

## AN ACT CREATING THE CITY OF BACOLOD.

*Commonwealth Act No. 326, June 18, 1938*

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Be it enacted by the National Assembly of the Philippines:

SECTION 1. This Act shall be known as "The Charter of the City of Bacolod."

ARTICLE I—General Provisions.

SEC. 2. Territory of the city.—The City of Bacolod, which is hereby created, shall comprise the territory of the present municipality of Bacolod, in the Province of Occidental Negros.

SEC. 3. Corporate character of the City of Bacolod.— The City of Bacolod constitutes a political body corporate and, as such, is 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 Charter.

SEC. 4. Seal and general powers of the city.—The city shall have a common 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, contract and be contracted with, sue and be sued, and prosecute and defend to final judgment and execution, and exercise all the powers hereinafter conferred.

SEC. 5. The city not liable for damages.—The city shall not be liable or held for damages or injuries to Persons or property arising from the failure of the Mayor, the City Council, or any other city officer, to enforce the provisions of this Charter, or any other law or ordinance, or from negligence of said Mayor, City Council, or other officers while enforcing or attempting to enforce said provisions.

SEC. 6. Jurisdiction of the city for police purposes.—The jurisdiction of the City of Bacolod for police purposes only shall extend to three miles from the shore into the sea and over a zone surrounding the city on land of two and one-half miles in width; and, for the purpose of protecting and insuring the purity of the water supply of the city, such police jurisdiction shall also extend over all territory within the drainage area of such water supply, or within one hundred meters of any reservoir, conduit, canal, aqueduct, or pumping station used in connection with the city water service. The police of the several municipalities concerned shall have concurrent jurisdiction with the police of the City of Bacolod for the maintenance of good order and the enforcement of lawful ordinances throughout said zone, area, and spaces. But any license that may lawfully be granted within said zone, area, and spaces shall be granted by the proper authorities of the municipality concerned, and the fees arising therefrom shall appertain to the treasury of the municipality concerned and not to that of the City of Bacolod.

SEC. 7. Relations between the City of Bacolod and the Provincial Government of Occidental Negros.—For election purposes, the City of Bacolod shall continue as part of the Second Assembly District of the Province of Occidental Negros. The voters of said City of Bacolod shall take part in the election of the provincial officers of Occidental Negros, but the latter have no jurisdiction over the City of Bacolod and the officers of the same, except as provided in section fourteen hereof.

In consideration of the privileges and exemptions enjoyed by the provincial government within the city and of the responsibilities imposed on the same by the continuance of the city as capital of the province, the provincial board of Occidental Negros shall be obliged to create a permanent continuing annual appropriation of not less than fifty thousand pesos to be credited to the general funds of the city. The Auditor General shall see to the enforcement of this provision of law and shall transfer to the City of Bacolod at the beginning of each year, from any funds in the provincial treasury of Occidental Negros not otherwise appropriated, the sum of fifty thousand pesos, unless the provincial government shall have previously voted a greater sum.

#### ARTICLE II—The Mayor

SEC. 8. Appointment and compensation.—The Mayor shall be the chief executive of the city.

The Mayor shall be appointed by the President, with the consent of the Commission on Appointments of the National Assembly, and shall hold office at the pleasure of the President.

He shall receive a salary of six thousand pesos a year. With the approval of the Secretary of the Interior, the Mayor may receive, in addition to his salary, an allowance of two thousand pesos per annum.

SEC. 9. The Acting Mayor.—In the event of the sickness, absence or other temporary incapacity of the Mayor, or in event of a definite vacancy in the position of Mayor, the city engineer shall perform the duties of the Mayor until said office shall be filled in accordance with law. If for any reason, the city engineer is incapacitated to perform the duties of the Mayor or the office of city engineer is vacant, the duties of the Mayor shall be performed by the city treasurer. In case of the incapacity of the officials mentioned above to perform the duties of the Mayor, the President shall appoint one. The Acting Mayor shall have the same powers and duties as the Mayor, and, if one appointed other than a government official, he shall receive the same compensation.

SEC. 10. General powers and duties of the Mayor.—As chief executive of the city government, the Mayor shall have immediate control over the executive and administrative functions of the different departments, subject to the supervision of the Secretary of the Interior, and shall be held accountable for the proper administration of all affairs of the city.

He shall have the following powers and duties:

- To comply with and enforce and give the necessary orders for the faithful and proper enforcement and execution of the laws and city ordinances and resolutions 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 for 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 the municipal expenses.
- To cause to be instituted judicial proceedings to recover property and funds of the city wherever found, to cause to be defended all suits against the city, and otherwise to protect the interests of the city.
- To see that the officers and employees of the city properly discharge their respective duties.
- To examine and inspect the books, records, and papers of all executive or administrative officers, agents, and employees of the city 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.
- To give such information and recommend such measures to the Council as he shall deem advantageous to the city.

- To represent the city in all its business matters, and sign on its behalf all its bonds, contracts, and obligations made in accordance with law or ordinances.
- To submit to the City Council before the thirty-first day of October of each year a budget of receipts and expenditures of the city.
- To receive, hear, and decide as he may deem proper the petitions, complaints, and claims concerning all classes of municipal matters of an administrative or executive character.
- To grant or refuse municipal licenses or permits of all classes and to revoke same, in conformity with the provisions of laws and ordinances, or for violation of the conditions upon which they were granted, or if acts prohibited by law or municipal ordinances are being committed under the protection of such licenses or in the premises in which the business for which the same have been granted is carried on, or for any other good reason of general interest.
- To determine according to law or ordinance the time, manner, 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 Charter.
- To make such emergency measures as may be necessary to avoid fires, floods, and the effects 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 may be repassed by a two-thirds vote of all the members of the Council.
- To perform such other duties and exercise such other executive powers as may be prescribed by law or ordinance.

