several municipalities concerned shall have concurrent jurisdiction with the force of the city for the maintenance of order and the enforcement of ordinances throughout said zone, area aces. But any license that may be issued within said zone area or spaces shall be granted by the proper authorities of the municipality concerned, and the fees arising therefrom shall accrue to the treasury of the said municipality concerned and not to that of the city.

SEC. 7. Income, receipts and profits derived from sale and/ or administration of alienable and disposable lands of the public domain.—All incomes, receipts and profits ded from the sale, disposition and/or administration of alienable and disposable lands of the public domain within the City shall accrue to the city notwithstanding any provision of law to the contrary.

ARTICLE III.—The Mayor and the Vice-Mayor

SEC. 8. 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 date of the election he is at least twenty-five years of age, a resident of the city or at least two years prior to his election, and a qualified voter therein. He shall hold office for four years until his successor shall have been duly elected and qualified, unless sooner removed for cause, and shall receive a salary of ten thousand eight hundred pesos per centum and a "Mutable house allowance of five hundred pesos monthly.

SEC. 9. The Vice-Mayor.—There shall be a vice-mayor hall perform the duties and exercise the powers of mayor, in the event of the death, sickness, absence or temporary incapacity of the mayor, or in the event definite vacancy in the position of mayor, until said shall be filled, in accordance with law. The Vice-Mayor shall be elected in the same manner as the City Mayor and shall possess the same qualifications as the latter. If, for any reason, the vice-mayor is temporarily incapacitated for the performance of the duties of the City Mayor, or said office of the vice-mayor is vacant, the duties and powers of the mayor shall be performed and executive a member of the City Council who obtained the highest number of votes during the elections for members City Council. Whenever the vice-mayor performs the duties and exercises the powers of the mayor, he automatically ceases to be the presiding officer of the City Council. Where a member of the city council exercises the functions of the vice-mayor, said member ceases temporarily to take part in the deliberations of the city council except to preside. Where the offices of the city mayor and the vice-are left vacant by virtue of the death or permanent d ability of the incumbents, vacancies shall be filled in the manner provided by existing law.

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 nine thousand pesos per annum, notwithstanding any provisions of law to the contrary.

SEC. 10. General powers and duties of the Mayor.—The mayor shall have immediate control over the executive and administrative functions of the different departments of the city. He shall have the following general powers and duties:

- (a) To comply with and enforce and give the necessary orders for the faithful enforcement and execution of laws and ordinances in effect within the jurisdiction the city;
- (b) To safeguard all the lands, buildings, records, moneys, credits, and other property and rights of the city, and, subject to the provisions of this Charter, have control over all its property;
- (c) To see that all taxes and other revenues of the city are collected and applied in accordance with

appropriations to the payment of the municipal expenses;

(d) To cause to be instituted judicial proceedings to recover property and funds of the city whenever found, to cause to be defended all suits against the city, and otherwise to protect the interests of the city;

(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 and subject to the provisions of existing law, transfer officers and employees not appointed by the President of the Philippines from one section, division, or service to another section, division, or service within the same department without changing the compensation they receive;

(f) To examine and inspect the books, records and papers of all officers, agents, and employees of the city over whom he has executive supervision and control whenever occasion arises and at least once a year. For this purpose he shall be provided by the city council with such clerical or other assistance as may be necessary;

(g) To give such information and recommend such measures to the City Council as he shall deem advantageous to the city;

(h) To attend, if he wishes to do so, either in person or by a duly authorized representative, the session of the City Council, and participate in its discussions, but not to vote;

(i) To represent the city in all its business matters, and on its behalf all its bonds, contracts, and obligations made in accordance with law or ordinance;

(j) To submit to the City Council at least two months before the beginning of the ensuing fiscal year a budget of receipts and expenditures of the city;

(k) To receive, hear, and decide as he may deem proper, the petitions, complaints, and claims of the residents concerning all classes of municipal matters of an administrative or executive character;

(l) To grant or refuse municipal licenses or permits of all classes and to revoke the same for violation of the conditions upon which they were granted, or if acts by law or city ordinance are being committed under protection of such licenses or in the premises in which the business for which the same has been granted is carried on, or for any other good reason of general interest;

(m) To exempt, with the concurrence of the superintendent of schools, deserving poor pupils from the payment of school fees or of any part thereof;

(n) To take such emergency measures as may be necessary to avoid fires and floods, and to mitigate the effects of storms and other public calamities; and

(o) To perform such other duties and exercise such other powers as may be prescribed by law or ordinance.

SEC. 11. 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 to 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, and upon payment of the prescribed fees, furnish certified copies of all city records and documents in his charge which are not confidential in nature.

He shall also perform such duties as are required by the heads of departments of the city government by Section

nineteen hereof. The position of the secretary shall be regarded as within the unclassified civil service but may be filled in the same manner in which a classified position is filled, and if so filled, the appointee shall be entitled to all the benefits and privileges of classified employees, except that he holds office only during the term of the appointing mayor, and until a successor in the office of the secretary is appointed and qualified, or unless sooner separated. He shall receive a salary of five thousand four hundred pesos per annum notwithstanding any provision of law to the contrary.

ARTICLE IV.—The City Council

SEC. 12. Constitution and organization of the city council.—The city council shall be the legislative body of the city and shall be composed of the vice-mayor who shall be the presiding officer and twelve councilors who shall be elected at large by the qualified voters of the city during every election for provincial and municipal officials in conformity with the provisions of the Revised Election Code. The vice-mayor shall have no right to vote except in case of tie.

If the vice-mayor or a member of the city council shall be a candidate for office in any election, he shall be disqualified to act with said body in the performance of the duties thereof relative to such election, and if, for such reason, the number of members should be unduly reduced, the mayor shall appoint any qualified voter of the city to act in his place in such matters. The members of the city council shall each receive a salary of seven thousand two hundred pesos each per annum notwithstanding any provision of law to the contrary.

SEC. 13. Qualifications, election, suspension and removal of members.—The members of the city council shall, at the date of their elections, be qualified electors of the city, residents thereof for at least two years immediately prior to their election and not less than twenty-five years of age. Such members may be suspended or removed from office under the same circumstances, in the same manner, and with same effect, as elective provincial officers, and the provisions of law governing the suspension or removal of elective provincial officers are hereby made applicable in the suspension or removal of said members.

Elections for members of the council shall be held on the date of the regular election for provincial and municipal offices, and elected members shall assume office on the first day of January next following their election, upon qualifying and shall hold office for four years and until their successors shall have been duly elected and qualified. Twelve candidates receiving the greatest number of votes shall be declared elected.

A vacancy in the city council shall be filled in accordance with the provisions of existing law.

SEC. 14. Secretary of the city council.—The city council shall have a secretary, who shall be elected by it to service during the term of office of the members. A vacancy in the office of secretary shall be filled temporarily or for the unexpired term in like manner.

The secretary shall be in charge of the records of the city council. He shall keep a complete record of the proceedings of the council, and file all documents relating thereto; shall record, in a book kept for that purpose, all ordinances and all resolutions and motions directing the payment of money or creating liability, enacted or adopted by the council with dates of passage of the same, and of the publication of ordinances, shall keep a seal, circular in form with inscription "City Council—City of General Santos", in the center of which shall be placed the 'Coat of Arms' of the city, and affix the same, with his signature, to all ordinances and other official acts of the council, 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, and upon payment of the prescribed fee, furnish certified copies of all records of public character in his charge under the seal of his office, and shall keep in his office all records therein which are not confidential in nature, open to public inspection during usual business hours. The

compensation of the secretary shall be five thousand four hundred pesos per annum notwithstanding any provision of law to the contrary.

SEC. 15. Legislative procedure.—The city council shall hold two regular sessions for the transaction of business during each week on days which it shall fix by resolution, and such special sessions as may be necessary for the public interest, 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. It shall keep a record of all its proceedings and determine its rules procedure not herein set forth. A majority of all the members of the city council shall constitute a quorum for 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 issuing to the police of the city an order for his arrest production at the session under such penalties as shall have been 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 of the members present at any session duly called and . The ayes and nays shall be taken and recorded upon the passage of all ordinances, upon all resolutions or motions directing the payment of money or creating liability, and at the request of any member, upon any other resolution or motion. Each approved ordinance, resolution or motion shall be sealed with the seal of the City Council and recorded in a book kept for the purpose and shall, on the day following its passage be posted by the secretary at 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 within said time.

Each ordinance and each resolution or motion directing payment of money or creating liability, enacted or adopted by the city council shall be forwarded to the mayor for his approval. Within ten days after the receipt of the ordinance, resolution or motion, the mayor shall return it with his approval or veto. If he does not return it within that time, it shall be deemed approved. If he returns it with his veto, his reason therefor in writing shall accompany it. It may then again be enacted by two-thirds affirmative votes of all the members of the council, and again forwarded to the mayor for his approval. If within said time he again returns it with his veto, it shall be forwarded forthwith to the President for his approval or disapproval which shall be final.

The mayor shall have the power to veto any particular item or items of an appropriation ordinance, or of a ordinance, resolution or motion directing the payment of money or creating liability, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to ordinances, resolutions or motions returned to the council with his veto; but should an item or items in appropriation ordinance be disapproved by the mayor, the corresponding item or items in the appropriation ordinance of the previous year shall be deemed reenacted.

