

AN ACT CREATING THE CITY OF BASILAN

REPUBLIC ACT NO. 288, June 16, 1948

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

ARTICLE I.—General Provisions

SECTION 1. Creating of City.—The territory consisting of the whole island of Basilan and adjacent islands, in which are comprised the former municipality of Isabela and the municipal districts of Lamitan and Maluso, is segregated from the City of Zamboanga and organized as city which shall be known as the City of Basilan.

SEC. 2. Corporate character.—Said city constitutes a political body corporate endowed with the attribute of perpetual succession and possessed of the powers which pertain to a municipal corporation to be exercised in conformity with the provisions of this Act.

SEC. 3. Seal and general powers.—Said city shall have a seal and may alter the same at pleasure. It may take, purchase, receive, hold, lease, convey and dispose of real and personal property for the general interests of the city, condemn private property for public use, enter into contracts, sue and be sued, prosecute and defend to final judgment and execution, and exercise all the powers hereinafter conferred.

SEC. 4. The city is not liable for damages.—The city shall not be liable for damages or injuries to persons or property arising from the failure of the mayor, city councilor or other city officer, to enforce the provisions of this Act or any other law or ordinance or from the negligence said mayor, city council or any other city officer while enforcing or attempting to enforce said provisions.

SEC. 5. Police jurisdiction of the city.— The jurisdiction of said city exclusively for police purposes shall extend three miles from the shore into the sea.

ARTICLE II.— The Mayor

SEC. 6. Appointment and compensation.—The City of Basilan shall have a mayor who shall be its chief executive and who shall reside therein. He shall be appointed by the President of the Philippines, with the consent of the Commission on Appointments, and shall hold office at the pleasure of the President.

The mayor shall receive a salary of not to exceed four thousand pesos per annum, the amount to be fixed by the council on the basis of the income of the city.

SEC. 7. The acting mayor.—In the event of inability or absence of the mayor, or in the event of a definite vacancy in the position, the engineer of the city shall temporarily perform the duties of the mayor until the position is filled in accordance with law. In the event of inability of the city engineer to perform the duties of the mayor, the President shall appoint one for the position. The acting mayor shall have the same powers and duties as the mayor and if the person appointed is not an officer of the Government, he shall receive the same compensation.

SEC. 8. General powers and special duties of the mayor.—As the chief executive of the city, the mayor shall have immediate control of the executive and administrative functions of the different departments, subject to the

supervision of the Secretary of the Interior, and shall be responsible for the proper administration of the affairs of the city. He shall have the following powers and duties:

- To comply with, enforce and give the necessary orders for the faithful enforcement and execution of the laws and ordinances in effect within the jurisdiction of the city.
- To safeguard all the lands, buildings, records, moneys, credits, and other property and rights of the city and have control of all its property;
- To see that all taxes and other revenues of the city are collected and the city funds applied in accordance with appropriations to the payment of city expenses;
- To cause to be instituted judicial proceedings to recover property and funds of the city wherever found;
- To cause to be defended all suits against the city, and otherwise to protect the interests of the same;
- To see that the officials and employees of the city properly discharge their respective duties;
- To examine and inspect the books, records, and documents in charge or under the custody of the officers, agents, and employees of the city whenever occasion arises, at least once a year. For this purpose, the city council shall provide him with the needed office personnel or assistance that may be necessary;
- To give such information and recommend such measures to the council as he shall deem advantageous to the inhabitants of the city;
- To represent the city in all its business matters, and sign on its behalf all its bonds, contracts, and obligations made in accordance with law or ordinance;
- To submit to the city council before the thirtieth day of April of each year a budget of receipts and expenditures of the city government;
- To receive, hear and decide, as he may deem proper, the petitions, complaints and claims concerning all classes of municipal matters of an administrative or executive character;
- To grant or refuse city licenses or permits of all classes and to revoke same, in conformity with the provisions of law or ordinance, for violation of the conditions upon which they were granted, or if acts punished by law or city ordinance are being committed under the protection of such licenses or in the premises in which the business for which the same had been granted is carried on, or for other good reason of general interest;
- To determine according to law or ordinance the and place of payment of the salaries and wages of the officers and employees of the city;
- To exempt, with the concurrence of the division superintendent of schools, deserving poor pupils from the payment of school fees or any part thereof;
- To make all appointments, except as otherwise provided in this Act;
- To take such emergency measures as may be deemed necessary to avoid fires, floods, and the effect of storms and other public calamities;
- To render an annual report to the Secretary of the Interior;
- To exercise the power of veto, but any vetoed ordinance or resolution except those appropriating funds, may be reposed by a two-third vote of all the members of the council;
- To veto separate items of the general appropriation ordinance and others appropriating funds, which veto shall be appealable to the Secretary of the Interior;

- To appoint, at the recommendation of the respective council member, a barrio lieutenant and his substitute in each one of the barrios within the jurisdiction of the city;
- To perform such other duties and exercise such other executive powers as are prescribed by law or ordinance.