SEC. 11. Secretary to the Mayor.—The Mayor shall point the secretary who shall have the following duties:

- To act as Chief Clerk of the office of the Mayor.
- To act as Secretary of 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.
- To keep the corporate seal.
- To keep a civil register for the city and to record therein all births, marriages, and deaths with their respective dates.
- To perform such other duties as the Mayor or Council may direct.

SEC. 12. Execution of authorized public works and improvements.—All public works of construction, repair, and improvement of the city shall be carried on by administration under the direction of the city engineer. For justified reasons, the Mayor, upon recommendation of the city engineer, may also have said work done totally or partially by contract, upon advertising for bids therefor. In this event, the Mayor shall advertise for sealed bids or proposals for the same in two newspapers of general circulation in the City of Bacolod, one in the native language generally spoken in the city and the other in English or Spanish, for a period of one week, the first insertion to be not less

than ten days before the day fixed for opening such proposals. A plan or profile of the work to be done, accompanied by specifications for the performance of the same, shall, before advertisement, be placed on file in the office of the city engineer, which plan, profile and specifications shall, at all times, be open for public inspection. All bids shall be opened in the presence of the Mayor and the city engineer at the advertised time and place. Each bid shall be accomplished by a deposit, the amount and character of which shall be fixed by the Mayor and named in the advertisement, and which in no case shall be less than ten per centum nor shall exceed twenty-five per centum of the estimated cost of the improvement or work to be done. Such deposit shall be forfeited to the city if the bidder in case the contract shall be awarded to him shall neglect or refuse to enter into a contract, with approved sureties, to execute the work for the price mentioned in his bid and according to the plans and specifications. The Mayor may upon recommendation of the city engineer reject any or all bids received. Should all bids be rejected, or should it become necessary for any reason to call for new bids, subsequent advertisement shall be for a period of five days and in the manner above prescribed. Bonds, to be approved by the Mayor, shall be taken for the faithful performance of all contracts. Contracts shall be executed in triplicate by the Mayor and by the contractor, and one original shall be filed in the office of the Mayor, one in the office of the Auditor, and the third shall be given to the contractor.

#### ARTICLE III—The City Council

SEC. 13. Constitution and organization of the City Council.—The City Council shall be the legislative body of the City, and shall be composed of the city mayor, the city engineer, the city treasurer, and six councilors, two appointed by the President, with the consent of the Commission on Appointments of the National Assembly, and the other four elected by popular vote. The Mayor shall act as president of the Council. Pending the next general elections, the offices of said four elective councilors shall be filled in the same manner as the offices of the appointive councilors.

If any member of the City Council should be a candidate for office in any election, he shall be incompetent to act with the City Council in the discharge of the duties herein conferred upon it as to election matters, and in such case the other members of the Council shall discharge said duties without his assistance, or they may choose some disinterested elector of the city to act on the council in such matters in his stead.

The councilors shall be resident of the City of Bacolod and shall have the status and qualifications of provincial officers of an organized province.

The President of the City Council shall preside at all the meetings of the Council at which he is present and shall have the right to vote on all matters submitted to the Council. In his absence, the Council meeting shall be presided over by the city engineer as acting president. The President of the Council shall sign all ordinances and all resolutions and motions directing the payment of money or creating liability. In case of sickness or absence of any member of the Council or if for any reason it becomes necessary to maintain a quorum, the President of the Philippines shall appoint a temporary substitute who, until the return to duty of the sick or absent member, shall hold the office, possess all rights, receive all the compensation and emoluments and perform all the duties of a member of the Council.

The Mayor, the city engineer, and the city treasurer shall serve in the City Council without additional compensation. The other councilors shall receive, for each day of attendance at the sessions of the Council a per diem of ten pesos.

The Council shall fix the times and places for its regular meetings, which shall be held once a week, and shall hold special meetings when called by the Mayor. Any meeting, regular or special, may, in case the amount of business shall require, be adjourned from day to day until the business is completed. Meetings shall be open 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 City 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 prevail upon the majority vote of the members present at any meeting duly called and held. Each ordinance shall be sealed with the city seal, signed by the President and the Secretary of the Council, and recorded in a book kept for that purpose. Each ordinance shall, on the day following its passage, be posted by the secretary at the main entrance to the city hall, and shall take effect and be in force on and after the tenth day following its passage, unless otherwise stated in said ordinance or resolution, and unless vetoed by the Mayor before the expiration of said ten-day period. A vetoed ordinance, if repassed, shall take effect ten days after the veto is overridden by a two-thirds vote of all the members of the City Council, unless another date is fixed in the said resolution or ordinance.

SEC. 14. Appointment and duties of secretary of Council.—The Council shall have a secretary, who shall be elected by it to serve 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 compensation of the secretary shall be fixed by the Council at not exceeding three thousand pesos a year.

The secretary shall be in charge of the records of the City Council. He shall keep a full record of the proceedings of the Council, and file all documents relating therein; shall record, in a book kept for that purpose, all ordinances, and all resolutions and motions directing the payment of money or creating liability, with the dates of approval of the same, and of the publication of ordinances; shall keep a seal, circular in form, with the inscription "Municipal Council — City of Bacolod," and shall affix the same, with his signature, to all ordinances and other official acts of the Board, and shall present the same for signature to the President thereof; shall cause each ordinance passed to be published in the native language generally spoken in the city, as well as either English or Spanish depending on the language used in the same/at the time of its passage in the Council; shall, on demand, furnish certified copies of all records of public character in his charge, and collect and receive therefore such fees as may be prescribed by ordinance or resolution of the Council; and shall keep his office and all records therein which are not of a confidential character open to public inspection during usual business hours.