SEC. 16. Legislative powers.—Except as otherwise provided by law, and subject to the conditions and limitations thereof, the city council shall have the following legislative powers:

- (a) To provide for the levy and collection of taxes general and specific purposes in accordance with law, including specifically the power to levy real property tax not to exceed one and one-half per centum ad valorem: Provided, That the said maximum rate of one and one per centum shall not be imposed during the first five years of the effectivity of this Act;
- (b) To fix the number and salaries of officials employees of the city not otherwise provided for in this Act;

- (c) To fix the schedule of fees and charges for all services rendered by the city or any of its departments, branches or officials;
- (d) To provide for the erection and maintenance or the rental, in case of need, of the necessary buildings for the use of the city.
- (e) To provide for the establishment and maintenance public schools; and, except as otherwise provided by law, to fix, with the approval of the Director of Public Tools and/or Vocational Education, reasonable matriculation and/or tuition fees for intermediate and secondary instruction therein and to acquire sites for schoolhouses for primary and intermediate classes through purchases or conditional or absolute donation;
- (f) To establish and maintain or aid in the establishment and maintenance of vocational schools and institutions of higher learning conducted by the National Government or any of its subdivisions, or agencies; and, with the approval of the Director of Vocational Education, to fix reasonable tuition fees for instruction in the vocational schools and in the institutions of higher learning supported by the city;
- (g) To provide for and maintain an efficient police force for the maintenance of law and order in the city, and make all necessary police ordinances, with a view to the confinement and reformation of vagrants and juvenile delinquents, disorderly persons, mendicants, prostitutes, and persons convicted for violating any of the ordinances of the city;
- (h) To maintain the city court established by law which shall have jurisdiction of all criminal cases under the laws of the city, and such additional jurisdictions may be herein or hereafter conferred;
- (i) To provide for and maintain a city fire department and to establish and maintain engine houses, fire engines, trucks, hooks, and ladders, and other equipment for prevention and extinguishment of fires, and to regulate the management and use of the same;
- (j) To establish fire zones, determine the kind of buildings or structures that may be erected within their limits, and regulate the manner of constructing and repairing the same and fix the fees for permits for the construction or demolition of buildings and other structures;
- (k) To regulate the use of lights in stables, shops and other buildings and places, and to regulate and restrict the issuance of permits for the building of bonfires, rockets, and other pyrotechnic display, and to fix the fees for such permits;
- (l) To make regulations to protect the public from conflagrations and to prevent and mitigate the effects of fire, floods, storms and other public calamities, and to provide relief for victims thereof;
- (m) To tax, regulate and fix the amount of the license fees for the following: hawkers, peddlers, hucksters, not including hucksters or peddlers who sell only native vegetables, fruits, or foods, personally carried by the hucksters or peddlers, barbers, collecting agencies, manicurists, hair-dressers, tattooers, jugglers, acrobats, wrestlers and boxers; shooting galleries, slot machines, merry-go-rounds and other similar riding devices, and the keeping, preparation, and sale of meat, poultry, fish, game, butter, cheese, lard, vegetables, bread, and other provisions; and to impose a municipal occupation tax, not to exceed fifty pesos per annum, on lawyers, physicians, land surveyors, architects, certified public accountants, agricultural, geodetic, industrial management, civil, electrical, chemical, mechanical or mining engineers, electronics engineers, veterinarians, dentists, opticians and optometrists, insurance agents, sub-agents, business agents and business consultants, professional appraisers or connoisseurs of tobacco, or other domestic or foreign products, music teachers, piano tuners, nurses, midwives, auctioneers, plumbers, electrical contractors, building contractors, masseurs, physical culture instructors, chiropodists, money changers, real estate, commercial and other brokers, salesmen, detailmen, hostesses, and persons engaged in the transportation of passengers or freight by hire, including common carriers and transportation contractors: Provided, That persons exercising their professions

or occupation only as salaried employees and not as independent practitioners shall be exempt from the municipal occupation tax herein prescribed;

(n) To tax, fix the license fee and regulate the business of hotels, restaurants, refreshment places, cafes, lodging houses, brewers, distillers, rectifiers, laundries, dye- and cleaning establishments, beauty parlors, physical or beauty culture, and fashion schools, clubs, livery garages, public warehouses, pawnshops, theaters, cinematographs, and the letting or subletting of lands and buildings, whether used for commercial, industrial or residential purposes; and further to fix the location of, and to tax, the license fee on, and regulate the business of, livery stables, boarding stables, embalmers, public billiard tables, public pool tables, bowling alleys, dance halls, public dancing halls, cabarets, night clubs, and day clubs, circuses and other similar parades, public vehicles, public ferries, cockpits, dealers in second hand materials or merchandise, junk dealers, theatrical performances, boxing contests, public exhibitions, blacksmith shops, foundries, steam boilers, lumberyards, shipyards, the storage and sale of gunpowder, tar, pitch, resin, coal, oil, gasoline, benzine, turpentine, hemp, cotton, nitroglycerin, petroleum, or any of the products hereof, and of all other highly combustible or explosive materials, and other establishments likely to endanger the public safety or give rise to conflagrations or explosions and, subject to the provisions of law, tanneries, fats and oil, factories, tallow chandlery, bone factories, soap factories; Provided, That no license shall be granted to any theater or cinematography unless the applicant for said license agrees to exhibit pictures made in the Philippines extent of five per centum of their annual exhibitions: And provided, further, That any violation of this condition cause the revocation of said license;

(o) To tax and fix the license fees on printers or binders or both, tailor shops, milliners, manufacturers of jewelry, embroideries, sails or awnings or both, rope, paper, leather goods including shoes, slippers, sandals, sashes and valises or bags, sporting goods, plastics and celluloid products, hardware including glassware, cooking utensils, electrical goods, toilet articles, paints, dyes, inks, textiles, shell lamps or lamp shades or both, statuettes or tombstones or both, sacks, furniture of all kinds, including rattan goods, wire, brass, beds or both, clothing, hats, eyeglasses, or optical goods or both, fertilizers or buttons.

Manufacturers above-mentioned shall not be subject to the payment of any municipal tax or license fees as retail dealers of their own products: Provided, That any manufacturing conducted solely by the immediate members of a family at their own home shall not be subject to any tax or license fee.

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

Dealers in general merchandise shall be classified as: 1) wholesale dealers, and 2) retail dealers. For purposes of the tax on retail dealers, general merchandise shall be classified into four main classes, namely: 1) luxury articles 2) semi-luxury articles; 3) essential commodities; and miscellaneous articles. A separate license shall be prescribed for each class but where commodities of different classes are sold in the same establishment, it shall not be compulsory for the owner to secure more than one license if he pays the higher or highest rate of tax prescribed by ordinance. Wholesale dealers shall pay the license tax such, as may be provided by ordinance.

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

(q) To tax, fix the license fee on the sale, trading in or disposal of alcoholic or malt beverages, wines, and mixed or fermented liquors, including tuba, basi, tapuy, lambanog, offered for retail sale;

(r) To impose a tax on all products or commodities manufactured or produced in the city and removed therefrom

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(s) To impose a sales tax of not exceeding one per centum of the gross value in money of all articles sold,

bartered, exchanged or transferred within the city;

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

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

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

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

(x) To prohibit, and provide for the punishment cruelty to animals;

(y) To require property owners by ordinance to construct or repair, at their expense, sidewalks along the street or streets adjacent to their lots in accordance the specifications of the city engineer as to quality and grade, and subject to his supervision and approval: Provided, That in case of failure or inability of the property owners to comply with the requirement within a specified period of time after demand, the city engineer shall cause the work to be done and the cost thereof, collect as a special assessment from such owners, who may choose to pay the same in full, or in ten equal installments which shall be due and payable to the City of General Santos in the same manner as the annual tax levied on real estate and shall be made subject to the same penalties for delinquency, and enforceable by the same remedies, as such annual tax; and all said sums and amounts shall, from the day in which they are assessed, constitute liens on the property against which the same were assessed, and shall take precedence over any and all other liens which may exist upon such property excepting only such as may have been attached as a result of the nonpayment of said annual tax:

(z) To regulate the inspection, weighing and measuring of brick, lumber, coal and other articles or merchandise;

(aa) Subject to the provisions of existing law, to provide for the laying out, construction and improvement, and regulate the use of streets, avenues, alleys, sidewalk wharves, piers, parks, cemeteries, and other public place to provide for lighting, cleaning and sprinkling of streets and public places; to regulate, fix license fees for and prohibit the use of the same for processions, signs, signposts awning, awning posts, and the carrying or displaying of banners, placards, advertisements, or handbills, or the flying of signs, flags or banners, whether along, across, over, or from buildings along the same; to prohibit the placing, throwing, depositing, or leaving of obstacles of any kind, garbage, refuse, or other offensive matters liable to cause damage in the street and other public places, and to provide the collection and disposition thereof; to provide the inspection of, fix the license fees for, and regulate openings in the same for the laying of water, sewer and other pipes, building and repair of tunnels, sewers and drains, and all structures in and under the same, and erecting of poles and stringing of wires thereon; to provide for, and regulate crosswalks, curbs and gutters herein; to name streets without a name and provide for, and regulate the numbering of houses and lots fronting hereon, or in the interior of the blocks; to regulate traffic

and sales upon the streets and other public places; to provide for the abatement of nuisances in the same, and punish the authors or owners thereof; to provide for the construction and maintenance and regulate the use of bridges, viaducts, and culverts; to prohibit and regulate ball playing, kite playing, hoop rolling, and other amusements which may annoy persons using the streets and public places, or frighten horses or other animals, or obstruct other vehicles; to regulate the speed of horse and other animal-driven vehicle within the limits of the city;

(bb) To provide for the construction and maintenance of, and regulate the navigation on, canals, and watercourses within the city, and provide for the cleansing and purification of the same; unless otherwise provided by law, to provide for the construction and maintenance, and regulate the use of public landing places, wharves, piers, docks and levees, and those of private ownership; and to provide for, or regulate the drainage and filling of private premises when necessary in the enforcement of sanitary laws and regulations issued in accordance with law. To undertake and carry out the reclamation of submerged land the sea adjoining the city limits at the expense of the city, the area thus reclaimed to belong exclusively to city, or to cause to be undertaken by private contractors such reclamation work on terms and conditions approved by the city council and the mayor;