SEC. 9. Secretary to the mayor.— The mayor shall appoint one secretary, with the approval of the city council, who shall have the following duties:

- He shall act as chief clerk in the office of the mayor;
- He shall act as secretary, without additional compensation, of the Council, the board of tax appeals and such other boards or committees as may hereafter be created by law or ordinance, and shall keep a journal of their proceedings;
- He shall have the corporate seal of the city under his custody;
- He shall perform such other functions as the mayor or council may direct.

ARTICLE III.—The Council

SEC. 10. Establishment and organization of the council.— There shall be a council which shall be the legislative body of the City of Basilan. It shall be composed of six members, four of whom shall be elected at large by popular vote during every election held for provincial and municipal officers in conformity with the Revised Election Code, and two, appointed by the President of the Philippines for the same term of office as that of the elective members.

The members of the council shall elect from among their number a chairman who shall preside at all sessions of the council in which he is present and shall have the right to vote in all matters submitted to it. In his absence, the member designated by him shall preside at the sessions of the council as acting chairman. The Chairman of the council shall sign the ordinances, resolutions and motions directing the payment of money or creating liability. In case of absence or illness of any member of the council, or if, for any reason, it shall become necessary to have a quorum, the President of the Philippines shall appoint temporarily a substitute, who shall hold the office, have the rights, receive the compensation and emoluments and discharge all the duties of a member of the council until such absent or sick member returns to duty.

The members of the council shall each receive a per diem not to exceed ten pesos for each day of attendance at the sessions of the council, which per diem shall be fixed by the council with the approval of the Secretary of the Interior. Should the Secretary of the Interior disapprove the per diem fixed by the council, he shall fix a per diem which he may deem just or reasonable, but in no case it shall be less than five pesos: Provided, That the chairman of the council shall receive fifty per cent more than the per diem fixed for each member.

SEC. 11. Method of transacting business by council.—The council shall fix the time and place for its regular meetings, which shall be held once a week, and shall hold special meetings not exceeding ten during any one year when called by the mayor. Any meeting, regular or special, may, in case the amount of business shall require, be adjourned day to day until the business is completed.

Meetings shall be opened to the public, unless otherwise ordered by an affirmative vote of a majority of the members. The council shall keep a record of its proceedings and determine its rules of procedure not herein set forth. A. majority of the council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. The ayes and nays shall be taken and recorded upon the passage of all ordinances, upon all resolutions or motions directing the payment of money or creating liability, and, at the request of any member, upon any other motion or resolution.

The affirmative vote of a majority of all the members of the council shall be necessary for the passage of any ordinance, or any resolution or motion directing the payment of money or creating liability, but other measures shall be passed by the majority vote of the members present at any meeting duly called and held.

Any ordinance enacted by the council and every resolution or motion directing the payment of money or creating a liability shall be forwarded to the mayor for his approval. Within ten days after the receipt of the ordinance, resolution or motion, the mayor shall return it with his approval or veto. If he does not return it within that time, it shall be deemed to be approved. If he returns it with his veto, his reasons therefor in writing shall accompany it. Then it may again be enacted by the affirmative vote of two-thirds of the members of the council.

Each approved ordinance shall be sealed with the seal of the city, signed by the mayor and the secretary of the council, and recorded in a book kept for that purpose. Regarding any ordinance which has been vetoed by the mayor and reapproved by the council, the date of the veto and the date of the reapproval shall be recorded in the book.

Every ordinance shall, on the day following its passage, be posted by the secretary at the main entrance of the city hall and other suitable public places in the city, and shall take effect and be in force on and after the tenth day following its passage unless otherwise stated in said ordinance or resolution or vetoed by the mayor before the expiration of said ten-day period. A vetoed ordinance, if repassed by the council, shall take effect ten days after the veto is overridden by a two-third vote of all the members of the council unless another date is fixed in such resolution or ordinance.

SEC. 12. Duties of the secretary of the council.— The secretary of the council shall take charge of the records of the council. He shall keep a complete record of the proceedings of the Council and file all the documents regarding the same, and shall record in a book kept for the purpose, all the ordinances and all the resolutions and motions directing the payment of money or creating liability, with the dates of their approval and the publication of the ordinances; shall keep a seal, circular in form, with the inscription: "Council of the City of Basilan," and shall affix the same with his signature to all ordinances and other official resolutions of the council and shall present the same to the chairman for his signature; shall furnish, upon request, certified copies of any record of public character which he may have under his custody, and shall collect and receive for the same the fees which the council may, by resolution, prescribe; and shall have his office and all records thereof, except those of confidential character, open to public inspection during ordinary office hours.

SEC. 13. Appropriation by the council.— The council shall make all the appropriations for the expenses of the local government, based on the budget submitted by the mayor on or before May thirty-one, of the current year. It shall fix the salaries of the city officers and employees, except those of public school teachers. Whenever the council fails to approve an appropriation ordinance for any fiscal year, the appropriation ordinance for the previous fiscal year, shall be considered reenacted, and shall take effect on the first day of July of the current year as appropriation ordinance until a new appropriation ordinance is duly enacted.