SEC. 15. Appropriations by the Council; Intervention of the Provincial Board.—The Council shall make all appropriations for the expenses, of the government of the city. Whenever the Council fails to pass an appropriation ordinance for any year before the end of the previous year, the appropriation ordinance for such previous year shall be deemed reenacted and shall go into effect on the first day of January of the current year, as the appropriation ordinance for that year, until a new appropriation ordinance is duly enacted.

Ordinances involving appropriations shall be subject to the approval of the Provincial Board which shall act upon it within ten days from submission thereof: Provided, That upon failure of the Board to act on the same within the said period of ten days, such ordinances shall be deemed to have been approved: And provided, further, That any action of the Board disapproving any such ordinance shall be appealable to the Secretary of the Interior, whose action is final.

SEC. 16. Method of transacting business by Council.; Veto, authentication and publication of ordinances.—Unless the Secretary of the Interior orders otherwise, the Council and publication shall hold ordinary sessions twice a week for the transaction of business on days which it shall fix by resolution, and such extraordinary sessions, not

exceeding ten days any one year, as may be called by the Mayor, except the sessions provided for in section thirty-seven of this Charter. It shall sit with open doors unless otherwise ordered by an affirmative vote of four members. It shall keep a record of its proceedings and determine its rules of procedure. Five members of the Council shall constitute a quorum for the transaction of business, and four affirmative votes shall be necessary for the passage of any ordinance, resolution, or motion. 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 ordinance enacted by the Council, and each resolution or motion directing the payment of money or creating 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. It may then be again enacted by the affirmative vote of two-thirds of the members of the Council.

SEC. 17. General powers and duties of the Council.—Except as otherwise provided by law, and subject to the conditions and limitations thereof, the City Council shall have the following legislative powers:

- To levy and collect taxes for general and special purposes in accordance with law, including specifically the power to levy, in addition to the provincial rate, real property tax not to exceed one and a half per centum to be applied one-half to the city school fund and one-half to the city general fund.
- To fix the tariff of fees and charges for all services rendered by the city or any of its departments, branches or offices.
- To provide for the erection and maintenance or the rental of the necessary buildings for the use of the city.
- To provide for the establishment and maintenance of free public schools, at least, for primary instruction.
- 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 agencies; and, with the approval of the Director of Education, to fix reasonable tuition fees for instruction in the secondary and vocational schools and in those higher institutions supported entirely by the city.
- To provide for the establishment and maintenance of an efficient police force in the city and make all necessary police ordinances, with a view to the confinement and reformation of vagrants, disorderly persons, mendicants, and persons convicted of violating any of the ordinances of the city.
- To maintain the court or courts established or which may be established for the city.
- 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 constructing and repairing, and fix the fees for permits for the construction, repair, or demolition of buildings and structures.
- To establish and maintain engine house, fire engines, hose carts, hooks and ladders, and other equipment for the prevention and extinction of fires, to regulate the management and use of the same, and to provide personnel therefor.
- To regulate the use of lights in stables, shops, and other buildings and places, and to regulate and restrict the issuance of permits for the building of bonfires and the use of firecrackers, fireworks, torpedoes, candles, skyrockets, and other pyrotechnic displays, and to fix the fees for such permits.
- To make regulations to protect the public from conflagrations and to prevent and mitigate the effects of famine, floods, storm, and other public calamities, and to provide relief for persons suffering from the same.

- To regulate and fix the amount of the license fees for the following: hawkers, peddlers, hucksters, not including hucksters or peddlers who sell only native vegetables, fruits, or goods, personally carried by the hucksters or peddlers; auctioneers, plumbers, barbers, embalmers, collecting agencies, mercantile agencies, shipping and intelligence offices, private detective agencies, advertising agencies, massagists, tattooers, jugglers, acrobats, hotels, clubs, restaurants, cafes, lodging houses, boarding 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 tax and fix the license fees on (a) dealers in new automobiles or accessories or both, and (b) retail dealers in new merchandise, which dealers are not yet subject to the payment of any municipal tax. For the purpose of taxation, these retail dealers shall be classified as (1) retail dealers in general merchandise, and (2) retail dealers exclusively engaged in the sale of (a) textiles including knitted wares, (b) hardwares including glasswares, cooking utensils, electrical goods and construction materials, (c) groceries including toilet articles except perfumery, (d) drugs including medicines and perfumeries, (e) books including stationery, paper, and office supplies, (f) jewelry, (g) slippers, (h) arms, ammunitions, and sporting goods.

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

- To tax motor and other vehicles, notwithstanding the provisions to the contrary contained in section thirteen of Act Numbered Twenty-five hundred and eighty-seven, as amended, 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 and automobiles and trucks not regularly kept in the City of Bacolod shall be exempt from such tax.

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

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

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

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

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

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

- 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, sprinkling of streets and public places, to regulate, fix the license fee for, and prohibit the use of the same for processions, signs, signposts, awning posts, the carrying or displaying of banners, placards, advertisements, or handbills, or the flying of signs, flags, or banners, whether along, across, over or from buildings along the same; to prohibit the placing, throwing, depositing, or leaving of obstacles of any kind, offal, garbage, refuse, or other offensive matter or matter liable to cause damage, in the streets and other public places, and to provide for the collection and disposition thereof; to provide for the inspection of, fix the license fees for, and regulate the openings in the same for, the laying of gas, water, sewer, and other pipes, the building and repair of tunnels, sewers, and drains, and all structures in and under the same, and the erecting of poles and the stringing of wires therein; to provide for and regulate crosswalks, curbs, and gutters therein; to name streets without 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 and 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; to regulate the speed of horses and other animals; motor and other vehicles, cars, and locomotives within the limits of the city; to regulate the lights used on all such vehicles, cars, and locomotives; to provide the locating, constructing and laying of the track of horse, electric, and other forms of railroad in the streets or other public places of the city authorized by law; to provide for the change, the location, grade and crossings of railroads, and to compel any such railroads to raise or lower their tracks or conform to such provisions or changes; 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.