(cc) Subject to the provisions of existing law, to fix the charges to be paid by all water craft landing using public wharves, docks, levees, or landing places owned, operated, managed or controlled by the city;

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

(ee) To provide for the establishment, maintenance, and to regulate the use of public drains, sewers, latrines and cesspools;

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

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

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

(ii) To declare, prevent and provide for the abatement of nuisances; to regulate the ringing of bells and the making of loud or unusual noises; to provide that owners, agents or tenants of buildings or premises keep and maintain the same in sanitary condition, and that, in case of failure to do so within sixty days from the date a written notice is served, the city health officer shall cause the same to be kept in a sanitary condition, and the cost thereof to be assessed against the owner to the extent of not to exceed sixty per centum of the assessed value, which cost shall constitute a lien against the property; and to regulate and/or prohibit, or fix the license fees for the use of property on or near public ways, grounds, or places, or elsewhere within the city, or display

by electric signs or the erection or maintenance of billboards or structures of whatever materials erected, maintained, or used for the display of posters, signs or other pictorial or reading matter, except signs displayed at the place or places where the profession or business advertised thereby is in whole or in part conducted;

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

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

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

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

(nn) To grant fishing and fishery privileges subject to the provisions of the Fisheries Act;

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

(pp) To enact all ordinances it may deem necessary and proper for the sanitation and safety, the furtherance of the prosperity, and the promotion of the morality, peace, good order, comfort, convenience, and general welfare of the city and its inhabitants, and such others as may be necessary to carry into effect and discharge the powers and duties conferred by this Charter; and to fix penalties for the violation of ordinances, which shall not exceed a two hundred pesos fine or six months imprisonment, or both such fine and imprisonment, for a single offense;

(qq) Subject to the provisions of existing law, to exercise the power eminent domain for the following purposes the construction or extension of roads, streets, sidewalks, boulevards, seawalls, bridges, ferries, levees, wharves, or piers, airfields; the construction of public buildings, including schoolhouses, and the making of necessary improvements in connection therewith; the establishment of parks, playgrounds, plazas, market places, artesian wells, or fountains for the supply of water, irrigation canals and dams, and establishment of nurseries, breeding stations for animals, health centers, hospitals, cemeteries, drainage systems, cesspool, or sewage systems and abattoirs; and

(rr) To dispose by lease or otherwise all lands of the public domain ceded to it by the National Government pursuant to the provisions of this Charter.

SEC.17. Restrictive provision.—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 from receipt of the order issued by him, he may himself cause its removal, and the sign, signboard, or billboard shall thereupon be forfeited to the city and the expenses incident to the removal of the same shall become a lawful charge against any person or property liable for the erection or display thereof.

ARTICLE V.—Departments and Offices of the City

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

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

Consistent with law, the city council may, from time to time, make such readjustment of the duties of the several departments as the public interest may demand, and with the approval of the City Mayor, may create, merge and/ or consolidate any department, division or office city with any other department, division or office

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

In case of absence, sickness or inability to act for any other reasons of the head of any of the city departments, or in case of temporary vacancy, the officer next in rank of that department shall act in his place with authority to sign all necessary papers, vouchers, requisitions and simi-lar documents.

SEC. 20. Appointment and removal of officials and employees.—The President of the Philippines, with the consent of the Commission on Appointments, shall appoint the city judges and the auxiliary judges of the city; city treasurer, the city engineer, the city fiscal and assistants, the city health officer, and the city superintendent of schools. Said officers shall not be suspended removed except in the manner and for causes provided law. Subject to the provisions of the Civil Service the mayor shall appoint all other officers and employee paid out of city funds, ,and they shall be suspended or removed in accordance with law.

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

SEC. 22. Statement of Assets.—Before assuming office, every official and regular or temporary employee of the city government shall file a sworn statement of his assets and property holdings.

ARTICLE VI.—Department of Finance

SEC. 23. The City Treasurer—His powers and compensation.—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 twelve thousand pesos per annum, notwithstanding any provision of law to the contrary, he shall have the following general powers and duties:

- (a) To collect all taxes due the city, all licenses authorized by law or ordinance, all rents due for lands, markets and other properties owned by the city, all further charges of whatever nature fixed by law or ordinance; shall administer markets and slaughterhouses, and shall receive and issue receipts for all costs, fees, fines and forfeitures imposed by the city court;
- (b) To collect all miscellaneous charges made by the engineering department and by the 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) Unless otherwise specifically provided by law or resolution, to 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;
- (d) To purchase and issue all supplies, equipment or other property required by the city, through the purchasing agent, or otherwise, as may be authorized, subject the general provisions of law relating thereto
- (e) 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-
- (f) To deposit daily all city funds and collections in any bank duly designated as government depository; and
- (g) To disburse the funds of the city in accordance with duly authorized appropriations, upon properly executed vouchers bearing the approval of the chief of the department concerned, and on or before the twentieth day of each month he shall furnish the mayor and the city council for their information, a statement of the appropriation, expenditures and balances of all funds and accounts as of the last day of the month preceding.

ARTICLE VII.—Department of Engineering and Public Works

SEC. 24. The City Engineer —His powers, duties and compensation.—There shall be a city engineer who shall have charge of the department of engineering and public works. He shall receive a salary of twelve thousand pesos per annum, notwithstanding any provision of law to the contrary. He shall have the following powers and ties:

- (a) To have charge of all the surveying and engineering works of the city; care, cleaning and sprinkling of streets, canals and esteros, parks and public grounds, bridges, playgrounds and recreation centers, and shall perform such services in connection with public improvements, or any work entered upon or projected by the city, or any department thereof, as may require the skill and experience of a civil engineer;
- (b) To ascertain, record, and establish monuments of the city survey and from thence extend the survey of the city, and locate, establish and survey all city properties; L private properties abutting on the same whenever died by the mayor;
- (c) To 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;
- (d) To 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;

(e) To have the care of all public buildings when erected, including markets and slaughterhouses, and 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;

(f) To take care of all public streets, parks and bridges, and shall maintain and regulate the use of the same for all purposes as provided for by ordinance; shall collect and dispose of all garbage, refuse, the contents of closets, vaults and cesspools, and all other offensive and dangerous substances within the city and, in the event the disposal and collection of such garbage, refuse and other offensive substances has been awarded to a private contractor, the disposal and collection thereof shall be under the supervision of the city engineer;

(g) To have the care and custody of all public docks, wharves, piers, levees and landing places owned by the city;

(h) To prevent the encroachment of private buildings and fences on the streets and public places in the city;

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

(j) To have the care and custody of the public of waterworks and sewers, and all sources of water supply; and shall control, maintain and regulate the use of the same in accordance with the ordinance relating thereto; shall inspect and regulate the use of all private systems for supplying water to the city and its inhabitant and all private sewers and their connections with the public sewers systems;

(k) To supervise the laying of mains and connections for the purpose of supplying gas to the inhabitants of the city;

(l) To inspect and report upon the conditions of public property and public works whenever required by the mayor;

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

(n) To 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, to order the removal of buildings and structures erected in violation of the ordinances; to order the removal materials employed in the construction or repair of any building or structure made in violation of said ordinance and to cause buildings and structures dangerous to public to be made secure or torn down; and

(p) To file and preserve all maps, plans, notes, surveys and other papers and documents pertaining to his office.

SEC. 25. Execution of authorized public works and improvements.— All public works constructions, repair and improvement of the city shall be carried out by administration of the Office of the City Engineer under the direct supervision and direction of the city mayor. The approval plans and specifications thereof by the city mayor with the favorable recommendation of the city council and the city engineer shall constitute sufficient warrant for the undertaking and execution of said projects. For justifiable reasons, the mayor, with the advice and consent of the city council, may also have said work done totally or partially by contract, upon advertising for bids therefor:

Provided, That in the case where the funds are borrowed from private firms or institutions and not obtained from taxes or any other governmental source, public bidding may be dispensed with.

ARTICLE VIII.—Law Department

SEC. 26. The City Attorney—His powers, duties and compensation,—There shall be a city attorney who shall be the legal adviser of the city. He shall receive a salary of eight thousand four hundred pesos per annum. He shall have the following powers and duties:

- (a) To represent personally or through any assistant, the city in all civil cases wherein the city, or any officer thereof, in his official capacity, is a party; and to prosecute and defend all civil actions related to or connected with any city officer or interest;
- (b) To institute and prosecute in the city's interest, a suit on any bond, lease, or other contract and, upon any breach or violation thereof, when directed by the Mayor;
- (c) To give his opinion in writing, when requested by the mayor or the council or any of the heads of the city departments, upon any question relating to the city or the rights or duties of any city officer thereof;
- (d) To attend meetings of the council when requested, draw ordinances, contracts, bonds, leases and other instruments involving any interest of the city, and in and pass upon any such instrument already drawn;
- (e) To investigate or cause the investigation, whenever it is brought to his knowledge, that any city officer or employee 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 privilege and report the same to the mayor; and
- (f) To render such official services as the mayor or city council may require, and shall exercise and perform such additional powers and duties as may be prescribed by law or ordinance.