Any appropriation ordinance shall be subject to the approval of the Secretary of Finance, whose decision shall be final: Provided, That, if the Secretary of Finance shall fail to act on it before it takes effect, such ordinance shall be considered approved.

SEC. 14. General powers and duties of the council.—Except as otherwise provided by law, and subject to the conditions and limitations thereof, the council shall have the following legislative powers:

(a)

To levy and collect taxes for general and special purposes in accordance with law.

(b)

To fix the schedule of fees for services rendered by the city or any of its departments, branches or offices.

(c)

To provide for the erection, maintenance and rental of the necessary buildings for the use of the city

(d)

To provide for the establishment and maintenance of free public schools, at least, for intermediate instruction.

(e)

To establish 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 and branches, and with the approval of the Director of Public Schools, to fix reasonable tuition fees for instruction in the vocational schools.

(f)

To provide for the establishment and maintenance of a police force in the city and enact the necessary police ordinances, with a view to the confinement and reformation of vagrants, disorderly persons, mendicants, and persons convicted for the violation of any of the ordinances of the city.

(g)

Within the poblacion, to establish fire zones, determine the kinds of buildings or structures that may be erected within the limits of said zones, regulate the manner of their construction and repair, and fix the fees for permits for the construction, repair or demolition of buildings and structures.

(h)

To establish and maintain fire stations, fire engines, hose carts, hooks and ladders and other equipment for the prevention and extinguishment of fires, to regulate the handling and use of the same and to provide personnel therefor.

(i)

To regulate the use of light in stables, shops and other buildings and places, and to regulate and restrict the issuance of permits for the building of bonfires and the use of firecrackers, fireworks, torpedoes, candles, skyrocketes, and other pyrotechnic displays, and to fix the fees for such permits.

(j)

To issue regulations to protect the public from conflagrations and to prevent and mitigate the effect of famine, floods, storms and other public calamities, and to provide reliefs for persons suffering from the same.

(k)

To regulate and fix the amount of license fees for the following: hawkers, peddlers, hucksters, not including hucksters or peddlers who sell only native vegetables, fruits or goods personally carried by the hucksters or peddlers; auctioneers, plumbers, barbers, embalmers, collecting agencies, mercantile agencies, shipping and intelligence officers, private detective agencies, advertising agencies, massagists, tattooers, jugglers, acrobats, hotels, clubs, restaurants, cafes, lodging houses, board houses, dealers in large cattle, public billiard tables, laundries, cleaning and dyeing establishments, public warehouses, dance halls, cabarets, circus and other similar parades, public vehicles, race tracks, horse races, bowling alleys, shooting galleries, slot machines, merry-go-rounds, pawnshops, dealers in second hand merchandise, junk dealers, brewers, distillers, rectifiers,

money changers and brokers, public ferries, theaters, theatrical performances, cinematographs, public exhibitions, circuses, and all other performances and places of amusements, and the keeping, preparation and sale of meat, poultry, fish, game, butter, cheese, lard, vegetables, bread and other provisions. To levy taxes and fix the license fees for (a) dealers in new automobiles or accessories thereof, or both; and (b) retail dealers in new merchandise not yet subject to the payment of any city tax. For taxation purposes, these retail dealers shall be divided into the following classes: (1) retail dealers engaged exclusively in the sale of (a) textiles, including knitted wares; (b) hardware, including glass wares, cooking utensils, electrical goods and construction materials; (c) groceries; (d) drugs, including Medicine and perfumery; (e) books, including stationary, Paper and office supplies; (f) jewelry; (g) slippers; (h) arms, munitions and sporting goods.

(I)

To tax, fix the license fee for, regulate the business and fix the location of match factories, blacksmith shops, foundries, steam boilers, lumber mills, lumber-yards, shipyards, the storage and sale of gun powder, tar, pitch, resin, coal, oil, gasoline, benzine, turpentine, hemp, cotton, nitro-glycerine, petroleum, or any of the products thereof, and of all other highly combustible or explosive materials, and other establishments likely to endanger the public safety or give rise to conflagrations or explosions, and, subject to the rules and regulations issued by the Bureau of Health, in accordance with law, tanneries, lard factories, tallow chandleries, bone factories and soap factories.

(m)

To impose tax on automobiles and other vehicles, and draft animals not paying any national tax: Provided, That all automobiles and trucks belonging to the National Government or to any provincial or municipal government; shall be exempt from such tax.

(n)

To regulate the method of using steam engines and boilers, and all other motive powers other than marine, or not belonging to the Government of the Philippines; to provide for the inspection thereof, and fix a reasonable fee for such inspection and to regulate and fix the fees for the licenses of the engineers engaged in operating the same.

(o)

To enact ordinances for the maintenance and preservation of peace and good morals.