- To provide for the construction of canals and the maintenance of, and regulate the irrigation on water courses within the city, and provide for the cleaning 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 of 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.

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

- 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 rents or fees therefor, and to regulate the construction, repair, and use of hydrants, pumps, cisterns, and reservoirs.

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

- Subject to the provisions of regulations issued by the Bureau of Health in accordance with law, to provide for the establishment and maintenance and fix the fees for the use of, and regulate public stables, laundries, and baths, and public markets and slaughterhouses, and prohibit the establishment or operation within the city limits of public markets and slaughterhouses by any person, entity, association, or corporation other than the city.

(aa) To regulate, inspect, and provide measures preventing any discrimination or the exclusion of any race or

rates in or from any institution, establishment, or service open to the public within the city limits, or in the sale and supply of gas or electricity or in the telephone and street-railway service; to fix and regulate charges therefor, where the same have not been fixed by the National Assembly; 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.

(bb) 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, after sixty days from the date of serving a written notice, the cost thereof be assessed to 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, or places, or elsewhere within the city, for the display of electric signs, or the erection, or maintenance of billboards or structures of whatever material, erected, maintained, or used for the display of posters, signs, or other pictorial or reading matter, except signs displayed at the place or places where the profession or business advertised thereby is in whole or in part conducted.

(cc) To provide for the enforcement of the regulations of the Bureau of Health, and, by ordinance, to prescribe penalties for violations of such regulations.

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

(ee) 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-peso fine or six months imprisonment, or both such fine and imprisonment, for a single offense.

SEC. 18. 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 of the city shall decide that any sign, signboard or billboard displayed or exposed to public view is offensive to the sight or is otherwise a nuisance, he may order the removal of such sign, signboard or billboard, and if same is not removed within ten days after he has issued such order, he may himself cause its removal, and the sign, signboard or billboard shall thereupon be forfeited to the city, and the expenses incident to the removal of the same shall become a lawful charge against any person or property liable for the erection or display thereof.

#### ARTICLE IV—Other City Officers and Offices

SEC. 19. City departments—Municipal Court.—There shall be an department of engineering and public works headed by the city engineer; a law department by the city attorney; a finance department headed by the City treasurer; and a police department headed by the chief of police, and such other departments as may from time to time be established by law or ordinances approved by the Secretary of the Interior. Pending the establishment of such departments, the existing officials who perform functions for or in behalf of the municipal government of Bacolod shall continue to perform their respective functions and receive their present compensation.

The City Council may, by ordinance approved by the Secretary of the Interior, make from time to time such readjustment of the duties of the several departments, as the public interest may demand, or alter, consolidate or

abolish them.

There shall be a Municipal Court presided over by a Judge.

SEC. 20. Powers and duties of the city engineer.—The city engineer shall be in charge of the department of engineering and public works. He shall be in charge of all the surveying and engineering work of the city, and shall perform such services in connection with public improvements, or any work entered upon or projected by the city, or any department thereof, as may require the skill and experience of a civil engineer. He shall ascertain, record, and establish monuments of the city survey and from thence extend the surveys of the city, and locate, establish, and survey all city property, and also private property abutting on the same, whenever directed by the Mayor; 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 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 city purposes, 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; shall maintain, clean, sprinkle, and regulate the use of the same for all purposes as provided by ordinance; shall collect and dispose of all garbage, refuse, the contents of closets, 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, river, esteros, and waterways of the city, and shall issue permits for the construction, repair, and removal of the same, and enforce all ordinances relating to the same; shall have the care and custody of the public system of waterworks and sewers, and all sources of water supply, and shall control, maintain, and regulate the use of the same, in accordance with the 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, surveys, and other papers and documents pertaining to his office. He shall supervise the laying of mains and connections for the purpose of supplying gas to the inhabitants of the city. 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 law and ordinance relating thereto. He is authorized to charge, at rates to be fixed by the City 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 ordinances, or the removal of the materials employed in the construction or repair of any building or structure made in violation of said ordinances.

SEC. 21. The Municipal Court.—There shall be a Judge and an Auxiliary Judge of the Municipal city, who shall have the same powers, duties, and jurisdiction as justices of the peace and auxiliary justices of the peace generally; and, in addition thereto, territorial jurisdiction over the entire police zone of the city. All fines, forfeitures, and fees imposed and collected by the judges authorized by this section shall accrue to the benefit of

the city treasury. The Municipal Court of the City of Bacolod shall have concurrent territorial jurisdiction with the Court of First Instance of the Province of Occidental Negros and the courts of justices of the peace of the respective municipalities to try crimes and misdemeanors committed within the zone for police purposes as provided for in section six of this Charter. The court first taking jurisdiction of such an offense shall thereafter retain exclusive territorial jurisdiction thereof.

SEC. 22. The city attorney—His assistant—His duties.—The law department shall consist of the city attorney and one assistant, who shall discharge their duties under the general supervision of the Secretary of Justice. The city attorney shall be the chief legal adviser of the city and all offices and departments thereof; shall represent the city in all civil cases wherein the city or any officer thereof in his official capacity is a party; shall attend, when required, meetings of the Council, draw ordinances, contracts, bonds, leases, and other documents involving any interest of the city and inspect and pass upon all such documents already drawn; shall give his opinion in writing when requested by the Mayor or Council upon any question relating to the city, or the rights or duties of any city officer; shall, whenever it is brought to his knowledge that any city officer or employee is guilty of neglect of misconduct in office, or that any person, firm, or corporation holding or exercising any franchise of 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 the same and report to the Mayor; 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; and shall prosecute and defend all civil actions related to or connected with any city office or interest. He shall also have charge of the prosecution of all crimes, misdemeanors, and violations of city ordinances, in the Court of First Instance and the Municipal Court of the city, and shall discharge all the duties in respect to criminal prosecution enjoined by law upon provincial fiscals.