ARTICLE IX.—Prosecution Department

SEC. 27. The City Fiscal.—His powers, duties and compensation. —There shall be a city fiscal and five assistant city fiscals who shall discharge their duties and powers subject to the general supervision of the Secretary of Justice. The five assistant city fiscals shall be known as the first, second, third, fourth, and fifth assistant city fiscals, respectively. The city fiscal and his assistants shall receive their salaries in accordance with existing law. He shall have the following powers and duties:

- (a) To have charge of the prosecution of all crimes and violations of the city ordinances in the city court the city, or the Court of First Instance, and shall discharge all the duties in respect to criminal prosecution as are joined by law upon provincial fiscals;
- (b) To cause to be investigated all charges of crime, misdemeanors and violations of laws and city ordinance and have the necessary information's or complaints prepared or made against the persons accused. He or any his assistants may conduct such investigations by taking oral evidence of reputed witnesses, and for this purpose may, by subpoena, summon witnesses to appear and testify under oath before him, and subpoena duces tecum for the production of documents and other evidence. The attendance of an absent or recalcitrant witness may be enforced by application for a warrant of arrest to the city court or to the Court of First Instance;
- (c) To cause to be investigated the cause of sudden deaths which have not been satisfactorily explained and there is suspicion that the cause arose from the unlawful acts or omissions of other persons, or from foul play.

For that purpose, he may cause autopsies to be in case it is deemed necessary and shall be entitled to demand and receive for the purpose of such investigations or autopsies the aid of the city health officer; and

(d) To render such official services as the mayor or the city council may require, and shall exercise and perform such additional powers and duties as may be prescribed by law or ordinance.

ARTICLE X.—Department of Health

SEC. 28. The City Health Officer.—His powers, duties and compensation.—There shall be a city health officer who shall have charge of the department of health and shall receive a salary of twelve thousand pesos per annum. He shall have the following powers and duties:

(a) To have general supervision over the health and sanitary conditions of the city, including the cleaning of crematories, cemeteries, stockyards, slaughter houses and markets;

(b) To execute and enforce all laws, ordinances and regulations relating to the public health;

(c) To recommend to the city council the passage of such ordinances, as he may deem necessary for the preservation of the public health;

(d) To 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 proper national police officer and such sanitary inspectors as may be authorized by law;

(f) He shall administer the city cemeteries and shall have charge of the duties related to the issuance of burial and transfer permits, and permits for the conveyance body to seal for burial;

(g) To have control and supervision over centers and social services of the city;

(h) To keep a civil register for the city and shall cord therein all births, marriages and deaths with their respective dates, annulments of marriages, legitimation adoptions, acknowledgment of natural children, naturalization and changes of names; and

(i) To perform such other duties, not repugnant to law or ordinance, with reference to the health and sanitation of the city as the Director of Health Services shall direct. In case of epidemic or when the inhabitants of the city are menaced by any infectious or contagious diseases, the Director of Health Services shall assume full control of the health and sanitation services of the city until such condition shall have ceased to exist.

ARTICLE XI.—Police Department

SEC. 29. The Chief of Police.—His powers, duties and compensation.—There shall be a chief of police who shall have charge of the police department and shall receive a salary of nine thousand six hundred pesos per annum. He shall have the following powers and duties:

(a) To issue supplementary regulation not incompatible with law or general regulations promulgated by the proper department head of the National Government, in accordance with law, for the government of the city police and detective force;

(b) To quell riots, disorders, disturbances of the peace, and shall arrest and prosecute through the city fiscal, violators of law or ordinances; shall exercise exclusive police supervision over all land and water within the police jurisdiction of the city; shall be charged with protection of

the rights of persons and property wherever found within the jurisdiction of the city, and shall arrest, when necessary, or prevent the escape of offenders and violators of law or ordinance, 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 prison or penitentiary;

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

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

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

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

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

SEC. 30. Deputy Chief Police.—There shall be a deputy 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 eight thousand four hundred pesos per annum.

SEC. 31. Chief of Secret Service.—There shall be a chief of the secret service who shall, under the chief of police, have charge of the detective work of the department and of the detective force of the city, and shall form such other duties as may be assigned to him by the chief of police or prescribed by law or ordinance. He shall receive a salary of seven thousand two hundred pesos per annum.

SEC. 32. Peace Officer.—Their powers and duties. The mayor, the chief of police, the deputy chief of police, the chief of the secret service, and all officers and members of the city police and detective force shall be peace officers. Such peace officers are authorized to serve and execute all processes of the city court and criminal processes of all other courts to whomsoever directed within the jurisdictional limits of the city or within the police limits as herein before defined; within the same territory to pursue and arrest, without warrant any person found in suspicious places or under suspicious circumstances reasonably tending to show that such person has committed, or is about to commit, a crime, or breach of peace; to arrest or cause to be arrested, without warrant, any offender when the offense is committed in the presence of a peace officer or within his view, and, in such pursuit or arrest, to enter any building, ship, boat or vessel, or take into custody, any person therein suspected of being concerned in such crime or breach of the peace, and any property suspected of having been stolen; and to exercise such other powers and perform such other duties as may be prescribed by law or ordinance. They shall detain an arrested person only in accordance with the provisions of existing laws relative to such detention. Whenever the mayor shall deem it necessary to avert danger or to protect life and property, in case of riot, disturbance, or public calamity, or when he has reason to fear any serious violation of law and order, he may request the assistance of the Philippine Constabulary or other members of the Armed Forces of the Philippines and/or other police agencies.

Except upon the occurrence of any such conditions, the jurisdiction and supervision and the preservation of peace

and order shall pertain exclusively to the peace officers herein mentioned, existing law to the contrary notwithstanding.

SEC. 33. When a member of the city police is accused in court of any felony or violation of law or ordinance by the city fiscal, the mayor shall immediately suspend the accused from office in accordance with existing law pending the final decision of the case by the court. In case of acquittal, the accused shall be entitled to payment of the entire salary he failed to receive during his suspension.

ARTICLE XII.—Fire Department

SEC. 34. Chief of Fire Department— His powers, duties and compensation. — 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 eight thousand seven hundred pesos per annum., and shall have the following powers and duties:

- (a) To 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 zone;
- (b) To have charge of the fire engine houses, the fire engine, hose trucks, hooks and ladders, trucks and all other fire apparatus;
- (c) To have police powers in the vicinity of fires;
- (d) To have authority to remove or demolish any building or other property whenever it shall become necessary to prevent the spreading of fire or to protect adjacent property;
- (e) To investigate and report to the mayor upon the origin and cause of all fires occurring in the city;
- (f) To 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) To have charge of the city telegraph; telephone fire alarm service;
- (h) To have exclusive power, notwithstanding any 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) To condemn all defective electrical installations and shall take the necessary steps to effect immediate corrective action informing the mayor of the action taken;
- (j) To 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 the city shall be granted unless the plans relative thereto have been approved by the chief of the fire department. He shall have the power to alter or disapprove such plans as do not provide for adequate protection against the occurrence of fires; and
- (l) To have such powers and perform such duties as may further be prescribed by law or ordinance.

SEC. 35. Deputy Chief of the Fire Department.— There shall be a deputy 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 duties as may be imposed upon him by the chief as prescribed by law or ordinance. He shall receive a salary of seven thousand two hundred pesos per annum.

ARTICLE XIII.—Department of Assessment

SEC.36. The City Assessor.—His powers, duties compensation.—There shall be a city assessor who shall have charge of the department of assessment and shall receive a salary of twelve thousand pesos per annum.

The city treasurer shall act as city assessor ex-officio until the city council, 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:

- (a) The city assessor and his authorized deputies are feed to administer any oath authorized to be administered in connection with the valuation of real estate for the assessment and collection of taxes;
- (b) To make a list of the taxable real estate in the city, arranging in the order of the lot and block numbers the names of the owners thereof, with a brief description of the property opposite each such name and the cash value hereof. 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 any other evidence on the subject and exercising his own judgment in respect thereto. For the purpose of completing this list, he and his representative may enter upon the real estate for the purposes of examining and measuring it, and may summon witnesses, administer oaths to them, and subject them to examination concerning the ownership and the amount of real estate and its cost value; and
- (c) He may, it necessary, examine the records of the register of deeds of the province showing the ownership of real estate in the city.

SEC. 37. Real estate exempt from taxation.—The following shall be exempted from taxation: (a) Lands or buildings owned by the Republic of the Philippines, the Province of South Cotabato, burying funds, churches, adjacent parsonages and convents, lands buildings used exclusively for religious, charitable, scientific or educational purposes, and not for profit; but such exemption shall not extend to lands or buildings held for investment, though 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 four hundred pesos; and
- (c) Machinery, which term shall embrace machines, mechanical contrivances, instruments, appliances and apparatus attached to the real estate, used for industrial, agriculture or manufacturing purposes, during the five years of the operation of the machinery.

SEC. 38. Declaration to be made by persons act or improving real estate.—It shall be the duty of person who, at any time, acquires real estate in the city, and of each person who constructs or adds to any improvements on real estate owned by him in the city, to prep; and present to the city assessor within a period of sixty days next succeeding such acquisition, construction or addition, a sworn declaration setting forth the value of the real estate acquired or the improvement constructed or ad-dition made by him, and a description of such property sufficient to enable the city assessor readily to identify the same. Any person having acquired real estate who fails to make and present the declaration therein required within the period of sixty days shall be deemed to have waived his right to notice of the assessment of such prop-erty, and the assessment of the same in the name of its former owner shall in all such cases be valid and binding on all persons interested and, for all purposes, as though the same has been assessed in the name of its present owner.

SEC. 39. Action when owner makes no return, or is unknown, or ownership is in dispute or in doubt, or when land and improvements are separately owned.—If owner of any parcel of real estate shall fail to make a return thereof, or if the city assessor is unable to discover the owner of any real estate, he shall nevertheless list the same for taxation and charge the tax against the true owner if known, and if unknown, then as against an unknown

owner. In case of doubt or dispute as to the ownership of real estate, the taxes shall be levied against the possessor or possessors thereof. When it shall appear that there separate owners of the land and the improvements on, a separate assessment of the property shall be made.