(p)

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

(q)

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

(r)

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

(s)

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

(t)

To provide for the laying out, construction and improvement and to regulate the use of streets, avenues, alleys, sidewalks, wharves, piers, parks, cemeteries and other public places; to provide for lighting, cleaning and sprinkling of streets and public places; to regulate and fix the license fees for setting signs, signposts, awning posts, the carrying or displaying of banners, placards, advertise-ments, or handbills, or the flying of signs, flags, or banners, whether along, across, over or from buildings, or along the same; to prohibit the placing, throwing, depositing or leaving of obstacles of any kind, offal, garbage, refuse or other offensive matters liable to cause damage in the streets and other public places; and to provide for the collection and disposition thereof; to provide for the inspection of, fix the license fees for, and regulate the opening in the same fix the license fees for, and regulate the opening in the same for the laying of gas, water, sewer, and other pipes, the building and repair of tunnels, sewers and drains and all structures in and under the same, and the erecting of poles and the stringing of wires therein; to provide for and regulate crosswalks, curbs and gutters therein; to name streets without a name and provide for and regulate the numbering of houses and lots fronting thereon or in the interior of the blocks, to regulate traffic and sales upon the streets and other public places, to provide for the abatement of nuisances in the same and punish the authors or owners thereof; to provide for the construction and maintenance and regulate the use of bridges, viaducts and culverts; to prohibit or regulate ball playing, kite flying, hoop rolling and other amusements which may annoy persons using the streets and public places, or frighten horses or other animals within the limits of the city; to regulate the lights used on vehicles, cars and locomotives; to regulate the locating, constructing and laying of the track of horse, electric and other forms of railroad in the streets and other Public places of the city authorized by law; to provide for change the location, grade and crossings of railroads and to compel any such railroad to raise or lower its tracks to conform to such provisions or changes; and to require railroad companies to fence their property, or any part thereof, to provide suitable protection against injury to persons or property, and to construct and repair ditches, drains, sewers and culverts along and under their tracks so that the natural drainage of the streets and adjacent property shall not be obstructed.

(u)

To provide for the construction and maintenance of canals and regulate the navigation of water courses within the city and provide for the clearing and purification of the same; to provide for the construction and maintenance, and regulate the use, of public landing places, wharves, piers, docks and levees, and of those private ownership; and to provide for and regulate the drainage and filling of private premises when necessary in the enforcement of sanitary ordinances approved in accordance with law.

(v)

To fix the charges to be paid by all water craft landing at or using public wharves, docks, levees, or landing places.

(w)

To provide for the maintenance of waterworks for the purpose of supplying water to the inhabitants of the city, and for the purification of the source of supply and the places through which the same passes, and to regulate the consumption and use of the water; to fix and provide for the collection of the rents or charges therefor, and to regulate the construction, repair and use of hydrants, pumps, cisterns and reservoirs.

(x)

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

(y)

Subject to the rules and regulations issued by the Bureau of Health in accordance with law, to provide for the establishment and maintenance, fix the fees for the use of, and regulate, public stables, laundries and baths, and public markets and slaughterhouses.

(z)

To regulate, inspect and provide measures preventing any discrimination or the exclusion of any race or races in or from any institution, establishment or service open to the public within the city or in the sale or supply of gas, electricity or in the telephone and street railway service; to fix and regulate the rates thereof when they have not been so fixed and regulated by Acts of the Congress of the Philippines; to regulate and provide for the inspection of all gas, electric, telephone, and street railway conduits, mains, meters, and other apparatus and equipment, and provide for the condemnation, substitution or removal of the same when defective or dangerous.

(aa)

To declare, prevent and provide for the abatement of nuisances; to regulate the ringing of bells and 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 after sixty days from the date of serving of a written notice, the cost thereof to be assessed to 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 or prohibit or fix the license fees for the use of property on or near public ways, grounds, places, or elsewhere within the city, for a display of electric signs or the erection or maintenance of billboards or structures of whatever material, erected, maintained or used for the display of posters, signs or other pictorial or reading matter, except signs displayed at the place or places where the profession or business advertised thereby is in whole or in part conducted.

(bb)

To provide for the enforcement of the rules and regulations of the Bureau of Health and by ordinance to prescribe penalties for violations of such rules and regulations.

(cc)

To extend its ordinances over all water courses within the city, and three miles into the sea from the limits of said city, over any boat or other floating structures over its waters and, for the purpose of protecting and insuring the purity of the water supply of the city, over all territory within the drainage area of such water supply and within one hundred meters of any reservoir, conduit, canal, aqueduct, or pumping station used in connection with the water service of the city.

(dd)

To regulate and levy taxes on cockfighting within the city including the prohibition of admission into the establishments or places where cockfightings are held of minor children under the age of fourteen years.

(ee)

To enact all ordinances it may deem necessary and proper for the sanitation and safety, the furtherance of the property and 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 Act, and to fix the penalties for the violation of ordinances, which shall not exceed a fine of two hundred pesos or six months' imprisonment, or both such fine and imprisonment, for a single offense.

SEC. 15. Restrictive provisions.—No commercial sign, signboard or billboard shall be erected or displayed on public lands, premises or buildings. If after due investigation and having given the owners an opportunity to be heard, the mayor shall decide that any sign, signboard or billboard displayed or exposed to the public view is offensive to the sight or is otherwise a nuisance, he may order the removal of such sign, signboard or billboard, and if same is not removed within ten days after he has given such order, he may himself cause its removal, and the sign, signboard or billboard shall thereupon be forfeited to the city, and the expenses incident to the removal thereof shall become a lawful charge against any person or property liable for the erection or display thereof.