The city attorney shall cause to be investigated all charges of crimes, misdemeanors, and violation of ordinances, and have the necessary informations or complaints prepared or made against the persons accused. He or his assistant 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 of the municipal court or the Court of First Instance. No witness summoned to testify under this section shall be under obligation to give any testimony tending to incriminate himself, and no testimony elicited from a witness by such examination under oath before the city attorney or his assistant under this section shall be used against such witness in any prosecution pending or thereafter instituted against him.

The city attorney shall also cause to be investigated the causes of sudden death which have not been satisfactorily explained and when 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 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 times render such professional services as the mayor or council may require, and shall have such powers and perform such other duties as may be prescribed by law or ordinance.

The city attorney shall perform the duties prescribed by law for registers of deeds. In case of vacancy, absence of deeds or disability, the duties of register of deeds shall be performed by the city treasurer or his authorized deputy, or when the needs of the service require it, the Secretary of Justice may designate any other officer of the government.

To be eligible for appointment to these positions, a person must be a citizen of the Philippines who has been duly admitted to practice in the courts of said islands, and has been in actual practice, in the courts of said islands for at least five years in the case of the city attorney, and at least three years in the case of the assistant city attorney, or

has held during a like period, within the Philippines, an office requiring the services of a lawyer.

SEC. 23. The acting city attorney.—In case of temporary disability or absence of the city attorney, and if the exigencies of the service so require, the Judge of the Court of First Instance, upon recommendation of the Mayor, shall appoint a practicing attorney to discharge the duties of the said city attorney. The appointee, while performing the duties of the city attorney, shall have the duties, rights, and compensation of the city attorney.

SEC. 24. The chief of police.—There shall be a chief of police who shall have the following general powers and duties:

- He shall have charge of the organization, government, discipline, and disposition of the city police and detective force.

- He shall quell riots, disorders, disturbances of the peace, and shall arrest and prosecute violators of any law or ordinance; shall exercise police supervision over all land and water within the police jurisdiction of the city; shall be charged with the protection of the rights of persons and property wherever found within the jurisdiction of the city, and shall arrest when necessary to prevent the escape of the offender, violators of any law or ordinance, and all who obstruct or interfere with him in the discharge of his duty; shall have charge of the city prison; and shall be responsible for the safe-keeping of all prisoners until they shall be released from custody, in accordance with law, or delivered to the warden of the proper prison or penitentiary.

- He may take good and sufficient bail for the appearance before the Judge of the Municipal Court of any person arrested for violation of any city ordinance.

- He shall have authority, within the police limits of the city, or serve and execute criminal processes of any court, shall, either in person or by deputy, attend all sessions of the Municipal Court and shall promptly and faithfully execute all orders of the Mayor and all writs and processes of the Municipal Court when placed in his hands for that purpose.

SEC. 25. Peace officers.—The chief of police, all city officers, and all members of the police force and secret service shall be peace officers and all are authorized to serve and execute all processes of courts 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 prescribed by law or ordinance. Whenever the Mayor shall deem it necessary, to avert danger or to protect life and property, in case of riot, disturbance, or public calamity, or when he has reason to fear any violation of law and order, he shall have power to swear in special police, in such numbers as the occasion may demand. Such special police shall have the same powers, while on duty, as members of the insular force.

SEC. 26. The city treasurer.—There shall be a city treasurer who shall have the following general powers and duties:

- He shall collect all taxes due the city, all licenses authorized by law or ordinance, all rents for lands, markets, and other property owned by the city, all further charges of whatever nature fixed by law or ordinance, and shall receive and issue receipt for all fines, forfeitures, fees, and costs imposed by the Municipal Court.

- He shall receive and safely keep all moneys arising 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 Internal Revenue Law and such further duties prescribed by law for provincial treasurers as not inconsistent with the provisions of this Charter.
- 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.

SEC. 27. The city assessor.—There shall be a city assessor who shall have the following general powers and duties:

- He shall annually assess and value for taxation the real estate of the city, and, for this purpose, is empowered to administer any oath authorized to be administered in the assessment or collection of taxes.
- He shall make a list of all taxable real estate in the city and the names of the owners thereof, with a brief description opposite their names of the property owned by them and the cash value thereof. In making this list the city assessor shall take into consideration any sworn statement made by the owners of the property, but shall not be prevented thereby from considering other evidence on the subject, and exercising his own judgment in respect thereto. For the purpose of completing this list, he is authorized to summon witnesses, administer oaths to them and subject them to examination concerning the amount of real estate, its ownership, and cash value. If the city assessor is unable to discover the owner of any real estate, he shall nevertheless list the same for taxation and charge the same against an unknown owner. In case of doubt or dispute as to ownership of real estate, the taxes shall be levied against the possessor or possessors thereof. Where it shall appear that there are separate owners of the land and the improvements thereon, a separate assessment of the property of each shall be made. If it shall be discovered by the city assessor, or brought to his attention, that any taxable real estate in the city has escaped listing, it shall be his duty at once to list and value the same, and the taxes due for the current year and for all other years since the original assessment, and the taxes thus assessed shall be legal and collectible, and penalties shall be added to the back taxes as if they were assessed at the time when they should have been assessed.
- He shall complete the listing and valuation of real estate situated within the city on or before the thirty-first day of December of each year, and when completed shall authenticate the same by signing, the following certificate at the foot of the list:

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

"....." (Signature)

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

- He shall attend all meetings of the Board of Tax Appeals and furnish it with all written evidence in his possession relating to assessment and valuation. He shall likewise furnish the city treasurer with a list of taxable real estate, the respective assessments thereof and against whom assessed, and such other information as the city treasurer may require for the collection of taxes.