SEC. 40. Action in case 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 manner provided in the next succeeding section, and to charge against the owner thereof the taxes due for the current year and the last preceding one year, and the taxes assessed shall be legal and collectible by all the remedies herein provided, and if the failure of the city assessor 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. 41. When assessment may be increased or decreased.—The city assessor shall, during the first fifteen days of January of each year, add to his list of taxable real estate in the city, the value of the improvements placed upon such property during the preceding year, and any property which is taxable and which has theretofore escaped taxation. He may during the same period revise and correct the assessed value of any or all parcels of real estate in the city which are not assessed at their true money value by reducing or increasing the existing assessment as the case may be.

SEC. 42. Publication of complete list and proceedings thereon.—The city assessor shall, after the list have been 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 city hall, 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 February, 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. He shall further notify in writing each the amount of whose tax will be changed by such proposed revision by delivering or mailing at least thirty days in advance of the date fixed in the notice, such notification to such person or his authorized agent at the last known address of such owner or agent in the Philippines.

It shall be his duty to carefully preserve and record in his office copies of said notice. 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 the 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, and if he shall determine that injustice had been done or errors have been committed, he is authorized to amend the list in accordance with his findings.

SEC. 43. City Assessors to authenticate list of real estate assessed.—The city assessor shall authenticate each list of real estate valued and assessed by him as soon as the same is completed, by signing the following certificate at the foot thereof:

“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 General Santos has been omitted from the list, according to the best of my knowledge and belief.

Signature of City Assessor”

SEC. 44. Time and manner of appealing to Board of Tax Appeals.— In case an owner of real estate, or his authorized agent, shall feel aggrieved by any decision of the city assessor under the preceding section of his article, such owner or agent may, within thirty days after the entry of such decision, appeal to the Board of Tax

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 Board of Tax Appeals with all the written evidence in his possession relating to such assessment and valuation.

SEC. 45. Constitution and compensation of Board of Tax Appeals.— There shall be a City Board of Tax Appeals. It shall be composed of five members to be appointed by the President of the Philippines with the consent of the Commission on Appointments. Three members of the board shall be selected from among government officials in the city other than those in charge of assessment and shall serve without additional compensation.

The two other members shall be selected from among property owners in the city and they shall each receive a compensation of ten pesos each for each day of session actually attended. The chairman of the board shall be designated in the appointment and shall have the power to designate any city official or employee to serve as the secretary of the board without additional compensation.

The members of the City Board of Tax Appeals shall hold office for a term of two years unless sooner removed by the President of the Philippines.

SEC. 46. Oath to be taken by members of the City Board of Tax Appeals.—Before organization as such, the members of the City Board of Tax Appeals shall take the following oath before the city judge or any other officer authorized to administer oaths:

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

Signature

Subscribed and sworn to (or affirmed) before me this day of , 19

Signature and title of officer administering oath"

SEC. 47. Proceedings before the City Board of Tax Appeals and the department head.—The City Board of Tax Appeals shall hold such number of sessions as may be authorized by the Secretary of Finance, and shall hear and decide all appeals duly transmitted to it. It shall have authority to cause to be amended listing and valuation of the property in respect to which any appeal has been perfected by order signed by the board or a majority thereof and transmit it to the city assessor who shall amend the tax list in conformity with said order. It shall also have power to revise and correct with the approval of the department head first had, any and all erroneous or unjust assessments and valuations for taxation, make a correct and just assessment and state the true valuation in each case when it decides that the assessment previously made is erroneous or unjust. The assessment when so corrected shall be as lawful and valid for all purposes as though the assessment had been made within the time herein prescribed. Such reassessment and revaluation shall be made on due notice to the individual concerned who shall be entitled to be heard by the City Board of Tax Appeals before any reassessment or revaluation is made. The decision of the City Board of Tax Appeals shall be final unless the department head declares the decision reopened for review by him in which case he may make such revision or revaluation as in his opinion the circumstances justify. Such decision when approved by the President of the Philippines shall be final.

SEC. 48. Taxes on real estate.—Extension and remission of the tax.—A tax, the rate of which shall not exceed one and one-half per centum ad valorem to be determined by the city council shall be levied annually on or before the second Monday of January 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.

Such lien shall be superior to all other liens, mortgages or encumbrances of any kind whatsoever; and shall be enforceable against the property whether in the possession of the delinquent or any subsequent owner, and can only be removed by payment of the tax and penalty.

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 ad valorem taxation: Provided, That the time limit for the first and second installments shall be set at not later than the thirty-first day of May and the thirtieth day of October of each year, respectively.

Any person, who on the last day, set for the payment of the real estate tax as provided in the preceding paragraphs, shall be within the premises of the fifty hall, willing and ready to pay the tax but is unable to effect it on account of the large number of taxpayers therein present, shall be furnished a properly prescribed card which will entitle him to pay the tax without penalty on the following day.

The words "paid under protest" shall be written on the face of the real estate tax receipt upon the request of any person willing to pay the tax under protest. Confirmation in writing of an oral protest shall be made within thirty days.

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 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.

In the event that the crop is extensively damaged or that a great lowering of prices of products is registered in any year, or that a similar disaster extends throughout the province, or for other good and sufficient reason, the city council may, by resolution passed on or before the first day of December of such year, extend the time for the collection of the tax on real estate in the city for a period of not to exceed three months, or remit wholly part the payment of the tax penalty for the ensuing but such resolution shall have the specify clearly the grounds for such extension or remission and shall not take until it shall have been approved by the department head.

The President of the Philippines may, in his discretion, remit or reduce the real estate taxes for any year in the city if he deems this to be in the public interest.

SEC.49. Seizure of the personal property for delinquency in payment of the tax.—After a property shall have become delinquent in the payment of taxes and said taxes and the corresponding penalty or penalties shall remain unpaid ninety days after payment thereof shall have become due, the city treasurer or his deputy, if he desires to compel payment through seizure of any personal property of any delinquent person or persons, shall issue a duly authenticated certificate, based on the records of his office, showing the fact of delinquency and the amount of the tax and penalty due from said delinquent person or persons or from each of them. Such certificate shall sufficient warrant for the seizure of the personal property belonging to the delinquent person or persons in question not exempt from seizure; and these proceedings may be carried out by the city treasurer or his deputy, or any other officer authorized to carry out legal proceedings.

SEC.50. Personal property exempt from seizure and sale for delinquency.—The following personal property shall be exempt from seizure, sale and execution for delinquency in the payment of the real estate tax.

- (a) The tools and implements necessarily used by the delinquent in his trade or employment;

- (b) Two horses, or two cows, or two carabaos, or beasts of burden, such as the delinquent may select necessarily used by him in his ordinary occupation
- (c) His necessary clothing and that of his family;
- (d) Household furniture and utensils necessary for keeping, and used for that purpose by the delinquent, such as he may select, of a value not exceeding five hundred pesos;
- (e) Provisions for individual or family sufficient for three months;
- (f) The professional libraries of lawyers, judges, physicians, pharmacists, dentists, engineers, surveyors, clergymen, school teachers and music teachers, not exceeding one thousand pesos in value;
- (g) One fishing boat and net, the property of any fisherman, by the lawful use of which he earns a livelihood;
- (h) So much of the earnings of the delinquent for his personal services within the month preceding the levy as necessary for the support of his family;
- (i) Lettered gravestones;
- (j) All moneys, benefits, privileges, or annuities accruing or in any manner growing out of any life insurance, if the annual premiums paid do not exceed five hundred pesos, and if they exceed that sum, a like exemption shall exist which shall bear the same proportion to the moneys, benefits, privileges and annuities so accruing or growing out of such insurance that said five hundred pesos bears to the whole annual premiums paid; and
- (k) Any article or material which forms part of a home or of any improvement on any real estate

SEC. 51. The owner may redeem the personal property for sale. — 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 the cost incurred up to the time of tender. The costs to be charged in making such seizure and sale shall only embrace the actual expenses 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. 52. Sale of seized personal property.— Unless redeemed as herein before provided, the property seized through proceedings under the preceding section, shall after due advertisement, be exhibited for sale at public auction, and so much of the same as shall be sold to the highest bidder. The purchaser at such sale shall acquire a indefeasible title to the property sold.

The advertisement shall state the time, place and of sale, and be posted for ten days prior to the date of the auction, at the main entrance to the city hall and public and conspicuous place in the district where the property was seized.

The sale shall take place, at the discretion of the city treasurer or his deputy, either at the main entrance of the city hall or at the district where the property was seized. If no satisfactory bid is offered in the aforementioned places, another auction shall be had upon notice published anew.

SEC. 53. Return of Officer.—Disposal of surplus.— officer directing the sale under the preceding section shall forthwith make return of his proceedings, and note thereof shall be made by the city treasurer in his records. Any surplus resulting from the sale, over and above the tax, penalty and cost, and any property remaining in possession of the officer shall be returned to the taxpayer account of whose delinquency the sale has been made.

SEC. 54. Vesting title to real estate in the city government.—Upon the expiration of one year from the date which the taxpayer became delinquent, and in the event of continued default in the payment of the tax and penalty, all

private rights, titles and interest, in and 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 repurchase hereinafter provide. Provided, That the title acquired by said city government to real estate shall not be superior to the title thereto original owner prior to the seizure hereof.

SEC. 55. Redemption of real estate before seizure.— At any time after the delinquency shall have occurred, but not after the expiration of ninety days from the date publications of the advertisement provided for in next succeeding section, the owner or his lawful recitative, or any person having any lien, right, or any other legal or equitable interest in said property may pay taxes and penalties accrued and thus redeem the property. Such redemption shall operate to divest the city government of its title to the property in question and to revert the same to the original owner prior to the seizure.