ARTICLE IV.—Departments of the City

SEC. 16. Departments.—There shall be a city engineer in charge of the engineering department; a city treasurer-assessor in charge of the finance department who shall appoint his deputy treasurers and other subordinate personnel; a city attorney in charge of the law department; and a chief of police in charge of the police department; as well as other officers as heads of other departments which may be established from time to time by ordinance duly enacted and approved by the Secretary of the Interior.

SEC. 17. Appointment and removal of officers and employees-Compensation.—The President shall appoint with the consent of the Commission on Appointments, the municipal judge and auxiliary municipal judge, the city engineer, the city treasurer-assessor, the city attorney, the chief of police and the other chiefs of departments of the city which may be created from time to time, and the President may remove at his discretion any of said appointive officers with the exception of the municipal judge, who may be removed only according to law.

Subject to the provisions of the Civil Service Law, the mayor shall appoint all other officers and employees of the city whose appointments are not otherwise provided by law. The mayor may suspend and remove any, appointive officer or employee of the city not appointed by the President in accordance with Civil Service Law and may recommend to the President the suspension or removal of any officer or employee of the city not appointed by the President. Any suspension or removal by the mayor shall be appealable to the Secretary of the Interior, whose determination on the matter shall be final.

The engineer of the city shall receive a compensation not to exceed three thousand six hundred pesos a year; the city treasurer-assessor, a compensation not to exceed three thousand pesos a year; the city attorney, a compensation not to exceed thirty-six hundred pesos a year; the chief of police, a compensation not to exceed three thousand pesos a year; the assistant chief of police, a compensation not to exceed eighteen hundred pesos a year: Provided, however, That the city council shall determine and fix by ordinance the compensation of such, officers and the salaries of other officers and employees of the city.

SEC. 18. The officers shall not engage in certain transactions nor receive favors or benefits.—It shall be unlawful for any officer of the city 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 officers, boards, agents or attorneys, whereby money is to be paid, directly or indirectly out of the resources of the city to such person or firm; or to purchase any real estate or other property belonging to the city, or which shall be sold for taxes or assessment or by virtue of legal process at the suit of the city, or to be surety for any person having a contract with the city.

ARTICLE V.—Engineering Department

SEC. 19. Powers and duties of the engineer of the city.— The city engineer shall have charge of all the surveying and engineering work of the city and shall perform such services in connection with the national and city public improvements therein, or in connection with any work entered upon or projected by the city, or any department thereof, as may require the skill and experience of a civil engineer. He shall ascertain, record, and establish the

monuments for the survey of the city, and from these as starting point he shall establish the boundaries and survey all the property of the city and also private property abutting on the same, whenever directed by the mayor; shall prepare and submit plans, maps, specifications and estimates for buildings, streets, bridges, docks and other public works, and supervise the construction and repair of the same; shall make such tests and inspection of engineering materials used in the construction and repair, as may be necessary to protect the city from the use of materials of a poor or dangerous quality; shall inspect and report upon the condition of public property and public works, whenever required by the mayor; shall have the care and custody of all public buildings when erected, including markets and slaughterhouses and all buildings rented for the use of the city, and of any system now or hereafter established for lighting the streets, public places and public buildings of the city; shall prevent the encroachment of private buildings and fences on the streets and public places of the city; shall inspect and supervise the construction, repair, removal and safety of private buildings, and regulate and enforce the numbering of houses in accordance with the ordinance of the city; shall have the care of all public streets, parks and bridges; their maintenance, cleaning and sprinkling, and regulate the use of the same for all purposes as provided by ordinance; shall collect and dispose of all garbage refuse, the contents of closets, vaults and cesspools and all other offensive and dangerous substances within the city; shall have the care and custody of all public docks, wharves, piers, levees and landing places when erected; shall have general supervision and inspection of all private docks, wharves, piers, levees and landing places and other property bordering on the harbor, rivers, creeks and waterways of the city, and shall issue permits for the construction, repair and removal of the same and enforce all ordinances relating thereto; shall have the care and custody of the public system of waterworks; sewers and all sources of water supply of the city, and shall maintain and regulate the use of the same in accordance with the ordinances relating thereto; shall inspect and regulate, subject to the approval of the mayor, the use of all private systems for supplying water to the city and its inhabitants, and all private sewers and their connections with the public sewer system. He shall file and preserve all maps, plans, notes of surveys and other papers and documents pertaining to his office. He shall have power, subject to the approval of the mayor, to cause buildings dangerous to the public to be made secure or torn down, and shall supervise and regulate the location and use of engines, boilers, forges and other manufacturing and heating appliances in accordance with the law and ordinance relating thereto. He is authorized to charge at rates to be fixed by the council, with the approval of the Department head, for sanitation and transportation services and supplies furnished by his department.