The duties of the city assessor shall be performed by the city treasurer until the City Council shall have, by ordinance approved by the Secretary of the Interior, provided for the creation of a separate department of assessment.

SEC. 28. The Board of Tax Appeals.—There shall be a Board of Tax Appeals, which shall be composed of the members of the City Council, the Mayor to be chairman thereof.

- The members of the Board of Tax Appeals shall, before organizing as such, take the following oath before the Judge of the Municipal Court or some other officer authorized to administer an oath:

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

"....." (Signature)

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

"....." (Signature of officer administering oath)

- The Board of Tax Appeals shall meet beginning the first Monday after the fifteenth of January of each year and shall hear all appeals duly transmitted to it by the filing of written notice, and shall decide the same forthwith. It shall have authority to cause to be amended the listing and valuation of the property in respect to which any complaint is made in an 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.

SEC. 29. Exemptions from taxation.—Lands and buildings owned by the United States of America, the Government of the Philippines, the City of Bacolod, the Province of Occidental Negros, and burying grounds, churches, and their adjacent parsonages and convents, and lands for buildings used exclusively for religious, charitable, scientific, or educational purposes, and not for profit, shall be exempt from taxation; but such exemption shall not extend to lands or buildings held for investment, though the income therefrom be devoted to religious, charitable, scientific, or educational purposes.

SEC. 30. Taxes on real estate.—A tax, the rate per centum of ad valorem taxation not to exceed two per centum, to be determined by the City Council, shall be levied annually on or before the second Monday of February on the assessed value of all real estate in the city subject to taxation. Taxes shall be due and payable annually on and after the first day of March.

At the option of the taxpayer, the tax for any year may be paid in two installments to be fixed annually by the City Council simultaneously with the rate per centum of advalorem 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 November 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 paragraph,

shall be within the premises of the municipal building willing and ready to pay the tax but is unable to effect it on account of the large numbers of taxpayers therein present, shall be furnished a properly prescribed card that will permit him to pay the tax the following day without penalty.

If a property owner is not in position to pay the total amount of taxes due on real estate in his or her name, partial payment may be made on account of one or more lots, or part thereof.

The words "paid under protest" shall be written upon the face of the real estate tax receipt on 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 due, on the amount of the original tax due, until the tax shall have been paid in full or until the property shall have been forfeited to the city as provided in section thirty-one hereof: Provided, That in no case shall the total penalty exceed twenty-four per centum, of the original tax due: And provided, further, That the provisions of this section shall be applicable to such delinquencies of real estate taxes as may be existing on the date of the approval of this Act.

In the event that the crop is extensively damaged or that a great lowering of the prices of products is registered in any year, the City Council may, by resolution passed on or before the thirty-first day of December of such year, remit wholly or in part the payment of the tax or penalty for the ensuing year; but such resolution shall have to specify clearly the grounds for such remission and shall not take effect till it shall have been approved by the Secretary of the Interior.

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

SEC. 31. Taxes on real estate—Sale of personal property.—In the event that such tax and penalty shall remain unpaid one month after payment thereof shall have become due, the city treasurer shall prepare and sign a certified copy of the records of his office, showing the person delinquent in payment of the taxes and the amounts of tax and penalty respectively due from them. He shall proceed at once to seize the personal property of each delinquent, and, unless redeemed as hereinafter provided, to sell at public auction, either at the main entrance of the municipal building or at the place where such property is seized, as he shall determine, so much of the same as shall satisfy the tax, penalty, and costs of seizure and sale, to the highest bidder for cash, after due advertisement by notice posted stating the time, place, and cause of sale. The certified copy of the city treasurer's record of delinquents shall be his warrant for his proceedings, and the purchaser at such sale shall acquire an indefeasible title to the property sold. Within two days .after the sale, the city treasurer shall make return of his proceedings and spread it upon his records. Any surplus resulting from the sale, over and above the tax, penalty, and costs, shall be returned to the taxpayer on account of whose delinquency the sale has been made. It shall not be essential to the validity of tax sales of real estate hereunder that the city treasurer shall have attempted to make out of the personal property of the taxpayer the tax due upon his real estate. The remedy provided herein for the collection of taxes upon real estate by levying upon the personal property of the taxpayer shall be deemed to be cumulative only. The owner of the personal property seized may redeem the same from the collecting officer at any time after seizure and before sale by tendering to him the amount of the tax, the penalty, and cost incurred upon to the time of tender. The costs to be charged in making such seizure and sale shall only embrace the actual expense of seizure and preservation of the property pending the sale, and no charge shall be imposed for the services of the collecting officer or his deputy.

SEC. 32. Taxes on real estate.—Liens—Sale of realty.—Taxes and penalties assessed against realty shall constitute a lien thereon, which lien shall be superior to all other liens, mortgages, or encumbrances of any kind whatsoever; shall be enforceable against the property whether in the possession of the delinquent or any subsequent owner, and can only be removed by the payment of the tax and penalty. The lien for the taxes shall attach to the real property from the first day of March of the year in which the taxes are due. In addition to the last mentioned procedure the city treasurer may, upon the warrant of the certified record required in the last preceding section, one month following the date of delinquency, advertise the real estate of the delinquent for sale, or so much thereof as may be necessary to satisfy all public taxes upon said property as above, and costs of sale, for a period of thirty days.