SEC. 56. Notice and seizure of the real estate. — Notice of the seizure of the real estate shall be given by posting notices at the main entrance of the city hall, the provincial capitol building and all the municipal buildings in the Province of South Cotabato, in English and Spanish, and in the dialect commonly used in the locality; and a copy of said notice shall be sent by registered mail to the owner of the property. A copy of said notice shall also be posted in the property subject to seizure. Such notice shall state the name of the delinquent person, the date on which such delinquency commenced, the amount of the taxes and penalties then due, and shall state that unless such taxes and penalties are paid within ninety days from the date of publication of such notice, the forfeiture of the delinquent real estate to the city government shall become absolute.

SEC. 57. Ejectment of occupants of seized property.— After the expiration of ninety days from the date of the publication of the notice of delinquency provided for in the next preceding section, the city treasurer or his deputy may issue to the mayor or to other officers authorized by law to execute and enforce the laws, a certificate describing the parcel of real estate on which the taxes due and the penalties and costs accrued by reason of the delinquency, and requesting him to eject from said property all the tenants and occupants thereof. Upon receiving such certificate, the mayor or any other official authorized to enforce the law shall forthwith have all the tenant occupants who refused to recognize the title of the city expelled from the property in question, and to that he may use the police force: Provided, however, That if property so seized is, or includes a residential home occupant thereof shall be given, sufficient time not exceeding ten days from the date of the notice of ejectment vacate the premises.

SEC. 58. Redemption of real property before sale.— After the title to 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 or the execution of the contract of sale by the city treasurer to a third party, 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, and if the city treasurer shall have entered into a lease of the property, the redemption shall be made subject to such lease: Provided, That the payment of the price of sale may at the discretion of the purchaser be made in installments, extending over a period not exceeding twelve months, but the initial payment which must be made on the date of the filing of the application for redemption and every subsequent payment, shall not be less than twenty-five per centum of the entire sum due, and shall in no case be less than two pesos, unless the total balance of the amount due on all seized property in name of the taxpayer is less than two pesos. The purchaser may occupy the property after paying the first installment, and the usual taxes on the property shall be payable in the year after that in which the application for redemption was approved. Any failure of the purchaser to pay an installment on the date it is due shall have the effect of a forfeiture to the city government of any partial payment made by said purchaser and, in case he has possession of the property, he will forthwith surrender the

same to the city government. In case the purchaser should relinquish possession of said property, the city treasurer or his deputy shall forthwith adopt measures to eject therefrom all the tenants or occupants thereof as provided for in this Act: Provided, That the original owner any real estate seized prior to the approval of this Act who redeems the same within six months subsequent to its approval is hereby released from any obligation he may have to the government for rent for the use of such property: Provided, finally, That the provisions of this section shall apply to redemption of real estate Seized for delinquency in the payment of taxes thereof and t redeemed up to the date of the approval of this Act.

SEC. 59. Notice of sale of real estate at public auction.— At any time after the forfeiture of any real estate shall have become absolute, the treasurer pursuant to the rules of procedure promulgated by the department head may announce the sale of the real estate seized on account of delinquency for the payment of taxes thereon, for the redemption of which no application has been filed. Such announcement shall be made by posting for three consecutive weeks at the main entrance of the city hall and all the municipal buildings of the province, in either 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 newspaper of general circulation in the city. Copies of h notice shall be sent immediately by registered mail to delinquent taxpayer at the latter's home address, if known. The notice shall state the amount of the taxes and penalties due, the time and place of sale, the name of the payer against whom the taxes are levied, and the appropriate area, the lot number and the location by district and street, and/or barrio where the real estate to be sold is situated.

SEC. 60. Sale of real estate. — Conditions. — At any time during the sale or prior thereto, the taxpayer may stay the proceedings by paying the taxes and penalties to measures or his deputy. Otherwise the sale shall proceed and shall be held either at main entrance city hall or on the premises of the real estate to be sold as the city treasurer or his deputy may determine. The payment of the sale price may, at the option of the purchaser, be made in installments covering a period of not more than twelve months, but the initial payment which shall be made at the time of the sale, and each subsequent payment not be less than twenty-five per centum of the sale price, and shall in no case be less than two pesos, unless the total or the balance of the amount due on all seized property in the name of the taxpayer is less than two pesos, purchaser may occupy the property after paying the installment, and the usual taxes, on the property shall be payable in the year following that in which the sale took place. Any failure of the purchaser to pay the total price of the sale within twelve months from the date thereof shall be sufficient ground for its cancellation, and any part payment made shall revert to the government and, if the purchaser has taken possession of the property, he shall forthwith surrender the same to the city government. In case the purchaser should fail to relinquish posses; of the property, the city treasurer or his deputy shall immediately take steps to eject the tenants or occupants of the property in accordance with the procedure prescribed in Section fifty-seven of this Act.

The city treasurer or his deputy shall make a report the sale to the city council within five days after the sale and shall make the same appear on its records purchaser at this sale shall receive from the city treasurer or his deputy a certificate showing the proceedings of 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 ties.

SEC. 61. Redemption of real estate after sale.— Within one year from and after the date of the sale, the delinquent 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, costs and interests at the rate of twelve per centum per annum on the purchase price, if paid in whole or on any portion hereof as may have been paid by the purchaser, and such payment shall invalidate the certificate 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. 62. 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 sale, and the purchaser shall then have paid the total purchase price, the city treasurer, as grantor, shall execute a deed in full 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 costs, if any, shall be returned to the original owner or his representatives.

SEC. 63. 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 the failure to pay which the seizure was made, and its incidental penalties, up to the date of the forfeiture of the real estate to the government.

SEC. 64. Taxes — Legal Procedure. — (a) The assessment of a tax shall constitute a lawful indebtedness of the taxpayer to the city which may be enforced by civil in any court of competent jurisdiction, and this remedy shall be in addition to all remedies provided by law

(b) No court shall entertain any suit assailing the validity of a tax assessed under this Charter until the payer shall have paid, under protest, the taxes assessed against him; nor shall any court declare any tax invalid by reason of irregularities or in formalities of the office charged with the assessment or collection of taxes or a failure to perform their duties within the time specified for their performance, unless such irregularities, in formalities, or failures shall have impaired the substantial rights of the taxpayer;

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

(d) No court shall declare any such sale invalid by reason of any irregularities or in formalities in the proceeding 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.

ARTICLE XIV—Tax Allotments and Special Assessment for the Public Improvements

SEC. 65. Allotment of internal revenue and other taxes.— Of the internal revenue accruing to the National Treasury under Chapter II, Title XII of Commonwealth Act Numbered Four hundred sixty-six, and other taxes collected

the National Government and allotted to the various provinces, as well as the national aid for schools, for the city shall receive a share equal to what it would receive if it were an equally organized province.

SEC. 66. Power to levy special assessment for certain purposes.—The city council may, by ordinance, provide the levying and collection, by special assessment of the lands comprised within the district or section of the city specifically benefited, of a part not to exceed sixty per centum of the cost of laying out, opening, constructing, lightening, widening, extending, grading, paving, curbing, walling, widening, or otherwise establishing, repairing, enlarging, or improving public avenues, roads, streets, alleys, sidewalks, parks, plazas, bridges, landing places, wharves, piers, docks, levees, reservoirs, waterworks, water mains, water courses, esteros, canals, drains and sewers, including the cost of acquiring the necessary land and public improvements thereon, as hereinafter provided.

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

SEC. 67. Property subject to special assessment.—All comprised within the district or section benefited except those owned by the Republic of the Philippines be subject to the payment of the special assessment.

SEC. 68. Basis of apportionment.—The amount of the special assessment shall be apportioned and computed according to the assessed valuations of such lands as shown in the books of the city assessor. If the property has not declared for taxation purposes, the city assessor shall lately declare it for the owner and assess its value, and such value shall be the basis of the apportionment and computation of the special assessment due thereon.

SEC. 69. Ordinance levying special assessment. —The ordinance providing for the levying and collection special assessment shall describe with reasonable a the nature, extent, and location of the work to be taken; the probable cost of the work; the percentage the cost to be defrayed by special assessment, the d or section which shall be subject to the payment c special assessment; and shall describe with reasonable accuracy the metes and bounds, if practicable, and other reasonable accurate means if otherwise, and period which shall not be less than five or more than ten years, in which said special assessment shall be payable, without interest. One uniform rate per centum for all lands in the entire district or section subject to the payment of the special assessment need not be established, but different rates for different parts or sections of the city according as said property will derive greater or less benefit from the posed work may be fixed.

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

SEC. 70. Publication of proposed ordinance levying special assessment.—The proposed special assessment ordinance shall be published, with a list of the owners of the lands affected thereby, once a week for four consecutive

weeks in any newspaper published in the city, one in English, one in Spanish, and one in the local dialect, if the be any, and in default of local papers, in any newspaper

of general circulation in the city. The said ordinance English, Spanish and the local dialect shall also be post in places where the public notices are generally posted

the city and also in the district or section where the lie improvement is constructed or contemplated to be constructed. .

The secretary of the city council, on application furnish a copy of the proposed ordinance to each landowner affected, or his agent, and shall, if possible, send to all of

them a copy of said proposed ordinance by ordinary mail or otherwise.

SEC. 71. protest against special assessment. — Not later than ten days after the last publication of the ordinance and the list of landowners, as provided in the preceding section, the landowners affected may file with the city council a protest against the enactment of the ordinance. The protest shall be duly signed by them and shall set forth the addresses of the signers and the arguments in support of their objection or protest against the special assessment established in the ordinance. If no protest is filed within the time and under the condition above specified, the ordinance shall be considered approved as published.