With the previous approval of the mayor in each case, he may order the removal of buildings and structures erected in violation of the ordinance, or the removal of the materials employed in the construction or repair of any building or structure made in violation of said ordinances.

He shall supervise and direct for the account of the National Government the maintenance and repair works of the national roads and the construction of other new roads

SEC. 20. Execution of authorized public works and improvement.—All repair or construction of any work or public improvement, except parks, boulevards, streets or alleys, involving an estimated cost of three thousand pesos or more shall be awarded to the lowest responsible bidder after public advertisement on the Official Gazette for not less than ten days, by the Mayor upon the recommendation of the city engineer: Provided, however, That the city engineer may, with the approval of the President of the Philippines upon the recommendation of the Secretary of Public Works and Communications, execute by administration any such public work costing three thousand pesos or more.

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

ARTICLE VI.—Finance Department

SEC. 21. Powers and duties of the city treasurer-assessor.— The treasurer-assessor of the city shall have the following powers and duties:

- He shall collect all taxes due the city, all licenses authorized by law or ordinances, all rents for lands, markets and other property owned by the city, all further charges of whatever nature fixed by law or ordinance, and shall receive for the Government of the Republic of the Philippines and issue receipts for all fines, forfeitures, fees and costs imposed by the Municipal Court.
- He shall receive and safely keep all moneys derived from the revenues of the city and shall expend and disburse the same upon lawful warrants.
- He shall perform in the city the duties prescribed by the National Internal Revenue Code and such further duties prescribed by law for provincial treasurers as are not inconsistent with the provisions of this Act.
- He shall discharge his duties in accordance with the provisions of law relating to Government accounts and accounting.
- He shall render his accounts in such manner as the Auditor General may prescribe.
- He shall annually assess and value for taxation the real estate of the city in accordance with Act Numbered Four hundred seventy of the Commonwealth, known as the Assessment Law, and shall exercise and perform the powers and duties conferred by said law upon provincial assessors and municipal treasurers.

SEC. 22. Deputy treasurers.—There shall be a deputy treasurer in each of the former municipal districts of Lamitan and Maluso who shall exercise and perform the powers and duties that may be assigned to them by the treasurer-assessor.

SEC. 23. The board of tax appeals.— There shall be a board of tax appeals to be composed of the members of the city council, with the mayor as its chairman.

SEC. 24. Taxes on real estate.—A tax shall be levied annually on the assessed value of all the real estate in the city subject to the provisions of Commonwealth Act Numbered Four hundred seventy, known as the Assessment Law, and other existing laws on the subject and the same shall be collected in the same form and manner prescribed in such laws. The powers and other functions as well as the duties imposed by the said Act Numbered Four hundred seventy upon provincial boards, shall be vested in and performed by the city council.

All other provisions of the Assessment Law, as amended, are hereby made applicable to the City of Basilan.

ARTICLE VII.—Law Department

SEC. 25. The city attorney—His powers and duties.— The city attorney shall be the chief legal adviser of the city. He shall have the following powers and duties:

- He shall represent the city in all cases wherein the city or any officer thereof, in his official capacity, is a party.
- He shall, when directed by the mayor, institute and Prosecute in the city's interest a suit on any bond, lease, or other contract and upon any breach or violation thereof.
- He shall, when requested, attend meetings of the Board, draw ordinances, contracts, bonds, leases, and other instruments involving any interest of the city, and inspect and pass upon any such instruments already drawn.
- He shall give his opinion in writing, when requested by the mayor or the city 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.

- He shall, whenever it is brought to his knowledge that any person, firm or corporation holding or exercising any franchise or public privilege from the city, has failed to comply with any condition, or to pay any consideration mentioned in the grant of such franchise or privilege, investigate or cause to be investigated the same and report to the mayor.
- He shall investigate all charges of crimes, misdemeanors, and violations of laws and city ordinances and prepare the necessary informations or make the necessary complaints against the person accused. He 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 the attendance or evidence of an absent or recalcitrant witness may be enforced by application to the municipal court or the Court of First Instance.
- He shall have charge of the prosecution of all crimes, misdemeanors and violations of laws and city ordinances triable in the Court of First Instance of Zamboanga, and the municipal court of the city, and shall discharge all the duties in respect to criminal prosecutions enjoined by law upon provincial fiscals.
- He shall cause to be investigated the causes of sudden deaths which have not been satisfactorily explained and when there is suspicion that the cause arose from unlawful acts or omission of other persons or from foul play. For that purpose he may cause autopsies to be made in case it is deemed necessary and shall be entitled to demand and receive for the purpose of such investigations or autopsies the aid of the city health officer.
- He shall at all time render such professional services as the mayor or city council may require, and shall have such powers and perform such duties as may be prescribed by law or ordinance.
- He shall perform the duties prescribed by law for register of deeds.