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

SEC. 33. Taxes on real estate—Redemption of realty.—Within one year from the date of sale the delinquent taxpayer, or anyone for him, shall have the right of paying to the city treasurer the amount of the public taxes, penalties, and costs, together with interest on said purchase price at the rate of fifteen per centum from the date of purchase to the date of redemption; and such payment shall entitle the person paying to the delivery of the certificate issued to the purchaser and a certificate from the city treasurer that he has thus redeemed the real estate, and the city treasurer shall forthwith pay over to the purchaser the amount by which such land has thus been redeemed, and the land thereafter shall be free from the lien of such taxes and penalties.

In case the taxpayer shall not redeem the real estate sold as above provided within one year from the date of sale, the city treasurer shall, as grantor, execute a deed in form and effect sufficient under the laws of the Philippines 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 of any kind whatsoever, and the deed shall succinctly recite all the proceedings upon which the validity of the sale depends.

SEC. 34. Taxes on real estate—Forfeiture of realty.—In case there is no bidder at the public sale of such land who offers a sum sufficient to pay the taxes, penalties, and costs, the city treasurer shall declare the land forfeited to the city, and shall make, within two days thereafter, a return of his proceedings and the forfeiture, which shall be spread upon the records of his office.

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

his record of municipal property.

SEC. 35. Taxes—Legal procedure.—

- The assessment of a tax shall constitute a lawful indebtedness from the tax-payer to the city which may be enforced by a civil in any court of competent jurisdiction, and this remedy shall be in addition to all other remedies provided by law.

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

- No court shall entertain any suit assailing the validity of a 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 the rate of fifteen per centum per annum upon that sum from the date of sale to the time of instituting suit. The money so paid into court shall belong and shall be delivered to the purchaser at the tax sale, if the deed is declared invalid and shall be returned to the depositor, should he fail in his action.

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

SEC. 36. Powers and duties of heads of departments.—Each head of department of the city government shall be in control of such department, under the supervision and control of the Mayor and shall possess such powers as maybe prescribed herein or by ordinance. He shall certify to the correctness of all pay rolls and vouchers of his department covering the payment of money before payment, except as herein may otherwise be expressly provided. On or before the first day of September of each year, he shall prepare and present to the Mayor for submission to the Council an estimate of the receipts and appropriation necessary for the operation of his department during the ensuing year, and shall submit therewith such information for purposes of comparison as the Mayor may desire. He shall make to the Mayor, as often as required, reports covering the operation of his department.

In case of the absence, or sickness, or inability to act for any other reason, of the head of one of the city departments, the officer next in charge of that department shall be authorized to sign all necessary papers, such as vouchers, requisition, and so forth.

SEC. 37. Appointment and removal of officials and employees—Compensation.—The President shall appoint, with the consent of the Commission on Appointments of the National Assembly, the judge and auxiliary judge of the Municipal Court, the city engineer the city treasurer, the city assessor, the city auditor, the city attorney and assistants, the chief of police and the other heads of the city department maybe created from time to time, and he may remove as at pleasure any of the said appointive officers, except the judge and the auxiliary judge of the Municipal Court, 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 appointment is not otherwise provided for by law. The Mayor may suspend and remove any appointive city officer and employee not appointed by the President, and may recommend to the President the suspension or removal of any city officer or employee appointed by him. 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 municipal judge, the city auditor, and the city attorney shall each receive/three thousand six hundred pesos per annum. The assistant city attorney shall receive not less than one thousand eight hundred pesos per annum. The city engineer and the city treasurer, whether acting or not as city assessor, shall each receive not less than three thousand six hundred pesos per annum. The chief of police shall receive a compensation of not less than three thousand pesos per annum: Provided, however, That the city council shall determine and fix by ordinance the salaries of officers and employees of the city.

SEC. 38. Officers not to engage in certain transactions or receive favors or advantages.—It shall be unlawful for any city officer directly or indirectly, individually or as member of a firm, to engage in any business transaction with the city, or with any of its authorized officers, board, agents, or attorneys, whereby money is to be paid, directly or indirectly, out of the resources of the city to such person or firm; or to purchase any real estate or other property belonging to the city, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of the city, or to be surety for any person having a contract or doing business with the city, for the performance of which security may be required; or to receive any favors, free tickets, passes or services direct or indirect, from corporations, firms, or persons upon terms more advantageous to the recipient than those generally accorded to the public.

#### ARTICLE V—Bureaus Performing Municipal Duties

SEC. 39. The General Auditing Office.—The Auditor general shall receive and audit all accounts of the city, in accordance with the provisions of law relating to the Government accounts and accounting.

SEC. 40. The Division of Purchase and Supply.—The Purchasing Agent shall purchase and supply in accordance with law all supplies, equipment, material, and property of every kind, except real estate, for the use of the city and its departments 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, where the materials are furnished by the contractors, shall not be deemed to be within the provisions of this section.

SEC. 41. The Bureau of Education.—The Director of Education shall exercise the same jurisdiction and powers in the city as elsewhere in the Philippines, and the division superintendent of schools for the Province of Occidental Negros 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.

A city school board of six members, two of whom shall be women, and who shall serve without salary, shall be selected and removed in the same manner, and shall have the same powers and duties, as local school boards in municipalities.

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

SEC. 42. Reports to the Mayor concerning schools—Construction and custody of school buildings.—The division superintendent of schools shall make an annual report of buildings the condition of the schools and school buildings of Bacolod to the Mayor, and such recommendations as 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. The local school board shall make a similar annual report to the Mayor.