SEC. 72. Hearing of protest. — The city council shall designate a date and place for the hearing of the protest filed in accordance with the next preceding section and shall give reasonable time to all protestants who have given their addresses and to all land owners affected by any protest or protests, and shall order the publication once a week for two consecutive weeks, of a notice of the place and date of the hearing in the same manner herein provided for the publication of the proposed special assessment ordinance. All pertinent arguments and evidence presented by the land owners interest or their attorney shall be attached to the proper records. After the hearing the city council shall either modify its ordinance or approve it in toto and send notice of its decision to all interested parties who have given their addresses, and shall order the publication of the ordinance as approved finally together with a list of the owners of the parcels of land affected by special assessment, three times weekly, for three consecutive weeks, in the same manner herein above prescribed. The ordinance finally passed by said body shall be sent to the mayor with all the papers pertaining thereto, for his approval or veto as in the case of other city ordinance. If the mayor approves it, the ordinance shall be published as above provided, but if he vetoes it, the procedure in similar cases provided in this Charter shall be observed.

SEC. 73. When ordinance is to take effect. — Upon the expiration of thirty days from the date of the last publication of the ordinance as finally approved, the same shall be effective in all respects, if no appeal therefrom is taken to the proper authorities in the manner hereinafter prescribed.

SEC. 74. Appeal. — Any time before the ordinance providing for the levying and collection of special assessments becomes effective in accordance with the preceding section, appeals from such assessment may be filed with the President of the Philippines in the case of public works undertaken or contemplated to be undertaken by the national government, and with the Secretary of Finance in the case of public works undertaken or contemplated to be undertaken by the city. In all cases, the appeal shall be in writing and signed by at least a majority of the owners of the lands situated in the special assessment zone whose holdings represent more than one-half of the total assessed value of the lands affected. The appellant or appellant? shall immediately give the city council a written notice of the appeal, and the secretary of the city council shall, within thirty days after receipt of the notice of appeal forward to the officer who has jurisdiction to decide appeal an excerpt from the minutes of the council relative to the proposed special assessment, and all the documents in connection therewith.

SEC. 75. Decision of the appeal. — Only appeals made within the time and in the manner prescribed in this shall be entertained, and the officer to whom the appeal is made may call for further hearing or decide the in accordance with its merits as shown in the paper or documents submitted to him. All appeals shall be decided within sixty days after receipt by the appellate of the docket of the case, and such decision shall be final.

SEC. 76. Fixing of amount of special assessment. — As soon as the ordinance is in full force and effect, the city shall determine the amount of the special assessment which the owner of each parcel of land comprised within the zone described in the ordinance levying the same is to pay each year during the prescribed period, and send to each landowner a notice thereof by ordinary mail. If upon completion of the public works it should appear that the actual cost thereof is smaller or greater the estimated cost, the city treasurer shall without delay proceed to correct

the assessment by increasing or decreasing, as the case may be, the special tax on each parcel of land affected, for the balance of the unpaid annual installments. If all annual installments have already been paid, the city treasurer shall fix the amount of credit to be allowed to, or the additional special tax to be levied upon, the land as the case may be. In all cases, he shall give notice of such rectifications to the parties interested.

SEC. 77. Payment of special assessment.—All sums due from any landowner or owners as the result of any action taken pursuant to this Article shall be payable to the city treasurer in the same manner as the annual ordinary tax levied upon real property, and shall be subject to the same penalties for delinquency and be enforced in the same manner as said annual ordinary tax; and all said sums together with any of said penalties shall, from the date on they were assessed, constitute special liens on said land, with sole exception of the lien for the non-payment of the ordinary real property tax. If, upon re-computation of the amount of the special assessment in accordance with the next preceding section, it appears that the land owners had paid more than what is correctly due from him, the amount paid in excess shall be refunded to him immediately upon demand; in the other case, the land owner shall have one year within which to pay without penalty the still due from him. Said period be counted from the date the landowner received the proper notice.

SEC. 78. Disposition of proceeds.—The proceeds special assessment and penalties thereon shall be applied exclusively to the purpose or purposes for which the assessment were levied. It shall be the duty of the city treasurer to turn over to the National Treasurer all collection made by him from special assessment levies for national works.

ARTICLE XV.—City Budget

SEC. 79. Annual Budget.—At least four months before the beginning of each fiscal year, the city treasurer shall present to the mayor a certified detailed statement department of all receipts and expenditures of the city pertaining to the preceding fiscal year, and to the first seven months of the current fiscal year, together with an estimate of the receipts and expenditures for the remainder of the current fiscal year; and he shall submit with this statement a detailed estimate of the revenues and receipts of the city from all sources for the ensuing fiscal year. Upon receipt of this statement and estimate and the estimates of the department heads as required by Section nineteen of this Charter, the mayor shall formulate and submit to the city council at least two and a-half months before the beginning of the ensuing fiscal year, a detailed budget covering the estimated necessary expenditure for the said ensuing fiscal year, which shall be the basis of the annual appropriation ordinance: Provided, however, That in no case shall the aggregate amount of such appropriation exceed the estimate of revenues and receipts submitted by the city treasurer as provided above.

SEC. 80. Supplemental Budget.—Supplemental formulated in the same manner as the annual budget be adopted when special or unforeseen circumstances such action necessary.

SEC. 81. Failure to enact an appropriation ordinance.—Whenever the city council fails to enact an appropriation ordinance for any fiscal year before the end of the current year, the appropriation ordinance for such year shall be redeemed, reenacted, and shall go into effect on the first day of July of the new fiscal year as the appropriation ordinance for that year.

ARTICLE XVI.—The City Court

SEC. 82. Regular and Acting Judges of City Court.— There shall be a city court for the City of General Santos consisting of three branches for which a presiding judge and two other judges shall be appointed, to be known as a first, second and third branches. The city judges shall receive a salary in accordance with existing laws. One

judge shall be designated by the Secretary of Justice to try traffic and juvenile delinquency cases in addition to such ordinary civil and criminal cases as may be assigned to him in the ordinary function of the court. When the public interest so requires, the Secretary of Justice may designate any of the judges to hold sessions at night.

The city court shall have the same jurisdiction in civil and criminal cases and the same incidental powers as are at present conferred by law upon municipal courts and such additional jurisdiction and powers as may hereafter be conferred upon them by law.

In case of absence, sickness or incapacity of any of the judges of the city court and in case of any vacancies in such offices, the Secretary of Justice may designate any assistant attorney of the Solicitor General's office or any assistant fiscal in the office of the Provincial Fiscal of South Cotabato to act as judge of the City of General Santos, with all the powers of a regular judge of said court, but such acting judge shall not receive any additional compensation during the time he is acting as such.

SEC. 83. Clerk and employees of the city court.—There shall be a clerk of court of the city court who shall be appointed by the Executive City Judge in accordance with Civil Service Law, rules and regulations, and who shall receive a salary of seven thousand two hundred pesos per annum. He shall keep the seal of the court and all orders, judgments, certificates, records and documents issued by the court. He shall keep a docket of the trials in court wherein he shall record in a summary manner the names of the parties and the various proceedings in civil cases, and in criminal cases, the name of the defendant, the charge against him, the names of the witnesses, the date of the arrest, the appearance of the defendant, together with the fines and costs adjudged collected in accordance with the judgment. He shall have the power to administer oaths.

The clerk of court of the city court shall at the same time be sheriff of the city and shall, as such, have the same powers and duties conferred by existing law upon provincial sheriffs. The city council may provide for such number of clerks in the office of the clerk of court of the city court as the needs of the service may demand. Said clerks shall be appointed by the mayor subject to Civil Service rules and regulations.

SEC. 84. Jurisdiction of City Court.—The city court shall have the same jurisdiction in civil and criminal cases, and the same incidental powers as are at present or hereafter conferred by law. It may also conduct preliminary investigations for any offense without regard to the limits of punishment and may release or commit and bind over any person charged with such offense to secure his appearance before the proper court.

SEC. 85. Procedure in city court in prosecution for Violation of laws and ordinances.—In a prosecution for violation of any ordinance, the first process shall be a summons; except that a warrant for the arrest of the offender may be issued in the first instance upon the affidavit of any person that such ordinance has been violated, and the person making the complaint has reasonable grounds to believe that the party charged is guilty thereof, the warrant shall conclude: "Against the ordinance of the city in such cases made and provided."

All proceedings and prosecutions for offenses against the laws of the Philippines shall conform to the rules relating to process, pleading, practice and procedure for the judiciary of the Philippines, and such rules shall govern the city court and its officers in all cases insofar as they may be applicable. An appeal from the city court to the Courts of First Instance shall be governed by the provisions of the Rules of Court.

SEC. 86. Preliminary examinations in the city fiscal's office, city court and Court of First Instance.—Every person arrested shall, without unnecessary delay, be brought before the city fiscal, the city court, or to the Court of First Instance, for preliminary hearing, release on bail or trial. In cases triable in the city court, the defendant shall not be entitled as of right to a preliminary examination, except to summary one to enable the court to fix the bail in any case where the prosecution announces itself ready and is ready for trial within three days, not including

Sundays, after the request for an examination is presented. In all cases brought to the Office of the City Fiscal involving crimes cognizable by the Court of First Instance, where the accused is not already in the legal custody of the police, no complaint or information shall be filed without first giving the accused a chance to be heard in a preliminary investigation, where such accused can be subpoenaed and appear before the investigating fiscal, with the right to cross-examine the complainant and his witnesses: Provided, That when the accused is detained, he may ask for a preliminary investigation, but he must sign a waiver of the provision of Article one hundred twenty-five of the Revised Penal Code, as amended: And provided, further, That if the case has already been filed in court, he may ask for a reinvestigation thereof later on with the same right to cross-examine the witnesses against him: Provided, finally, That notwithstanding such waiver the said investigation must be terminated within seven days from its inception.