ARTICLE. VIII.—Police Department

SEC. 26. Powers and duties of the chief of police.—The chief of police of the city shall have the following powers and duties:

- He shall have charge of the organization, government, discipline and command of the police force and that of the detective, if any.
- He shall quell riots, disorders, disturbances of the peace, and shall arrest and prosecute violators of any law or ordinance; shall exercise police supervision over all, land and water within the jurisdiction of the city; shall have charge of the protection of the rights of persons and property wherever found within the jurisdiction of the city, and shall arrest when necessary to prevent the escape of the offender, violators of any law or ordinance, and all who obstruct or interfere with him in the discharge of his duty; shall have charge of the prison of the city, and be responsible for the safekeeping of all prisoners until they are released from custody in accordance with law, or delivered to the warden of the proper prison.
- He may take good and sufficient bail for the appearance before the municipal court of any person arrested for the violation of any city ordinance.
- He shall have authority within the limits of the city to serve and execute criminal processes of any court; and shall, promptly and faithfully, execute all orders of the mayor and writs and processes of the Municipal Court when placed in his hands for that purpose.

SEC. 27. Assistant chief of police.— There shall be an assistant chief of police in each of the former municipal districts of Lamitan and Maluso who shall exercise and Perform the powers and duties that may be assigned to them by the chief of police.

SEC. 28. Peace officers.—The chief of police, the assistant chiefs of police and all the members of the police force shall be peace officers and as such all are authorized to serve and execute all processes of court to whomsoever directed within the jurisdiction or police limits of the city; and within the same territory, they may pursue and arrest any person found in suspicious places or under suspicious circumstances reasonably tending to show that such person has committed, or is about to commit, any crime or breach of peace; may arrest or cause to be arrested any offender when the offense is committed in the presence of a peace officer or within his view, and, in such pursuit or arrest, may enter any building or take into custody any person therein suspected of being concerned in such crime or breach of the peace, and any property suspected of having been stolen; they shall detain such person only until he can be brought before the proper court, and shall have such other powers and perform such other duties as may be proscribed by law or ordinance.

Whenever the mayor shall deem it necessary, to avert danger or to protect life and property, in case of riot, disturbance, or public calamity, or in case of the existence of organized banditry or piracy, he shall have power to appoint and swear in a special police, in such numbers as the occasion may demand. Such special police shall have the same powers, while on duty, as members of the regular force.

ARTICLE IX.— The Municipal Court

SEC. 29. Regular, auxiliary and acting judges of municipal courts.—There shall be a municipal court for the City of Basilan for which there shall be appointed a municipal judge and auxiliary municipal judge.

The municipal judge may, upon proper application be allowed a vacation of not more than thirty days every year with salary. The auxiliary municipal judge shall discharge the duties in case of absence, incapacity or inability of the municipal judge until he assumes his post or until a new judge shall have been appointed. During his incumbency the auxiliary municipal judge shall enjoy the powers emoluments and privileges of the municipal judge who shall not receive any remuneration therefor except the salary to which he is entitled by reason of his vacation provided for in this Act.

In case of absence, incapacity or inability, of both the municipal judge and the auxiliary municipal judge, the Secretary of Justice shall designate the justice of the peace of any of the adjoining municipalities to preside over the municipal court, and he shall hold the office temporarily until the regular incumbent or the auxiliary judge thereof shall have resumed office, or until another judge shall have been appointed in accordance with the provisions of this Act. The justice of the peace so designated shall receive his salary as justice of the peace plus seventy per cent of the salary of the municipal judge whose office he has temporarily assumed.

The municipal judge shall receive a salary of not exceeding three thousand six hundred pesos per annum.

SEC. 30. Clerk and employees of the municipal court.— There shall be a clerk of the municipal court who shall be appointed by the mayor in accordance with Civil Service Law, rules and regulations, and who shall receive a compensation, to be fixed by ordinance approved by the Secretary of the Interior, at not exceeding one thousand two hundred pesos per annum. He shall keep the seal of the court and affix it to all orders, judgments, certificates, records, and other documents issued by the court. He shall keep a docket of the trials in the court, in which he shall record in a summary manner the names of the parties and the various proceedings in civil cases, and in criminal cases, the name of the defendant, the charge against him, the names of the witnesses, the date of the arrest, the appearance of the defendant, together with the fines and costs adjudged or collected in accordance with the judgment. He shall have the power to administer oath.

The clerk of the municipal court shall at the same time be sheriff to the city and shall as such have the same powers and duties conferred by existing law to provincial sheriffs, municipal board may provide for such number

of clerks in the office of the clerk of the municipal court as the needs of the service may demand.

SEC. 31. Jurisdiction of municipal court.—The municipal court shall have like jurisdiction in civil and criminal cases and the same incidental powers as at present conferred by law upon municipal courts and justice of the peace courts in general. It shall have concurrent jurisdiction with the Court of First Instance over all criminal cases arising under the laws relating to gambling and management of lotteries, to assaults where the intent to kill is not charged or evident upon the trial, to larceny, embezzlement and estafa where the amount of money or property stolen, embezzled or otherwise involved does not exceed the sum or value of two hundred pesos, to the sale of intoxicating liquors, to falsely impersonating an officer, to malicious mischief, to trespass on government or private property, and to threatening to take human life. It may also conduct preliminary investigation 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. 32. Procedure in municipal court in prosecutions for violations of law and ordinances.—In a prosecution for the violation of any ordinance, the first process shall be a summon; except that a warrant for the arrest of the offender may be issued in the first instance upon the affidavit of any person that such ordinance has been violated, and that the person making the complaint has reasonable grounds to believe that the party charged is guilty thereof, which warrant shall conclude; "Against the ordinances 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, pleadings, practice, and procedure for the judiciary of the Philippines, and such rules shall govern the municipal court and its officers in all cases insofar as the same may be applicable.