SEC. 43. The city health officer.—There shall be a city health officer who shall have the following general powers and duties:

- He shall have general supervision over the health and sanitary condition of the city.
- He shall execute and enforce all laws, ordinances and regulations relating to the public health.
- He shall recommend to the City Council the passage of such ordinances as he may deem necessary for the preservation of the public health.
- He shall cause to be prosecuted all violations of sanitary laws, ordinances, or regulations.
- He shall make sanitary inspections and may be aided therein by such members of the police force of the city or of the Philippine Army as shall be designated as sanitary police by the chief of police or proper Army 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.

#### ARTICLE VI—Tax Allotments and Special Assessment for Public Improvements

SEC. 44. Allotments of internal revenue and other taxes.—Of the internal revenue accruing to the National Treasury under section four hundred and ninety of the Administrative Code, and other taxes collected by the National Government and allotted to the various provinces, the City of Bacolod shall receive a share equal to what it would receive if it were a regularly organized province.

SEC. 45. Power to levy special assessments for certain purposes.—The City Council may, by ordinance duly approved, provide for the levying and collections, by special assessments of the real estate comprised within the district or section of the city especially benefited, of a part not to exceed sixty per centum of the cost of laying out, opening, constructing, straightening, widening, extending, grading, paving, curbing, walling, deepening, 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. Within the meaning of this section all real estate comprised within the district benefited, except lands or buildings owned by the United States of America, the Commonwealth of the Philippines, the Provincial Government of Occidental Negros, or the City of Bacolod, shall be subject to the payment of the special assessment, based upon the valuation of such real estate, as shown by the books of the official in charge of city assessments, or its present value, as fixed by said officer in the first instance, if the property does not appear of record in his books, according to the valuation whereof the special tax has to be made, computed, and assessed.

SEC. 46. Contents of special assessments ordinance.—The ordinance providing for the levying and collection of special assessment shall describe in terms of reasonable accuracy the nature, extent, and location of the proposed improvement; the probable cost of the improvement; the rate per centum of the cost to be defrayed by special assessment; the district which shall be subject to the payment of the said per centum of the proposed improvement, delimiting the same by metes and bounds, and the number of annual such special assessment shall be paid without any interest.

The City Council shall not be required to fix one equal rate per centum for all the taxable real estate in the entire district, but may fix different rates for real estate in different parts or sections of the same, according as said property will derive greater or less benefit from the contemplated improvement.

Sec. 47. Publication of the proposed special assessment ordinance, mid public hearing on the same.—The proposed special assessment ordinance shall be published for a period of one week in the Official Gazette and in two newspapers of general circulation in the City of Bacolod, one in the native language generally spoken in the city

and the other in either English or Spanish, before its adoption by the City Council. The secretary of the City Council, upon request, shall furnish a copy of the proposed ordinance free of charge to each owner affected or his agent, and shall in so far as possible send a copy of said proposed ordinance by ordinary mail or otherwise. At the request of any owner, made within three days from the last publication of the proposed ordinance, or at its own motion, the City Council or the committee thereof in charge of the project shall hold a public hearing on the same and hear all pertinent arguments and evidence offered by the persons interested or their attorneys, and such arguments and evidence shall be attached to the record of the project.

SEC. 48. Assessment of the special tax against the real estate affected.—Upon the approval of the special assessment ordinance, the official whose duty it is to assess taxable property within the city shall forthwith proceed to determine the special tax payable by each realty each year during the period fixed in the ordinance, upon the basis of the estimated cost of the work and the total and partial value of the real estate comprised within the district specially benefited, and shall notify each owner by registered mail of the special tax assessed against each property owned by him in the district benefited; but if upon the completion of the improvement, it should appear that the cost has been less or more, the city engineer shall forthwith certify this fact to the official who made the assessment, who shall thereupon proceed to rectify the assessment, reducing or increasing, as the case may be, the special tax to be collected upon each property for the unpaid remainder of the annual installments, or, if all are paid, fixing the amount to be credited to or the additional tax to be collected from the realty, as the case may be, and shall notify the persons interested of such rectifications.

SEC. 49. Payment of the special assessments.—All sums and amounts due from any owner or owners as a result of any action taken by virtue of the authority conferred in this article shall be due and payable to the city treasurer in the same manner as the annual tax levied on real estate and shall be subject to the same penalties for delinquency, and enforceable by the same remedies, as such annual tax, and all such sums and amounts, together with any such penalties incurred, shall from the date on which they were reassessed 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.

#### ARTICLE VII—Transitory Provisions

SEC. 50. Change of government.—The city government provided for in this Charter shall be organized immediately after the appointment and qualification of the City Mayor, and the appointment and induction into office of the members of the City Council, as herein provided, or as soon thereafter as possible. The territory of the city, upon completion of the organization of the municipal government, shall cease to be under the jurisdiction of the Provincial Government of Occidental Negros.

SEC. 51. Conduct of elections in Bacolod.—For the effectuation of the purposes of the Election Law in the election in of public officers for the City of Bacolod, the duties which are by said law made incumbent upon provincial boards and municipal councils shall be performed by the City Council of Bacolod, and the duties imposed by said law upon provincial treasurers and municipal secretaries shall be performed by the Secretary to the Mayor.

SEC. 52. Assembly District—Provincial Capital.—Until otherwise provided by law, the City of Bacolod shall continue as part of the Second District of the Province of Occidental Negros and the capital of the province, only for Residential purposes of the Provincial Government shall remain as heretofore.

SEC. 53. Provincial buildings and properties.—The buildings and properties which the province shall abandon upon the transfer of the capital to another place will be acquired and paid for by the City of Bacolod at a price to be fixed by the Auditor General.

#### ARTICLE VIII—Effectivity of the Act

SEC. 54. Effectivity.—This Act shall take effect upon its approval.

Approved, June 18, 1938.

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