SEC. 87. Costs, fees, fines and forfeitures in City Court.—There shall be taxed against and collected from the defendant in case of his conviction in the city court such costs and fees as may be prescribed by law in criminal cases in city courts. All costs, fees, fines and forfeitures shall be collected by the clerk of court, who shall keep a docket of those imposed and of those collected, and pay collections of the same to the city treasurer for the benefit of the city on the next business day after the same are collected, and take receipts therefor. The city judge shall examine said docket each day, compare the same with the amount receipted for by the city treasurer and satisfy himself that all such costs, fees, fines and forfeitures have been duly accounted for.

SEC. 88. Commitment to prison.—No person shall be confined in the prison by sentence of the city court until the warden or officer in charge of the prison shall receive a written commitment showing the offense for which the prisoner was tried, the date of the trial, the exact terms of the judgment or sentence, and the date of the order of the commitment. The clerk of court shall, under seal of the court, issue such commitment in each case of sentence to imprisonment.

ARTICLE XVII.—Bureaus Performing Municipal Duties

SEC. 89. General Auditing Office.—City Auditor.—The city auditor, under the supervision of the Auditor General, shall receive and audit all accounts of the city, in accordance with the provisions of law relating to government accounts and accounting. He shall be appointed by the Auditor General and shall receive a salary of twelve thousand pesos per annum, fifty per centum of which shall be payable from the funds of the city, and fifty per centum shall be payable from the funds of the National Government.

SEC. 90. The City Register of Deeds.—The city shall have a register of deeds who shall take charge of the registration of real properties situated within the city and such related activities connected therewith. In addition, he shall exercise and perform such powers and duties as provided by law or ordinance. He shall receive a salary in accordance with existing law.

The Commissioner of the Land Registration Commission shall exercise the same jurisdiction and powers in the city as elsewhere in the Philippines. The Register of Deeds of the Province of South Cotabato shall act as city register of deeds ex-officio of the City of General Santos until such time when a regular register of deeds shall have been appointed and duly qualified.

SEC. 91. The Bureau of Supply Coordination.—If the city mayor should so request, the purchasing agent shall purchase and supply in accordance with law, supplies, equipment, materials and property of every kind, except real estate, for the use of the city and its department and offices. But contracts for completed work of any kind for the use of the city, or any of its departments or offices, involving both labor and materials are furnished by the contractor, shall not be deemed to be within the purview of this section.

SEC.92. The Bureau of Public Schools. —Superintendent of City Schools.—The Director of the Bureau of Public Schools shall exercise the same jurisdiction and powers in the city as elsewhere in the Philippines, and the city superintendent of schools shall have all the powers duties in respect to the schools of their divisions.The superintendent of schools shall receive a salary in accordance with existing law: Provided, That salaries of the city superintendent, supervisors, principals, teachers and other operational expenses of the primary, intermediate, secondary and other public schools in the city shall be borne National Government.The clerical force and assistants and laborers in the office of the city superintendent of schools shall be appointed by the city mayor in accordance with the Civil Service Law, and their salaries shall be paid by the city as well as the office expenses for supplies and materials incident to the operation said office.

Any provision of law to the contrary notwithstanding the city is hereby constituted as a separate school division.

The city council shall have the same powers with respect to the establishment of schools as are conferred by law on municipal councils.

SEC. 93. Reports to the Mayor concerning schools Construction and custody of school buildings.—The superintendent of schools shall make a quarterly report to the mayor on the condition of schools and school building of the city, and make such recommendations as seem to him wise with respect to the number of teachers, their salaries, new buildings to be erected and all other similar matters

SEC. 94. The Motor Vehicle Registrar.—The city shall have a motor vehicle registrar who shall take charge of the registration of motor vehicles within the city and such related activities connected therewith. In addition, he shall exercise and perform such powers and duties provided by law or ordinance.He shall receive a salary in accordance with existing law.

The Commissioner of the Land Transportation Commission shall exercise the same jurisdiction and powers in the city as elsewhere in the Philippines.

ARTICLE XVIII.—Regulations of Places of Amusements, Sales of Intoxicating Liquors and Powers over Subdivisions and Dedication of Streets, Highways, and other ways in Subdivisions.

SEC. 95. Power of City Council over amusement places.— All laws and executive orders existing at the time of the approval of this Act referring to the regulation of night clubs, cabarets, dancing schools, pavilions, cockpits, bars, saloons, bowling alleys, billiard pools and tables, boxing contests and other places of amusements, and the regulations for the sale of intoxicating liquors, shall be inoperative within the city, and the power to promulgate such regulations shall be vested in the city council and the mayor by ordinance.

Notwithstanding the provisions of the preceding paragraph such laws and executive orders existing at the time of the approval of this Act shall continue in force within city, until city council and the mayor shall by ordinance provide otherwise.

SEC. 96. Power over subdivisions.—The city council shall have the power by ordinance approved by the department head to require that no plat or plan of subdivision of a residential estate within its jurisdiction shall be presented for approval or verification by the Bureau of Lands or Land Registration Commission until the same shall have been approved by the city council upon recommendation of the city engineer under such regulations as may be provided by ordinance.Such regulations may provide for the proper arrangements, design, and width of streets in relation to other existing or planned streets, for adequate and convenient open spaces for traffic, public service, access of fire-fighting apparatus, recreation, light, and air, for the avoidance of congestion of population including minimum width and area of lots in the several districts or sections of the city.Such regulations may also include provisions as the extent and methods by which streets and other ways graded, drained and improved; and

water and sewer and other public service drains, piping, or other facilities installed. Such regulations shall provide for approval of plat or plan within sixty days after the submission thereof to the city council.

SEC. 97. Dedication of streets, highway and other ways in subdivisions.—If the sub divider offers the dedication of streets, highways and other ways for public use in the subdivision, approval of the final plat by the city, and the completion of the construction of such streets, highways, and other ways, as shown in such plat by the sub divider, shall constitute acceptance of such dedication of the city.

ARTICLE XIX.—Ownership of Lands of the Public Domain within the City

SEC. 98. Ownership of lands of the public domain within the city.—The National Government hereby cedes to the City of General Santos the ownership and posse to all lands of the public domain within the city.

ARTICLE XX.—Miscellaneous Provisions

SEC. 99. City acquisition and operation of utilities.—The city may own and operate any gas, water, heat, power light, telephone or other public utility for supply to its own needs of utility service, or for supplying utility service to private consumers, or both. It may construct a facilities reasonably needed for that purpose and may acquire by purchase, condemnation, or otherwise, any existing utility property so needed; but no proceedings to acquire any such public utility shall be consummated unless the city has the money in the Treasury to pay for the acquisition or has made provision for paying for the property proposed to be acquired. Subject to the provisions of any applicable law or Public Service Commission regulations, the City Council may fix rates, fares and prices for city-owned or operated utilities, but such rates, fares and prices shall be just reasonable. In like manner, the council may prescribe time and manner in which payments for all such services shall be made, and may make such other regulation may be necessary, and prescribe penalties for violation such regulations.

The city council may, in lieu of providing for the local production of gas, electricity, water and other purchase the same in bulk and resell them to local consumers at such rates as it may fix in accordance with law.

The city council may, if the public interest will be served thereby, contract with any responsible person, partnership or corporation, for the operation of any utility owned by the city, upon the basis of the highest and best bid therefor, and upon such terms and conditions other than the amount of the annual rental, shall be clearly set forth in an ordinance shall not be adopted by the council until thirty days after its construction, and shall not in the meantime be amended or modified.

This will not affect and prejudice any existing franchise or any litigation pending before the courts, involving public utilities, where final decisions shall be binding upon the city as successor of the city.

SEC. 100. Ordinances, etc., of the City to remain in force.—All ordinances, resolutions, orders or other regulations of the municipality on the date of the approval of this Act shall continue in full force and effect until repealed, modified or superseded by the city council by ordinance.

SEC. 101. Ownership of waterworks, electric light and power and telephone systems, roads, streets, etc.—Any provisions of law to the contrary notwithstanding, all existing waterworks, electric light and power, and/or telephone systems presently operated by the Municipality of General Santos shall be owned by the city, and revenues therefrom shall accrue to the general fund of the city.

All existing municipal and provincial roads, streets, bridges, docks, piers, wharves, machineries, equipment other public works improvements shall be owned by city, and all the funds and assets of the Municipality of General Santos shall be owned by the city and its liability shall be assumed by the city, any provision of law to the

contrary notwithstanding.

ARTICLE XXI.—Final and Transitory Provisions

SEC. 102. Change of Government.—The incumbent mayor, vice-mayor, and members of the Municipal Council of the Municipality of General Santos shall continue office as mayor, vice-mayor, and members of the city council of the city, respectively, until the expiration of their present term of office: Provided, That the four additional members of the city council shall be appointed by the President alone and shall hold office until their successors shall have been elected in the next general elections for local officials and shall have qualified.

SEC. 103. Participation in election of provincial officials.—The voters of the City of General Santos shall n be qualified and entitled to vote in the election for provincial officials of the Province of South Cotabato.

SEC. 104. Congressional District.—Until otherwise provided by law, the City of General Santos shall continue as part of the Lone Congressional District of the Province of South Cotabato.

SEC. 105. Barrio Councils.—All existing barrio councils shall remain to exist and govern in accordance with the provisions of the Barrio Charter, Republic Act Numbered Thirty-five hundred ninety.

SEC. 106. Separability Clause.— If any part or section of this Charter should be declared unconstitutional, such declaration shall not invalidate the other provisions hereof.

SEC. 107. Effectivity.—This Act shall take effect upon its approval.

Approved, June 15, 1968.

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