SEC. 33. Cost, fees, fines and forfeitures in municipal court—There shall be taxed against and collected from the defendant, in case of his conviction in the municipal court, such costs and fees as may be prescribed by law in criminal cases in justice of the peace courts. All costs, fees, fines, and forfeitures shall be collected by the clerk of court, who shall keep a docket of those imposed and of those collected, and shall pay collections of the same to the city treasurer, for the benefit of the city, on the next business day after the same are collected, and take receipts therefor. The municipal 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 forfeiture have been duly accounted for.

SEC. 34. No person sentenced by municipal court to be confined without commitment.—No person shall be confined in the prison by sentence of the municipal court until the warden or officer in charge of the prison shall receive a written commitment showing the offense for which the prisoner was tried, the date of the trial, the exact terms of the judgment or sentence, and the date of the order of the commitment. The clerk shall, under seal of the court, issue such a commitment in each case of sentence to imprisonment.

ARTICLE X.—Bureaus Performing Municipal Duties

SEC. 35. Auditor General's office.—The Auditor General shall receive and audit all accounts of the city, in accordance with the provisions of law relating to the Government's accounts and accounting.

SEC. 36. The Bureau of Public Schools.—The Director of Public Schools shall exercise the same jurisdiction and powers in the city as elsewhere in the Philippines, and the division superintendent of schools for the City of Zamboanga shall have all the powers and duties in respect to the schools of the city as are vested in division superintendents in respect to the schools of their divisions.

The city council shall have the same powers in respect to the establishment of schools, as are conferred by law on Provincial boards or municipal councils of regularly organized provinces and municipalities.

SEC. 37. Reports to the mayor concerning schools—Construction and custody of school buildings.—The division superintendent of schools shall make an annual report of I the condition of the schools and school buildings of the city to the mayor, and shall make such recommendations as may seem to him wise in respect to the number of teachers, their salaries, new buildings to be erected and all other similar matters, together with the amount of city revenues which should be expended in paying teachers, and improving the schools or school buildings of the city.

SEC. 38. The city health officer.—There shall be a city health officer, who shall have the following general powers and duties:

- He shall have general supervision over the health and sanitary condition of the city.
 - He shall execute and enforce all laws, ordinances and regulations relating to public health.
 - He shall recommend to the city council the passage of such ordinances as he may deem necessary for the preservation of public health.
 - He shall cause to be prosecuted all violations of sanitary laws, ordinances or regulations.
 - He shall make sanitary inspections and may be aided therein by such members of the police force of the city or of the Philippine Constabulary as shall be designated as sanitary police by the chief of police or the proper Constabulary officer and such sanitary inspectors as may be authorized by law.
 - He shall perform such other duties, not repugnant to law or ordinance, with reference to the health and sanitation of the city as the Director of Health shall direct.
- The office expenses of the health officer in the city shall be paid, half by the National Government and half by the city.

ARTICLE XI.—Tax Allotments and Special Assessment for Public Improvements

SEC. 39. Allotments of internal revenue and other taxes.— Of the internal revenue accruing to the National Treasury under the National Internal Revenue Code, and other taxes collected by the National Government, and allotted to the various provinces and municipalities, as well as the National aid for schools, the City of Basilan shall receive a share equal to what it would receive if it were a regularly organized province.

ARTICLE XII.—Transitory and Final Provisions

SEC. 40. Establishment of city government.—The city government provided for in this charter shall be organized immediately after the appointment and qualification of the City Mayor and a majority of the members of the city council. Pending the next general elections for provincial and municipal officials, the offices of the elective members of the city council shall be filled by appointment of the President of the Philippines, with the consent of the Commission on Appointments.

SEC. 41. Distribution of funds and obligations between the City of Zamboanga and the City of Basilan.—The funds and obligations to be assigned to the City of Zamboanga and the City of Basilan upon the establishment of the latter city shall be distributed equitably between the two cities, in such manner as the Auditor General may recommend and the President of the Philippines approve.

SEC. 42. Representative district-Voters of city.— Until otherwise provided by law, the City of Basilan shall continue as part of the Representative District for the city and Province of Zamboanga.

The qualified voters of the City of Basilan shall be entitled to vote in the election for local elective officials of the city and for national elective officials.

SEC. 43. Seat of government of the city.—The seat of government of the City of Basilan shall be the former

municipality of Isabela.

SEC. 44. Effectivity.—This Act shall take effect upon its approval.

Approved, June 16, 1948.

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